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## G. S. IV: ETHICS, INTEGRITY AND APTITUDE

**Ethics and Human Interface: Essence, Determinants and Consequences of Ethics in Human Actions;**

**Dimensions of Ethics; Ethics in Private and Public Relationships**

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## Preface

The purpose of this material is to provide guidance to our students to deal with problems in General Studies IV of the Civil Services Main Examination that includes Ethics, Integrity and Aptitude. The questions in the Main Examination can be expected to be of a nature where theory meets practice and ethics gain meaning.

Since professionals in the civil services navigate ambiguous ethical situations, while interacting not only with other organs of the state but the general populace as well, an understanding in ethics gains meaning and relevance. This material has thus been designed for candidates preparing for the civil services examination, who can henceforth expect to be tested on the right thing to do in sticky situations. This material seeks to help the candidate to get a fairly good idea of the challenges that lie ahead and possible recourse to the problems that they are likely to face in the examination.

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# Ethics and Human Interface

## Introduction

The protagonist in the epic film, *Judgment at Nuremberg*, Chief Judge Dan Haywood was faced with a strange predicament. He presided over a tribunal that was going into the trial of four judges of Germany. The charge was that these four had used their offices to conduct Nazi sterilization and cleansing policies. But, the Cold War was heating up and no one wanted any more trials in Germany. Moreover, there were arguments that since judges and civil servants do not make laws, but only carry out the laws of their country, they should not be punished. So it was being expected that the tribunal would free the judges without sentencing them to imprisonment. However, the dilemma that the tribunal faced was whether it was right to forget the past and let it be. This was a question that the tribunal and particularly Chief Judge Dan Haywood had to decide.

Similar must have been the predicament of Benjamin Esposito in *El Secreto de Sus Ojos*. Having seen a man unlawfully confine a criminal who had brutally raped and murdered his wife and got away far too easily through the aid of his political masters, what was Esposito supposed to do. Does he report to the authorities that he knows to be corrupt and have the man charged for wrongfully confining the criminal or does he let it go unreported because justice is being served, albeit in a different way?

Coming closer home to our own Hindi cinema, we get the case of a certain Vikram Malhotra in the critically acclaimed *Hazaaron Khwaishein Aisi*. He comes to know that his bete noire Siddharth Tyabji is in trouble. He reluctantly goes to help him and instead lands in much bigger trouble, which leaves him paralyzed. Should he have taken the pains to help the person he disliked or instead rejoiced over the fact that the thorn in the flesh to his goals and motives will be gone soon?

These instances from World as well as Hindi cinema have been cited to stress the fact that ethical dilemmas are essentially faced by people all across the world. While their form and content may differ from place to place and time to time, they are as relevant for a civil servant and a judge in India as they are for a stock broker and a doctor in Canada.

## Ethics and Human Interface

Ethics, or morality, is a system of principles that helps us tell right from wrong, good from bad. But, this definition, by itself, tells us nothing about the standard by which we establish or measure right and wrong. Though there have been many different approaches to ethics; none seem to be satisfactory. The terms 'ethics', and even more so, 'morality' carries heavy emotional baggage. Traditional approaches to morality are mostly confused and contradictory. While supposedly telling us what is 'right' or 'good' for us, they variously imply sacrificing our lives to some greater good, restrict beneficial individualistic conduct, oppose our legitimate desire for personal happiness or offer supposedly ideal, but impractical solutions.

These views of ethics and morals are more like distortions of what they really have to offer - giving a rational approach. Ethics should and can give real and practical guidance to our lives - our best rational interests - without sacrificing others. It can serve as a personal guide to acquiring virtues that promote optimal living, both for the individual as well as the society.

The most basic need for ethics lies in the fact that we do not automatically know what will benefit our lives, and what will be detrimental. We constantly face choices that affect the length and quality of our lives. We must choose our values: where to live, how to spend our time, whom to associate with, whom to believe. We must choose what to think about, and how to go about achieving our goals. Which character traits to acquire, and which to eliminate. Which of our emotional responses are beneficial, and which detrimental. By what criteria to judge others, and on what basis to interact with them. We must pro-actively think about these issues and deliberately direct our lives. To the extent that we default on this, we are at the mercy of social and emotional factors that may be far from optimal.

We can say that ethics is about the choices that we make - or fail to make. We are aware of our conscious thoughts and of our ability to make informed, intelligent choices - that is what we call free will. We are aware that the choices that we make have consequences, both for ourselves and for others. We are aware of the responsibility that we have for our actions. But, we do not have reliable inherent knowledge or instincts that will automatically promote our survival and flourishing. We may have an inherent emotional desire to survive and avoid pain, but we do not have innate knowledge about how to achieve those objectives. A rational, non-contradictory ethic can help us make better choices regarding our lives as well as social well-being.

## **Essence, Determinants and Consequences of Ethics**

A useful way to deal with ethics is seeing it as an active process of design, an ongoing process that occurs whenever circumstances force us to deal with conflict, tension, uncertainty and risk. As individuals define the boundaries and content of their responsibility in resolving specific ethical dilemmas both great and small, we create for ourselves an ethical identity and form character traits. Often this is done without consistent, intentional and systematic reflection, but that need not always be the case.

Skill in addressing ethical issues can be learned and cultivated if we recognize the importance of doing so. The requirement is that we view our treatment of ethical problems as an ongoing process of designing the best courses of action for specific situations we face. This demands that we are able to establish a framework for understanding ethics in dynamic rather than static terms.

### **Essence of Ethics**

In this section we will study the problem of defining an abstract concept like ethics, its difference with morality, how it is related to values and laws as well as role and responsibility. We also analyze the different approaches to study ethics.

### **How can we define the concept of Ethics?**

Ethics has been defined in various ways, some more technical and precise than others. Few definitions of ethics are as follows:

- The attempt to state and evaluate principles by which ethical problems may be solved
- The normative standards of conduct derived from the philosophical and religious traditions of society
- The task of careful reflection several steps removed from the actual conduct of men
- Concerned about what is right, fair, just or good; about what we ought to do, not just about what is the case or what is most acceptable or expedient
- Moral philosophy, which includes four main goals or interests: clarification of moral concepts; critical evaluation of moral claims focused on “testing their truth, justification and adequacy”; constructing an inclusive perspective by elucidating the interconnections among moral ideas and values; and providing moral guidance through improving practical judgment.
- As an active enterprise, ethics seek to clarify the logic and adequacy of the values that shape the world; it assesses the moral possibilities which are projected and betrayed in the social give-and-take. Anyone engaged in ethical reflection takes on the task of analyzing and evaluating the principles embodied in various alternatives for conduct and social order.
- The study of moral conduct and moral status

### **Is there any difference between the concepts of Ethics and Morality**

Though ethics and morality are often used interchangeably, but here we make a subtle distinction between them. Morality assumes some accepted modes of behaviour that are given by a religious tradition, a culture (including an organizational culture), a social class, a community, or a family. It involves expected courses of conduct that are rooted in both formal rules and informal norms. It is expressed through such precepts as “decent young people do not engage in premarital sex”, “family comes first”, “one should not conspicuously

display one's wealth", "guests in one's home must always be treated with respect", "never drive under influence", "a day's pay requires a day's work", "follow the orders of those above you in the organization" and similar expectations. Sometimes these expectations are written out in codes of conduct or rules, but at other times they are assumed and taken for granted. Typically they are asserted by a tradition, culture, religion, community, organization, or family as simply what is right.

Ethics, on the other hand, is one step removed from action. It involves the examination and analysis of the logic, values, beliefs and principles that are used to justify morality in its various forms. It considers what is meant by principles such as justice, veracity, or the public interest; their implications for conduct in particular situations; and how one might argue for one principle over another as determinative in a particular decision. Ethics takes what is given or prescribed and asks what is meant and why. So ethics as related to conduct is critical reflection on morality toward grounding moral conduct in systemic reflection. Ethical reflection also involves an effective element because it often evokes emotive response of comfort or discomfort, resolution or quandary, and affirmation or antagonism.

Ethics also deals with the moral status of entities such as families, organizations, communities and societies. Here ethical reasoning is focused on how the characteristics associated with the good family, the good organization, or the good society are grounded in certain principles, values, beliefs and logical argument. Ethics weighs the adequacy of these attributes and analyzes how they are justified.

### **How are Ethics, Values and Laws related?**

Doing ethics, involves thinking more systematically about the values and principles that are embedded in our choices than we do when we make choices on practical or political grounds alone. As we reflect on these implicit values, we ask ourselves how they are consistent with our duties and toward what ends and consequences they lead. Keeping in mind the obligations and goals of the roles we occupy, we seek to rank-order them for each particular ethical decision we confront in the course of carrying out a specific role.

The relationship between law and ethics often comes up in the discussion of specific cases. The fact is, however that law specifies the moral minimum. It is the minimum level of conduct that we as a society agree to impose on all of us through the threat of force and sanctions. Ethical considerations are often involved in deliberations about proposed legislations, but once crystallized into law, the conduct prescribed is assumed to be backed up by the coercive power of government. However, from an ethicist's point of view, law must always stand under the judgment of ethics. Sometimes laws may be deemed unjust and therefore unethical. Those who believe so may challenge those laws in the courts as inconsistent with the human rights, or they may engage in civil disobedience, even to the point of being arrested and going to jail. Sometimes laws need to be challenged on ethical grounds. In the long tradition of civil disobedience exemplified by Mahatma Gandhi and Martin Luther King Jr., the key proviso is that one must be willing to accept the consequences of one's actions in order to demonstrate commitment to ethical principles over what are considered unjust laws. That is, one must be willing to suffer fines and imprisonment in order to evoke a response from the larger society to bring about change in the laws in question.

### **Ethics, Responsibility and Role**

The terms role and responsibility are peculiarly modern in connotation. Both suggest a worldview in which the power of tradition is broken and human beings are left to construct a world of their own making. Roles must be devised and responsibility defined as ways of reestablishing obligations in our modern, pluralistic, technological society. Technology is applied not only to production but also to society itself.

Responsibility is a relatively new term in the ethical vocabulary, appearing in the nineteenth century with a somewhat ambiguous meaning. The term evaluates action and attributes it to an agent; it does so in lieu of cosmic or natural structures of obligation. The historical awareness of the nineteenth century, the scientific and technological revolutions, and the collapse of metaphysical systems had undermined fixed notions of obligations. The term 'responsibility' was a way of filling this gap by defining the scope of accountability and obligation in context of law and common culture.

It has also been argued that when constitutional government was vastly extended, in scope of operation and in spread among nations, as a result of contacts of cultures and people, the concept of responsibility became increasingly significant as a way of defining a common set of values among people of divergent cultures and traditions.

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 and see them instead as manipulated and created anew, we take upon ourselves bounded obligation in the form of various roles. People exercise responsibility and are held responsible in society when they accept and carry out an array of more or less well-defined roles: employee, parent, citizen, group member. The most problematic roles are those not clearly defined, usually because there is little agreement about the boundaries of responsibility associated with them. What does it mean to be a responsible parent in the second decade of the twenty-first century? Or a responsible spouse, responsible citizen, responsible politician, or a responsible civil servant?

The problem is that although civil servants are responsible for certain duties (those that constitute the professional role), they sometimes believe they are obligated to act otherwise. This occurs because civil servants, along with everyone else in modern society, maintain an array of roles related to family, community, and society, each carrying a set of obligations and vested with personal interests. The quite common result is conflict among roles as these competing forces push and pull in opposite directions. The effects of these conflicts are compounded by the range of discretion civil servants must exercise. The intent of legislation is frequently stated in broad language, leaving the specifics to civil servants. Consequently, ethical standards and sensitivity are crucial to the responsible use of this discretion.

### **Principles and Virtues**

Why live by principles? Why not just make the 'right' rational decision as we go along? Aren't principles limiting and, in any case, old-fashioned? Disregarding the fashionability of principles, let's look at two major advantages of living by principles:

Firstly, the scope of our knowledge and cognitive abilities is always limited. We are never fully aware of all the factors influencing the outcome of any given choice, and thus make our decisions based on limited information. In addition, our reasoning ability is limited both in time and complexity in any given situation. Principles - generalized rules that have wide applicability - help us make better decisions in complex situations; the best decision 'all other things being equal'. Principles can give us useful guidance in a wide range of situations.

Secondly, generalized principles can be automatized. Consistently living by rational, non-contradictory principles will tend to make principled thought and behavior habitual: Principles give birth to positive character traits - virtues. This subconscious assimilation leads to automatic emotional responses that are in harmony with our explicit conscious values. Our virtues mobilize our emotions to encourage moral choices, judgments and actions. Furthermore, our virtue-based subconscious evaluations help us make better complex, split-second decisions.

Automatic and instantaneous guidance can be immensely beneficial if - and this is a big if - we learn and automatize the correct principles. If we, for example, automatize self-hatred, superstition or a victim-mentality, then this is surely detrimental. If, on the other hand, we acquire the virtuous habit of seeking self-knowledge, then automatic internal warning bells are likely to alert us to any attempts of evading or disowning our actual emotions or actions.

### **What are the different approaches to study Ethics?**

Ethics may be dealt with either descriptively or normatively.

- Descriptively, ethics attempts to reveal underlying assumptions and how they are connected to conduct.
- Normatively, ethics attempts to construct viable and defensible arguments for particular courses of conduct as being better than others in specific situations.

Ethics may also be viewed from either or both of two major orientations: deontological or teleological.

- Deontological approaches to ethics focus on one's duty to certain ethical principles, such as justice, freedom, or veracity, without regards for the consequences of one's actions.
- Teleological ethics, in contrast, involves a concern for the ends or consequences of one's conduct. This is the position most notably associated with utilitarianism and its calculus of the greatest good for the greatest number.

Most of us, however, undertake decisions using both of these perspectives most of the time. That is, we consider principles that are important to us in a concrete situation and then ask ourselves what the consequences of acting on those principles are likely to be.

## Determinants of Ethics

### Traditional Sources of Ethics

#### How do we determine right and wrong?

Most popular determinants of ethics comprise a mix of four separate, but interrelated sources:

- Social rules or customs that are either agreed on by the majority or enforced by some kind of law.
- Some authority, usually claimed to be 'divinely inspired', that establishes an absolute dogma.
- Intuitive, emotional 'knowledge' of what is right and wrong - a personal moral compass.
- Rational or common sense rules and principles aimed at achieving a given objective.

*Let's explore each of these sources in some detail:*

#### **Social Rules or Customs**

Social rules and customs are, in themselves, a mix of religious or philosophical dogma, 'what feels right', and common sense. They evolve by various random forces impinging on them: an influential philosopher, a charismatic spiritual leader, economic factors, disease, wars, immigration, and art. The resulting morality is usually recognized as being relativist - its subjectivity being rather obvious. For example, one society believes that having more than one child is immoral, while another sees contraception as depraved. Unfortunately, this relativism does not usually prevent people from trying to force their views on others, even killing and dying for it in its name.

#### **Divinely Inspired Authority**

Religious, spiritual or cultish ethic claims to possess absolute knowledge - divinely inspired - and therefore not subjective. From an outsiders point of view its relativism is apparent. Who has the direct line to God or to some platonic Eternal Wisdom? How would we know? Conflicting claims of authenticity cannot be resolved rationally. Opponents are 'persuaded' either emotionally or physically. 'Divine' morality is frequently used by religious and cult leaders - alone or cahoots with kings and governments - to control people. Claiming a preferential relationship with Divinity, they can trade 'salvation', 'absolution' and 'godly knowledge' for their followers' obedience and sacrifice. Many wars and vast amounts of human suffering have their roots in this kind of 'morality'; though, granted, many systems are not consciously malevolent.

#### **Intuitive, Emotional Knowledge**

We all judge morality intuitively to some extent - we have deep emotional convictions about the immorality of, say, murdering an innocent victim, about aborting a female foetus, or regarding child abuse. Some philosophers believe that intuition is the only valid source to knowing right from wrong. Many people today reject religious and social morality and rely primarily on their own personal moral compass. In one sense, this is exactly what we have to - automatized principles are essential for coping with the myriad of complex decisions we face. However, without explicit, conscious selection of the principles that we internalize, our emotions are unguided missiles. Casteism, communalism or treating women as second class citizens may feel very right - as it has, and still does,

to many people. Intuition is no guarantee of morality. Our moral compass needs to be calibrated and checked to ensure that our intuition guides us to desired destinations.

What we need is an explicit system of ethics to serve as a reference to the programming of our subconscious values. Without this reference, intuitive morality remains a hodgepodge of various religious, social and rational ideas picked up during a lifetime: a persuasive idea gathered here, a powerful emotional lesson retained there, added to the comfortable social and religious norms of our childhood. The overwhelming preponderance of adults retaining their own parents' social and religious values is proof of these influences. However, the fact that many of us do break away from our childhood influences attests to the possibility of reprogramming ourselves. We do have free will - we can choose to review and change deeply held beliefs.

### **Rational Rules and Principles**

Everyone uses reason, the fourth source of moral knowledge, to some extent. Even the most narrow-minded, emotional or dogmatic person occasionally uses reason to try to resolve moral conflicts - and the traditional approaches certainly provide plenty of contradictions and conflict: Communists reason about the practical contradictions in communal ownership and personal motivation. Catholics decide to use birth-control as they realize the folly of that restriction. Entrenched racists often go color-blind with people they personally know well. Reality eventually impinges upon irrational beliefs. But we can go much further in utilizing rationality to establish principles for living - we can proactively seek to systematically eliminate contradictions, detrimental beliefs and inappropriate emotional responses. But is there really such a thing as objective knowledge - and especially with regard to moral issues?

Reason is the mental faculty that integrates our perception of reality while eliminating contradictions. Reason seeks to obtain as accurate a representation of reality as possible. Reasoning consists of conscious and subconscious processes. For example, intuition and induction, which are partly subconscious, are used in integration and conceptualization. Information obtained by these subconscious means must be double-checked by conscious processes to establish its accuracy. Because of limits in our cognitive ability (we are not infallible or omniscient), we need to systematically test our data and reasoning against other minds (explain, debate, learn) and against reality (gathering empirical evidence to test our conclusions).

Reason does not provide absolute, acontextual certainty. All objective knowledge - knowledge of reality obtained by rational means - is subject to context and subject to future revision and clarification. Some objective knowledge is beyond doubt; we have no reason to doubt it. That knowledge we call 'certain'. It is certain within the context of our experience, knowledge and cognitive ability. Some of the things that we can be certain of: I exist and am conscious; the Moon is smaller than the Earth; improved self-esteem improves personal well-being. Each of these statements assumes a context of knowledge and meaning; they are certain only within that context. Conceivably, at some stage additional knowledge or a changed context may render them false - but we currently have no evidence to doubt their certainty. Detailed analysis of the nature of knowledge and certainty is the philosophical field of epistemology - a prerequisite for all knowledge and thus also for ethics.

Objective, or rational, ethics provides principles that will practically achieve a desired purpose. A given principle's truth is measured by its effectiveness. We call a principle 'good' if it's good at accomplishing its goal. In this sense we can call this a scientific approach to ethics. Rational morality is an integrated, non-contradictory, reality-based system of goals and principles. But how do we establish the ultimate goal - the standard of what constitutes good and bad, right and wrong, true and false principles?

### **Good and Bad**

Two crucial questions represent the key to understanding the moral meaning of good and bad. Yet, moral philosophers have frequently ignored these questions, or have grossly underestimated their importance. Some prominent philosophers don't even seem to be aware of them: Good for whom? Good to what end?

For some reason, we have come to accept that there exists some independent Platonic 'Good' - some absolute meaning of good not related to any other standard. We will say 'it is good to speak the truth', meaning, somehow, good in itself - not because of some beneficial consequence. Were we to ask 'why?' we would get a

paternal 'because... because you should'. Ethics is rife with this meaningless categorical imperative 'should'. 'Should' only has meaning in the context of 'should in order to...'. An ethics is only as rational as its standard of value is - its standard of good and bad.

Good to what end? The purpose of ethics is to help us make decisions, to help us define and achieve our goals. If we have multiple goals, then ethics must also help us reconcile and prioritize these. Some claimed objectives of ethics are: 'getting to heaven', 'doing our duty', 'clearing our karma', 'filling our evolutionary purpose', 'pleasing others', 'achieving wealth', 'maximizing our own pleasure' or 'living a full and healthy life'. Having concluded that a rational approach to ethics is the only meaningful and practical one, we can eliminate all the irrational options - goals that are not reality based. On the other hand, money or pleasures, by themselves, are not sufficiently comprehensive long-term goals. Anyone who seeks life-long guidance - and moral principles and virtues are by their very nature not quick fixes - needs to cast his moral net wider.

In the most general form, our goal comes down to defining and achieving a good life: Physical, emotional, mental and spiritual health - a fulfilled life. There are objective measures of health: Physical - living a full life-span (within the limits of current medical knowledge) as free as possible from physical impairments; Emotionally - generally free from depression and emotional conflicts, high self-esteem and the ability to experience joy; Mentally - cognitive competence including intelligence, memory and creativity; Spiritually - the ability to enjoy literature, art, friendships and love. This list is not exhaustive and is open to debate, but few people would argue about the importance of these basic qualities of human life. The particular manifestations of a good life - the specific level and choices of health, relationship, productive work, artistic enjoyment - will vary from person to person and from time to time. This general description of the good life we can call 'Optimal Living' and take as the standard of good and bad, right and wrong.

Good for whom? Living optimally requires holding certain moral values, setting and pursuing personal goals, and acquiring rational virtues. None of these can be done for someone else. We cannot make others think rationally, make them have a pro-active or optimistic outlook, or give them self-esteem. We may encourage others to think and act morally, but we can really only make those choices for ourselves. We can take most responsibility for our own lives because we have most control over it. We also have maximum motivation for expending the effort to live a principled, moral life when we are the primary beneficiary. In short, we cannot live someone else's life for them.

This does not mean that what is good for us is necessarily detrimental to others - life is not a zero-sum game. Fortunately, many rational moral principles benefit both us and others. Examples of these virtues are rationality, productiveness, integrity.

### **Consequences of Ethics**

The consequences of ethics in human action can be traced at different levels. This is because while in a broad sense, ethics has to do with concepts such as good, right, and ought, but in the arena of everyday life, considering the practical meanings of these abstract concepts causes us to deal with them at different levels of seriousness and systematic reflection. Often we simply express emotion about what is good or what someone ought to do. Less frequently we face ethical questions that force us to reflect long and hard about our fundamental worldview – even the meaning of life itself. We can identify four distinct levels at which ethical concerns can be experienced in human action.

#### **The Expressive Level**

Many times every day we find ourselves simply venting our feelings about something, whether it is a corrupt clerk we encounter in a government department or getting caught between our family and official responsibilities. During such instances, we may very well respond first at the expressive level: "That clerk is a thief", "What did I do to deserve being caught in this bind between my spouse and my organization?"

These spontaneous, unreflective expressions of emotion are perhaps the most common forms of value judgment. They neither invite a reply nor attempt to persuade others. They provide neither evidence nor

detailed descriptions of a state of affairs. However, depending on who utters them and how intensely, they may be followed by a more rational and systematic treatment of the problem.

### **The Moral Rules Level**

The level of moral rules is the first level at which serious questions are raised and serious answers are given. We address the problem of appropriate conduct and begin to assess alternatives and consequences. We consider these courses of action and their anticipated outcomes in the light of certain rules, maxims, and proverbs that we hold as moral guides. For example:

- “Always be a good team player.”
- “Loyalty to your clients comes first.”
- “If you’re not part of the solution, you’re part of the problem.”
- “Honesty is the best policy.”
- “Truth will win out.”
- “My country, right or wrong.”
- “Never fight a battle you can’t win.”
- “The public should be trusted.”
- “Love your neighbour as yourself.”
- “Do unto others as you would have them do unto you.”
- “Don’t air dirty linen outside the organization.”
- “It is easier to ask forgiveness than to ask permission.”
- “It is better to be safe than sorry.”
- “Go along to get along.”
- “If it ain’t broke, don’t fix it.”

These are examples of moral rules we acquire through the socialization process from our families, religious affiliations, education, and professional experiences. For better or worse, they provide rules of thumb for appraising a situation and deciding what ought to be done.

Most of the ethical problems are resolved at this level. As we review the facts of the case, the alternatives for action, and their likely consequences on the one hand, and associate them with our stock of relevant moral rules on the other, the field of alternatives begins to narrow and one or two rules emerge as crucial. We move towards a decision, with the practical consequences and the moral justification related in some way that is acceptable to us.

Our decisions are not necessarily consistent from case to case. At the level of moral rules, which is where most practical administrative decisions are made, rationality and systematic reflection are involved but only in a limited, piecemeal fashion. Most of the time we are ad hoc problem solvers, not comprehensive moral philosophers. However, on occasion we are driven to the next level of generality and abstraction, usually because we are unable to reach a decision by applying our available repertoire of practical moral rules.

### **The Ethical Analysis Level**

When the available moral rules prove ineffective in a particular case, when they conflict with each other, or when the actions they seem to prescribe do not feel right, a fundamental reconsideration of our moral code may be required. In the normal routine we do not usually undertake this kind of basic reassessment. However, sometimes an issue is so unique, so complex, or so profound in the consequences of its resolution that we have no choice but to reexamine the ethical principles that are implicit in our routine norms for conduct.

A brief but adequate definition of ‘principle’ is “a general law or rule that provides a guide for action.” An ‘ethical principle’ is a statement concerning the conduct or state of being that is required for the fulfillment of a value; it explicitly links a value with a general mode of action. For example, justice may be considered a significant value, but the term itself does not tell us what rule for conduct or what state of society would follow if we included justice in our value system. We would need a principle of justice to show us what pattern of action would reflect justice as a value. A common form of the justice principle is “Treat equals equally and unequals unequally.” We

might interpret this principle as meaning that if all adult citizens are politically equal, they should all have the same political rights and obligations. If one has the vote, all must have it.

Or if we look at another value, truth, we might start with a general principle to indicate its meaning for conduct and then develop more specific statements for particular conditions. Generally, we might support this principle: "Always tell the truth." But when faced with a particular situation, we might revise the principle: "Always tell the truth unless third parties would be seriously harmed."

Defining the ethical dimensions of a problem may require teasing out not only the values that are in conflict but also the unarticulated principles that indicate the mutually exclusive kinds of conduct those values dictate. Otherwise, values can be too vague to have much meaning in ethical analysis. To say we believe in freedom or liberty conveys meaning of only the most general sort. If, however, we identify and elaborate principles about liberty, the meaning becomes more specific and ethically useful. We might, for example, indicate that if we value liberty, we ought not to interfere, without social justification, in the chosen course of any rational being or impose on him conditions that will prevent him from pursuing his chosen courses of action. Although this statement does not prescribe precisely what should be done in every situation, it does provide some conditions and qualifications for the range of conduct that falls under liberty.

### The Postethical Level

The considerations at the final, postethical level are exemplified by the question: "Why should I be moral?" Most of us would seldom reach this fundamental philosophical level of reflection. Only when pushed by a particularly persistent or cynical adversary or under the sway of a deeply disillusioning experience or confronting a profound personal crisis are we likely to function at this level. Here the struggle is to find some basis for valuing those things that were identified at the level of ethical analysis. Why is integrity important? Or truth? Or security? Or loyalty? Or the well-being of others? 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. Resolution at this level is achieved only when practical indecision has been removed. It may require developing or confirming a worldview grounded in philosophical or religious perspectives. When we have discovered an adequate motive to allow ourselves to "play the moral game," this level is resolved.

The framework as we have elaborated above is highly dynamic. It is only in theory that people can move logically through these decision-making steps. In real life we move both up and down through the levels as we grapple with what is good or what we ought to do, and work within the constraints of time and context. We may first engage a problem expressively as we react spontaneously with our immediate feelings, but then we may move rather quickly to problem solving at the level of moral rules. As we get new information and the situation becomes more complex, we may move back to the expressive level. Then, having vented our irritation and frustration, we may move back again to the search for appropriate moral rules.

This movement among the various levels, although it may be intentional, is usually not a matter of conscious choice. The transitions occur because we need to solve a problem, not necessarily because we consciously think about which level is appropriate. In a concrete situation, as we attempt to integrate known facts with unknown but possible consequences of action, feelings and values, we find ourselves moving through these stages with varying degrees of rational reflection and abstraction.

If we want to become more systematic in handling ethical issues, we need to examine carefully what takes place at the level where rational reflection is most critical: the level of ethical analysis. This is where skill in decision making can be cultivated. Here we attempt to think about what we should do; there is intentionality and some degree of systematic treatment of the problem. At the expressive level only emotion is involved; it is not that emotion is bad, but it is only one element of ethical decision making. At the level of moral rules we are largely reflecting our socialization, which can amount to a set of blinders that limits our critical thinking. At the postethical level the considerations are too abstract, too personal, and in modern pluralistic societies, too varied to be susceptible to any generalized approach. People holding radically different philosophies and theologies are not likely to reach agreement at this level, although they may do so at the second and third levels. Also, public accountability in a heterogeneous society requires reasoned application of ethical principles rather than metaphysical assertions.

It is at the level of ethical analysis, the, that we are most likely to be able to account for our conduct most convincingly. If we proceed with reasoned justification, linking the consequences of our decisions with a tradition of ethical principles, then our conduct is reviewable and our deliberations and deeds are accessible for debate and logical assessment.

## Dimensions of Ethics

The following can be considered as the dimensions of ethics:

- First, ethical decisions can be made on the basis of one of several schools of ethics or ethical traditions — that is, sets of basic and necessarily quite general substantive principles.
- Second, ethical decisions can be made at a variety of levels, ranging from the individual to the societal and even the trans-national.
- Third, ethical decisions can be made based on standards that are specific to a particular domain of human activity, such as business or education.

## Major Schools of Ethics

There are numerous schools of ethics, or ethical traditions. Some of them are as follows:

### Utilitarianism

Utilitarianism holds that the ethically best decision, or in some variants of utilitarianism the best rule for making decisions, is the one that will produce the greatest good for the greatest number. Utilitarianism is the most familiar example of a general approach to ethics that is called **consequentialist**, because it judges the ethical acceptability of actions or policies based on their consequences. However, the approach taken to consequences can be much broader; the consequences that are considered to be of ethical importance can be environmental, social or even spiritual. It is important to be clear in any form of consequentialist argument about the values that define what counts as a benefit or as a harm. What is the greatest good, and how do we measure it? An influential variant of utilitarianism that is sometimes applied to public policy is cost-benefit analysis, which tries to identify the greatest good and ease the problem of comparing different people's conceptions of the good (what philosophers call the problem of interpersonal comparisons of utility) by attaching dollar values to all the consequences of a particular policy choice; the preferred policy option is simply the one showing the highest ratio of benefits to costs.

### Kantian

Kantian or obligation-based ethics, named after the philosopher Immanuel Kant, with whom it is most closely associated, holds that the ethically acceptable decision is one that conforms to certain fundamental principles. For Kant, the most important of these principles was the "categorical imperative," which has two formulations. In the first, to be ethically acceptable, one should conduct oneself according to principles that one could wish to see universally applied to everyone. In other words, before deciding to commit fraud or make promises we have no intention of keeping, we must ask whether it even makes sense to think about a society in which everyone acted as we propose to act. The second formulation requires that we avoid treating other people exclusively as means to an end, rather than as ends in themselves. Kantian ethics is the most familiar example of a more general category of ethics known as **deontological** ethics, whose key characteristic is that some actions are held to be inherently or intrinsically right or wrong — that is to say, right or wrong independent of their consequences.

A particularly influential form of Kantian argument is John Rawls's attempt to define principles of distributive justice based on an intriguing application of the categorical imperative: asking how we would want the society to be organized if we had to make that choice from behind a "veil of ignorance" that prevented us from knowing in advance whether we were to be born rich or poor, male or female, athletic or physically disabled. Paradoxically, the Rawlsian approach to distributive justice shows that many Kantian ethical judgments cannot be easily isolated from consideration of their consequences.

## Rights-based

Rights-based ethics, familiar because of Anglo-American legal systems' recent emphasis on individual liberty and their much older tradition of the primacy of property rights, is organized around a set of claims (such as freedom of speech, freedom of assembly, and the ownership of private property) that individuals are presumed to have with respect to one another and to society. Rights-based ethics is embodied in the reference to "protection life and personal liberty" in the Fundamental Rights that is an integral part of the Indian Constitution.

The question "where do rights come from?" can be answered in different ways. Sometimes, as in the case of the U.S. Declaration of Independence, rights are held to be "self-evident"; at other times, they are justified with reference to more basic principles such as respect for persons, or to the idea of a contract among members of the society. In the latter respect rights-based and Kantian ethics overlap.

## Contractarian

The idea of a contract is central to what many philosophers regard as a distinct school of ethics:

Contractarian ethics, which tries to derive principles of morality from the idea of a (hypothetical) contract entered into by members of a society. Implied consent to the terms of such a contract becomes the source of both rights and duties. Some variants of contractarian ethics have strongly Kantian elements: Rawls, for example, bases his analysis on the kind of contract individuals (actually, heads of households) would rationally enter into from behind the veil of ignorance. Both rights-based and contractarian ethics are characterized by what might be called intense individualism. In direct contrast, **communitarian** ethics, which is often defended partly with reference to limitations of the idea of rights, focusses less on individuals' rights than on the importance to individual well-being and fulfilment of membership in a community. In the words of one of the leading contemporary communitarians, "if we are partly defined by the communities we inhabit, then we must also be implicated in the purposes and ends characteristic of those communities . . . the story of my life is always embedded in the story of those communities from which I derive my identity."

It may be possible to define a middle ground between the intense individualism associated with the idea of a contract and the relative unconcern with the individual that is associated with many statements of communitarianism. At least one author has explored the idea of a covenant among individuals as the defining basis for moral obligations; unlike a contract, a covenant is not motivated primarily by considerations of self-interest, and can include a notion of obligation arising from sources other than individual human will or consent. A rather awkward neologism **covenantial ethics** has been coined to describe this middle ground.

## Ethics of Care

The ethics of care, which according to many accounts originated with psychologist Carol Gilligan's efforts to describe women's orientation to ethical decision making as "in a different voice," resembles communitarian ethics in that rather than starting from a conception of human beings as isolated individuals, it emphasizes their relationships with one another. However, the ethics of care tend to be suspicious of claims about the welfare of the community, partly because such claims have often been used to justify women's inferior status within a society. It is strongly egalitarian in its conception of how people ought to treat one another, and is especially sensitive to inequalities of power. At the same time, writers in this school or tradition emphasize the limitations of rights-based or contractual conceptions of an ethical point of view toward others, pointing out that in many situations just leaving people alone is not enough, and that in some relationships (like those between mothers and children) a strictly rights-based conceptions of respect for others make no sense.

As its description implies, character ethics, or the ethics of virtue, focusses on the character of those making ethical decisions. Virtuous people (that is, those who act according to such motives as generosity, compassion or fidelity to their obligations) are those most likely to make ethically acceptable decisions. Ethical acceptability is thus determined at least in part by one's motives for acting in a certain way, as well as by principles and consequences. Ethical acts are not necessarily those carried out by following rules, but from motives like doing good or fulfilling obligations. This formulation is especially attractive in situations where people are faced with a set of choices imposed by circumstances outside their control, all of which are ethically repugnant in different

ways, or when the consequences of a particular action simply cannot be known. This school sometimes carries out ethical analysis starting with the premise that people have a right to fulfill their obligations to others, for instance, parents to decide for their young children on medical treatment.

## Casuistry

Casuistry is an ethical tradition or style holding that we are too concerned with principles. For the casuist, ethical decisions can be made only on a case-by-case basis, although the decisions made in previous cases can provide a source of wisdom to draw upon; indeed, ethical judgments can be made when there are no principles to draw upon, or when disagreement on principles is profound. An appropriate analogy may be with the operation of precedent in the legal system. Particularly in biomedical ethics, which often have to focus on individual cases in a clinical setting, there has recently been a revival of interest in casuistry as a response to what is viewed as excessive preoccupation with abstract principles in that field.

The preceding schools of ethics deal primarily with the relationships among human beings. Although many people are concerned about problems like pollution primarily because of their effects on human beings, it is also possible to argue that **environmental ethics** is now a distinct school of ethics, because many variants explicitly hold that human beings have duties and obligations not only to each other, but also to non-human beings and to the natural environment as a whole. One line of thought in environmental ethics, for instance, holds that preservation of “ecological integrity” is a principle that should take precedence over all others.

## Key Points about the Differences among Schools of Ethics

This listing of schools of ethics is not a comprehensive one, and may even be termed as oversimplifications. In addition, there is considerable overlap between many of the schools, which are not mutually exclusive approaches separated by clear boundaries. For example, the overlap between rights-based and Kantian ethics, and environmental ethics may be deontological, consequentialist or a combination of both.

We can think of the different schools of ethics as various prisms or conceptual lenses through which a decision or situation can be viewed. When the situation looks similar through all the prisms or lenses, governments are likely to find their choice relatively simple to make. However, different schools of ethics will often want to treat a situation quite differently. For instance the issue of contract pregnancy (or as it is more often but less accurately called, surrogate motherhood) looks quite different through the prisms of a rights-based ethics and of the ethic of care. Choices about how thoroughly to treat industrial pollutants that may threaten human health, or about where to locate hazardous waste landfills, look quite different through a Kantian or Rawlsian prism than they do when made on the basis of a cost-benefit analysis. Philosopher Will Kymlicka has observed that: “Moral philosophers have not yet discovered a knockout argument for or against these different theories.” When making choices about the ethical acceptability of courses of action or of public policies, we normally and appropriately incorporate elements from several schools of ethics, rather than relying exclusively on a single one. For instance, particular policies might be acceptable on strictly utilitarian grounds, but be judged ethically unacceptable because they would harm certain vulnerable members of the community — an invocation of justice, of the ethics of care, or perhaps even of communitarian ethics (a community’s fabric is threatened when it harms its most vulnerable members). Conversely, various infringements of rights are justified, in ethics, with reference to the good of the community, or the protection of certain kinds of valued relationships. The tradeoff between equity and efficiency in economic policy is another commonly mentioned example.

In response to the possibility of disagreement among schools of ethics, one approach is to seek what has been called “mid-level principles” to govern decision making. It has four “clusters of principles”: respect for autonomy, non-maleficence (not doing harm), beneficence (doing good), and justice. These are now widely applied in both research and clinical settings, largely because people who disagree about whether (for instance) utilitarianism or rights-based ethics is ultimately more defensible may nevertheless be able to agree on these principles as the basis for ethical decision making. This does not mean ethical decision making in such settings has thereby become easy or routine; far from it. None of the four principles can be regarded as binding in all cases; since situations in which applicable principles conflict are relatively common, the best that can be done is to treat each principle only as *prima facie* binding — in other words, binding in the absence of more compelling moral considerations involving a competing principle. In addition, the four principles illustrate that any principle broad

enough to cover the spectrum of relevant cases will remain abstract enough so that judgment and interpretation on the part of the relevant decision maker(s) will invariably be involved, most notably about what is ethically relevant to decisions in a particular case.

### **Micro, Meso, Macro and Megaethics**

In ethics we sometimes do an analysis at three different levels. It's very simple: micro-level, meso-level — which is institutional or group level — and macro-level, which is governmental or societal level.

The micro level refers to interactions between individuals, whether they are members of families, strangers or people whose roles carry a particular institutional meaning (for example, doctor and patient). The meso level involves ethics within the group, institution or organization (such as a hospital, university or government department). The macro level involves ethics at the society-wide level, for example, as reflected in the decisions of provincial or national governments about domestic policy. To this list, we can add mega-ethics, which refers to ethics at the transnational or cross-cultural level. Human rights is an illustration of a mega-ethical concept, although it has applications at other levels and indeed is probably most meaningful when applied to specific policy situations at the micro, meso or macro-levels.

Table 1 illustrates these four levels as they play out in analyzing various issues related to medicine and health care, and suggests the interplay among different levels of analysis. It may be useful to take a single example — access to costly and therefore scarce therapy —and to work through the issues and tensions, in a way that is necessarily a bit dogmatic.

**Table 1. Levels of Analysis — Illustrations from Medicine and Health Care**

Level of analysis	Kinds of issues that arise
Micro (individual)	<ul style="list-style-type: none"> <li>● Should a patient who faces the possibility of progressively more serious disability and more intense pain from amyotrophic lateral sclerosis (ALS) be granted her request for medical assistance in committing suicide once her pain has become unbearable?</li> <li>● Should physicians inform patients about the possible benefits and risks of all available treatments?</li> <li>● Should physicians always try to seek organ transplants or bypass surgery for patients who might benefit?</li> <li>● How should physicians decide which of two potential recipients is to receive an organ transplant, when only one organ or donor is available?</li> <li>● How should physicians decide which of two patients should be placed in the one available intensive care bed?</li> </ul>
Meso (group or institutional)	<ul style="list-style-type: none"> <li>● What policies should a hospital adopt with respect to DNR (do not resuscitate) orders for terminally ill patients?</li> <li>● As a group or profession, what are physicians' obligations in cases where patients are in extreme pain and who will not regain normal functioning — for example, because of ALS?</li> <li>● Should health maintenance organizations (HMOs) prohibit physicians from informing patients about the existence and possible benefits of treatments whose costs the HMO will not cover?</li> <li>● What principles or codes should transplant centres adopt for prioritizing transplant recipients when available organs are scarce?</li> <li>● How should hospitals allocate available intensive care beds? How should they allocate their budgets between various functions such as emergency medicine, chronic care and specialized surgical units (e.g. for coronary bypasses)?</li> <li>● Does an institutional policy of giving priority for coronary bypass surgery to patients younger than a certain age violate human rights, by amounting to impermissible discrimination based on age?</li> </ul>

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- |                         |  |
|-------------------------|--|
| Macro (society-wide)    | <ul style="list-style-type: none"> <li>● What is society's interest in the issue of physician-assisted suicide? What values are at stake? How should the criminal law treat physician-assisted suicide?</li> <li>● What is society's interest in the disclosure by psychiatrists or psychotherapists in cases where patients are likely to do harm to themselves or others?</li> <li>● Should Parliament legalize physician-assisted suicide? Should the courts treat existing prohibitions as deprivations of fundamental rights?</li> <li>● How should health care be financed?</li> <li>● Is there a right to a basic minimum of health care? If so, what constitutes the basic minimum, and how should its provision be financed?</li> <li>● Does a policy of not providing insurance coverage for coronary bypass surgery on patients above a certain age violate human rights, by amounting to impermissible discrimination based on age?</li> <li>● Is health care a human right? Why, or why not?</li> </ul> |
| Mega (across societies) | <ul style="list-style-type: none"> <li>● Is health care a human right? Why, or why not?</li> <li>● If so, how does the content of that right differ as between rich and poor societies — say, those with GNP per capita of \$1 000 and of \$20 000-plus?</li> </ul>  |
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**Source: Making Ethically Acceptable Policy Decisions by Ted Schrecker**

At the micro level, not only is it entirely appropriate for a physician to seek the best treatment for his or her patient, but on many accounts the physician is obliged to do so, and for him or her to make decisions about treatment options based on other priorities, like cost containment, is almost certainly unethical. At the meso level, however, an institution confronted with scarce resources must organize a basis for making such choices as which candidates will receive transplant organs or bypass surgery, or for that matter whether priority should be given to expanding the transplant unit, the cardiac surgery unit or the provision of some other service. The institution cannot get away from these choices; as in many other situations, making no decision is a decision in itself. Such choices can be and have been made in a variety of ways and more than one principle for doing so (including the apparent non-principle of first-come, first-served, which is really a variant of the lottery principle) may be ethically defensible. What is probably not defensible is leaving the decisions to be made on the basis of whichever patient has the most effective, most persistent or loudest advocate in the form of his or her physician.

Also not defensible, however, are meso level policies that interfere with the physician-patient relationship and the ability of the physician to act as an advocate for the patient, for instance by prohibiting physicians under contract to a particular health management organization (HMO) from telling patients about treatments that the HMO will not cover. A basic macro level choice, which exists in every country and affects the choices available at all the other levels, is how the health care system should be financed, and how access will be governed. A number of resource allocations may all be ethically acceptable, but there will probably also be some clearly unacceptable ones — for example, locating a new unit in a remote area where utilization rates will be low, but which happens to elect a member of Cabinet. As suggested in the Table resource allocations that have the effect, even if not the intent, of discriminating on the basis of age should probably also be judged ethically unacceptable.

### Domains of Ethical Analysis

Ethical analysis takes place at multiple levels; it also takes place within various “domains” of human activity. Human beings interact with one another in a variety of capacities, and many of those interactions carry with them a distinctive and specialized set of expectations and obligations, often as a matter of law as well as a matter of ethics. Physicians and lawyers thus have certain obligations to maintain confidentiality with respect to information about their patients and clients. Fiduciary duties and respect for trade secrecy are required in a variety of business settings. It has been argued that distinctive sets of ethical principles are appropriate to govern the conduct of scientists and environmental professionals. The principles that are appropriate for guiding the relationships between family members are clearly distinct from any of these and widely understood, although until recently no one would have thought of codifying them.

An author who has promoted the idea of “domain-sensitive” ethical standards argues that:

“Roughly, each domain is characterized by a set of socially recognized goals or purposes and by a set of “structures.” . . . Unless they can be shown to be unreasonable, these goals count as justificatory values for their respective domains. And moral standards that obtain in a domain are justified in relation to them (as well as in relation to other values)”

This approach is acceptable, and indeed necessary, to a point. However, the idea of domain-sensitive ethics leaves a key question unanswered. What values, if any, can we rely on as the basis for concluding that certain goals or purposes of a specific domain are unreasonable? What happens when the goals and purposes of two domains, such as business and medicine, come into conflict? This is not merely an academic issue. The argument is often made that business should be assessed based on standards related to human rights or environmental performance — in other words, that it should be ethically accountable to stakeholders other than its shareholders and customers. This argument might be rejected after careful consideration, but cannot be dismissed out of hand, or by reference solely to the goals of business.

For example, one surgeon regarded a lab test to confirm that tumors removed from a patient’s scalp were benign as a routine precaution, but the patient’s HMO refused reimbursement. He decided to pay for the procedure out of his own pocket, but the HMO subsequently assigned him a negative “practice pattern” rating for having ordered the test. This apparently had much less to do with protecting patient interests than with protecting the profits of the HMO. In this case, the physician’s course of action is not a viable response to the HMO’s exercise of financial power on a routine basis: in other situations the costs (for instance, of additional days in an intensive care unit) might be ruinous.

Engineers, research scientists and a variety of other professionals may find themselves working in settings (such as a private firm or a government department) where the “management culture” emphasizes the values and purposes of the organization. These may not be compatible with the ethical standards distinctive to the profession, such as full disclosure of all findings in the case of scientists, or with more general obligations to protect public health or environmental quality. In such situations, when does the legitimate reach of organizational goals end? When, for example, are life-shortening decisions about the allocation of health care resources justified by the goals of the business world, or with reference to politically mandated cost containment objectives? Who decides?

So while acknowledging the value of standards of ethical acceptability, such as professional codes of ethics, which address the distinctive ethical challenges in a particular domain, governments must recognize that actions or policies are not necessarily ethically acceptable simply because they meet certain standards that are specific to a given domain. Domain-sensitive standards of ethical acceptability are not enough. Those standards must themselves be justified, and must stand up to critical examination. If we regard politics, or government, as a domain with its own standards of ethical acceptability, the same is true: there may be practices that are acceptable according to the norms or standards of that domain, but which fail to stand up to a more general and demanding form of ethical scrutiny.

## Ethics in Private and Public Relationships

At the heart of ethics is a concern about something or someone other than ourselves and our own desires and self-interest. Ethics is concerned with other people's interests, with the interests of society, with God's interests, with "ultimate goods", and so on. So when a person 'thinks ethically' they are giving at least some thought to something beyond themselves.

One problem with ethics is the way it's often used as a weapon. If a group believes that a particular activity is "wrong" it can then use morality as the justification for attacking those who practice that activity. When people do this, they often see those who they regard as immoral as in some way less human or deserving of respect than themselves; sometimes with tragic consequences.

Ethics is not only about the morality of particular courses of action, but it's also about the goodness of individuals and what it means to live a good life. Virtue Ethics is particularly concerned with the moral character of human beings. At times in the past some people thought that ethical problems could be solved in one of two ways:

- by discovering what God wanted people to do
- by thinking rigorously about moral principles and problems

If a person did this properly they would be led to the right conclusion.

But now even philosophers are less sure that it's possible to devise a satisfactory and complete theory of ethics - at least not one that leads to conclusions. Modern thinkers often teach that ethics leads people not to conclusions but to 'decisions'. In this view, the role of ethics is limited to clarifying 'what's at stake' in particular ethical problems.

Philosophy can help identify the range of ethical methods, conversations and value systems that can be applied to a particular problem. But after these things have been made clear, each person must make their own individual decision as to what to do, and then react appropriately to the consequences.

### The Importance of Relationships

Optimal living is impossible without harmonious human relationships. Successful social interactions are an integral part of our lives and flourishing - from the most fundamental act of our conception to the glorious interplay of a romantic union. We benefit from others' intellect by testing our reasoning against theirs; we vastly extend our knowledge, skills and productiveness by the physical and mental division of labor; we experience immense pleasure from a variety of intimate friendships; we are inspired by great artist, scientists and entrepreneurs. Effective relationships are of great benefit to us; a fact that a rational ethic must encompass.

What principles and virtues foster beneficial human interactions? The basic personal virtues of rationality, awareness, self-knowing, honesty, productiveness and integrity form a solid basis for reaping benefits from others - as they benefit from us. We prefer to deal with moral, principled people because they are productive and dependable. They represent a value, not a threat.

A uniquely social principle is that of voluntary, mutually beneficial interaction. It recognizes the merit of individuals trading value for value; not giving or taking undeservedly; not squandering value on others or defrauding them. This has elegantly been termed the Trader Principle. The principle recognizes the value of personal self-responsibility, authority and autonomy. People are individuals and can ultimately only successfully define and achieve their own goals. We cannot think for the irrational, be optimistic for the pessimist or satisfied for the discontented. We can also not make someone else feel genuine self-esteem. Yes, we can encourage others in these endeavors, but each individual must ultimately think their own thoughts, feel their own feelings, make their own decisions - live their own lives.

The Trader Principle rejects the notion that human interaction is a zero-sum game. Interactions can, and should be profitable to all parties. Exchanges that are voluntary are inherently deemed beneficial to all concerned, otherwise they would not engage in them. This is true not only for commercial transactions, but equally - and possibly even more importantly - for primarily emotional, psychological trades: friendships.

A healthy friendship is a mutually beneficial exchange of value - values such as positive character traits, skills, knowledge, intelligence, beauty and emotional support. We don't keep literal scorecards of these values traded, but once they become substantially lop-sided, the relationship suffers. One person sacrifices, the other loses independence - both undermine their self-esteem.

Understanding the potential and actual value of interacting with others on the basis of the Trader Principle encourages such virtues as justice, respect, tolerance and benevolence. Achieving successful relationships, both casual and long-term, is further enhanced by good psychological knowledge, as well as communication and social skills.

This morality encourages social virtues not as 'a price to be paid' for personal security or simply 'because one should', but as a direct extension of personal virtues. Moral social interaction cannot be based on self-sacrifice - sacrifice to family, society or nation. They must be based on the individuals' rational self-interest. Rational social principles foster our own optimal living - as well as that of others. It also advances diversity; yet it reduces social conflicts by providing a means of resolving them. A shared rational personal ethic forms the basis of social conduct, law and politics - conflicts are resolved using reason, not force.

## Ethics in Relationships

### Theoretical Aspects

Relationship management has become the focus of research in recent years. While some scholars conceive of relationships as subjective realities, others view them as objective. Still others see relationships as a combination of subjective perceptions and objective qualities of relationships independent of participants.

It has been pointed out that relationships should be a multidimensional notion. Further, six dimensions of relationship state have been proposed by some: reciprocity, trust, mutual legitimacy, openness, mutual satisfaction, and mutual understanding. Others have presented five dimensions: trust, openness, involvement, investment, and commitment. However, atleast four dimensions have been widely supported: trust, commitment, satisfaction, and control mutuality

The relational dimension trust refers to "one [relational] party's level of confidence in and willingness to open oneself to the other party". Trust has three sub dimensions: integrity, dependability, and competence. Integrity shows one party's belief of consistency and fairness in the other's behaviors. Dependability describes the consistency between one's words and behaviors. Competence indicates the extent to which one party believes the other has the ability to do what it says it will do.

The relational dimension commitment reflects "the extent to which one feels that the relationship is worth spending time and energy to maintain". Commitment has two sub- dimensions—continuance and affective commitment. Continuance commitment relates to behavior, whereas affective commitment concerns emotions.

The relational dimension satisfaction is defined as "the extent to which one [relational] party feels favorably toward the other because positive expectations about the relationship are reinforced". From the social exchange theory's perspective, both relational parties (e.g., a public and its organization) are satisfied with their relationship when they achieve a balance of rewards and costs. Satisfaction measures the favorable feelings expressed by relational parties.

Control mutuality refers to "the degree to which parties agree on who has rightful power to influence one another". Power imbalance is an important issue in control mutuality. However, power does not have to be equally distributed to maintain a stable relationship.

### Personal Ethics and Professional Relationships

Professional ethics is mostly played out in the daily interactions that one has with other people. What matters most to people is the honesty of the person standing right in front of them; rather than that of Satyam Computers or Enron. How you treat the people during your regular workday sets the stage for whether or not you will crash when the inevitable personal ethical crisis comes. Your core values must match what you say to others. Here, we're not just talking about the ethical no-brainers such as lying to coworkers or stealing company funds. We're talking about whether your everyday treatment of people, from poorest person to the richest reflects the ethical values that you hold dear. In a nutshell, do you treat people right?

Why don't you sexually harass your coworker? Because you respect him or her as a person and it would be unthinkable to drag that person through the pain and torment that harassment brings. What's stopping you from taking credit for someone else's work? Because you would not want the same thing to happen to you. Why

don't you take advantage of a customer's ignorance to cash in on a sale? It's because you understand that this destroys relationships and trust, which is what true success in business is built upon.

We are used to hearing about ethics from a punishment/consequences angle. Prison is not the primary reason you don't swindle your colleagues, tell casteist jokes, or wield power over weaker individuals. The reason is that there's a right and a wrong way to treat people. It's not about you, it's about them. And you don't need a corporate code of conduct to tell you.

You may wonder why a coworker becomes a heartless dictator after a promotion. Why does a normal person behave like a sexual predator when around certain people? The reason is that he or she lacks or has lost a healthy perspective on human value and dignity. Respect is what compels us to treat people right whether or not they deserve it.

Consider a situation where one human says or does something cruel to another. You may wonder how a person can do such horrible things to another person. You figure that the individual is hardened and must have no feeling or regard for others. That may be the case, or possibly the abuser was just a normal person like you who lost perspective. Sometimes we get so caught up in ourselves that we forget who we are talking to.

What the workplace sexual harasser and someone on trial for war crimes have in common is that they both dehumanized others. They see the object of their harassment as less than human - as "beneath" them. The act of dehumanizing others strips away another person's intrinsic value and worth. Even in a small amount, this leads to a slippery slope. Once this kind of attitude is allowed a little room to grow it can lead down a path that may "justify" the mistreatment of others.

Everyone has feelings. Everyone has hopes, dreams, ambitions, and passions. We need to view others in a spiritual dimension that goes deeper than what they look like or how much they know. There is something deeper within all of us that begs for respect and honor no matter who we are. We should treat each other as priceless human beings who have the same capacity and potential we do.

There's no reason why the person on the other side of the sales counter or the person who speaks another language isn't deserving of the same honor that you expect to have. Becoming an ethical person starts with your honest interactions with everyone. The root ethical failures in the huge things are no different from the small matters we deal with every day.

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## G. S. IV: ETHICS, INTEGRITY AND APTITUDE

**Attitude: Content, Structure, Function;**

**Its Influence and Relation with Thought and Behaviour;**

**Moral and Political Attitudes; Social Influence and Persuasion**

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# Attitude

## Content

Attitude is a bent of mind, predisposition of certain actions. It is a process by which the individuals learn as a result of experience to orient themselves towards objectives and goals. Attitude is associated with physical and mental state, verbal opinion, ideologies and above all an integrated philosophy of life. It is the detailed direction of human behaviour and is a stage of sensitiveness and proneness to act.

When we interact with others we are involved in finding out what they think. Moreover, we are not only involved in letting them know our opinions and beliefs but also try to change theirs. If we know someone's attitude about something, we feel we are in a better position to predict and explain what they will do, feel or think in a given situation. Advertisers, for example, are constantly trying to change our attitudes in such a way that we actually behave differently and buy that CD or extra pair of jeans that we don't need. Many a heated argument centres around differences in attitudes and this point to the emotional content of attitudes.

It is easy to see therefore that the study of attitudes is central to the study of people in social situations. How you see others, stereotyping, prejudices, attraction, voting, which subjects you study, your hobbies and interests, which TV programmes you watch, religious views, political views, who your friends are, whether you attribute blame/responsibility to someone, how you make decisions in a group – all of these reflect attitudes that you hold. So what exactly is an *attitude*?

It is difficult to arrive at a single widely acceptable definition of attitude. This is mainly because attitudes are abstract constructs, not something we can directly observe and are able only to infer them from behaviour. Another difficulty is that the word 'attitude' is used very widely and in diverse ways. However, here we list a few definitions of attitude in Box 1 below.

Attitudes are about things. There is an object involved about which we feel, think and behave in certain ways. An attitude object does not have to be an object in the concrete sense of things that can be touched. You can have an attitude about a film or a piece of music as well as about IPL. Whatever an attitude is about is referred to as the attitude object. Attitudes can be for or against something, favourable or unfavourable. They are closely related to behaviour, though any given piece of behaviour may reflect different or contradictory attitudes.

Attitudes are important because they shape people's perceptions of the social and physical world and influence overt behaviours. For example, attitudes influence friendship and animosity toward others, giving and receiving help, and hiring of ethnic minority job candidates. More dramatically, attitudes are at the heart of many violent attacks, including master-minded crimes against humanity.

There are two broad approaches to the analysis of attitudes. One looks at what all attitudes share, a common *structure*. The other looks at how attitudes differ, their *functions*.

### **Box 1: Some definitions of Attitude**

- An attitude is a complex tendency of the person to respond consistently in a favourable or an unfavourable way to social objects in the environment. (Proshansky and Seidenberg)
- An attitude is a mental and neural state of readiness, organized through experience, exerting a directive or dynamic influence upon the individual's response to all objects and situations with which it is related. (Allport)
- A learned orientation, or disposition, toward an object or situation, which provides a tendency to respond favourably or unfavourably to the object or situation. (Rokeach)
- An attitude is a predisposition to act in a certain way towards some aspect of one's environment, including other people. (Mednick et al)
- Attitudes are likes and dislikes (Bem)
- An attitude is a relatively enduring organization of beliefs, feelings, and behavioural tendencies towards socially significant objects, groups, events or symbols. (Hogg and Vaughan)
- Attitude is a psychological tendency that is expressed by evaluating a particular entity with some degree of favour or disfavour. (Eagly and Chaiken)
- Attitude is natural tendency of human being that is expressed by evaluating real and unreal objects in positive or negative form. (Panjwani)

### **Box 2: Difference between Belief and Attitude**

Consider these two questions:

- **Do you think that death penalty is an effective warning?**
- **How do you feel about death penalty?**

While, the first question assesses your beliefs about the death penalty; the second question assesses your attitude towards death penalty.

A belief is a conclusion regarding factual evidence, whereas an attitude is a belief that includes an emotional component as well. Attitudes reflect our feeling towards an issue or person.

## **Structure**

Most definitions of attitude tend to agree that attitudes are comprised of three components (the "ABC" of attitudes): affective, behavioural and cognitive components.

- The affective component consists of the person's emotions and affect toward the stimulus, especially positive or negative evaluations. For instance: "I am scared of spiders".
- The behavioural component consists of how the person tends to act regarding the stimulus. For instance: "I will avoid spiders and scream if I see one".
- The cognitive component consists of the thoughts the person has about that particular attitude object, including facts, knowledge, and beliefs. For instance: "I believe spiders are dangerous".

Though these three components are usually linked, but this may not always be the case; so it is important to consider all three aspects. For instance, there is evidence that the cognitive and affective components do not always match with behaviour.

These components are structured in such a way that the beliefs and values (cognitive and affective) combine to give the attitude which is a negative or positive evaluation of something about which we hold certain beliefs. This then gives rise to an intention to behave in a certain way resulting, in appropriate circumstances, in behaviour.

Two people can share the same belief or can share the same value but nevertheless have different attitudes. For instance, both may believe that meat is something edible but they might evaluate the eating of meat differently and so one of them might be a vegetarian whilst the other may not be. Similarly two people might value an attitude object in the same way but because they have different beliefs about it, their attitudes may be different. For instance, they might both value animals but one of them might think eating them causes more to be bred, which therefore means we are giving more animals a life than if we didn't eat meat, so it's okay to eat them. The other person, however, might think that breeding them for eating is exploitative, therefore immoral so it's not okay to eat them.

An important aspect of attitude is their link to decision making and behaviour. Attitudes make it possible to quickly access relevant information because they provide important links among pieces of information held in memory. Consequently, attitudes enable people to make decisions very quickly because they provide information for making choices. Relations between attitudes and behaviour can go either way. While, attitudes may control behaviour; behaviour sometimes controls attitudes too.

If a person is highly consistent with his feelings and beliefs then we can infer that his attitude is highly structured, and more strongly structured attitudes are easily accessible. Some measure of consistency is required between the three components of attitude; otherwise to evaluate any object a person would unnecessarily take a long time because of inconsistency.

Origin of attitudes is an important question that needs to be answered to better understand this concept. According to origin attitudes are divided into two categories – Explicit & Implicit Attitudes. The basic difference between these two types of attitudes is conscious and unconscious cognition.

- Explicit attitudes are characterized as the attitudes which are the result of conscious cognition, which means the person is aware of his or her attitude. Explicit attitudes are mostly affected by recent or more accessible events. These types of attitudes represent cognitive and motivational factors behind the assigning of attitude, more deliberate thinking is involved in it. Since self is involved more consciously in it so sometimes it is known as self reported attitude.
- Implicit Attitudes are derived from past memories, which are rooted in unconscious cognition. Sometimes unknowingly we attribute something for an object that is implicit attitude, which are governed by our past memories (sometimes forgotten memories) .We don't deliberately think over it. It just comes out from our self without an intention. Since cognitive part is absent in these attitudes so these are largely influenced by affective experiences and because of these experiences the act of the person affects implicit attitudes rather than explicit attitudes. This means implicit attitudes are more easily accessible if there is influence of contextual factors.

Since implicit attitudes are more closely related to affective experiences and culture is collection of feelings and emotions, so cultural biases have appreciable impact on implicit attitudes. Attitude towards any object depends on the cultural background of the perceiver also. For instance take the example of minorities anywhere across the world. It is seen that they usually underestimate themselves because they are from such cultural background in which people may not have much self confidence. This type of approach towards attributing self is known as Stereotype threat, in which negative characteristics of personality are more dominant than positive characteristics. Stereotype threat comes under self perception which is done in unconscious cognitive way.

The assumption behind the structural approach is that if we can see how values and beliefs combine in relation to very specific attitude objects, we should be able both to predict and explain someone's (intentional) behaviour. This approach may tell us what an attitude is but it does not tell us why people may have different attitudes. It doesn't say why people hold the attitudes they do or what function having the attitude serves for the person.

## Functions

Attitudes can serve various functions for the individual. Some of the functional areas are as follows:

### Knowledge

Attitudes provide meaning (knowledge) for life. The knowledge function refers to our need for a world which is consistent and relatively stable. This allows us to predict what is likely to happen, and so gives us a sense of control. Attitudes can help us organize and structure our experience. Knowing a person's attitude helps us predict their behavior. For example, knowing that a person is religious we can predict they will go to a temple.

### Utilitarian (Adaptive)

Some attitudes serve to enable people to attain particular, desired goals or avoid undesirable circumstances. They serve the utilitarian concept of maximizing reward and minimizing punishment. For instance, the attitude of consumers depends to a large extent on their perceptions of what is need satisfying and what is punishing. Because consumers perceive products, services and stores as providing need satisfying or unsatisfying experiences we should expect their attitudes toward these objects to vary in relation to the experiences that have occurred.

### Ego Defensive

Some attitudes serve to protect the person that holds them from psychologically damaging events or information by allowing them to be recast in less damaging or threatening ways. This inevitably may involve a degree of bias or distortion in the way the world is interpreted, but people will readily do this in order to preserve a particular (usually favourable) view of themselves or the world. This is accomplished by attributing external factors for negative outcomes and internal factors for positive ones. Take the example of failing to qualify an examination. Rather than showing negative attitudes towards our effort, we attribute negatively the difficulty level of the examination or evaluation criteria for not clearing the examination.

### Value Expressive (Ego Expressive)

Whereas ego defensive attitudes are formed to protect a person's self image, value expressive attitudes enable the expression of the person's centrally held values. The attitude is, consequently, 'part of who they are' and the expression of that attitude communicates important things about that person to others. For instance, consumers adopt certain attitudes in an effort to translate their values into something more tangible and easily expressed. Thus, a conservative person might develop an unfavourable attitude towards bright clothing and instead be attracted towards dark, pin striped suits.

#### Example:

Imagine you are very patriotic about being Indian. This might cause you to have an ethnocentric attitude towards everything not Indian. Imagine further that you are with a group of like-minded friends. You say: "Of course there's no other country as good as India to live in. Other places are alright in their own way but they can't compare with our mother country."

(There are nods of approval all round. You are fitting in - adaptive).

The people in the group are wearing Indian cricket shirts (This is the value-expression function).

Then imagine you go on to say:

"The trouble with foreigners is that they don't care for their parents. I went to the US last year and found that parents had to take an appointment before having dinner with their married children."

(Others agree with you and tell you of their similar experiences. You are making sense of things. This is the knowledge function).

Then someone who has never travelled takes things a stage further...

"I don't mind foreigners coming here through the legal route...but they shouldn't be allowed to live here illegally..... they are the ones mostly responsible for increasing incidences of crime in our society."

(Now the others in the room join in scapegoating foreigners and demonstrating the ego defensive function of attitudes).

## Attitude's Influence and Relation with Thought and Behaviour

### How does Attitude Influence our Thought and Behaviour

To what extent, and under what conditions, do attitudes drive our outward actions? What is the relationship between what we are (on the inside) and what we do (on the outside)?

In the early days of attitude research, most investigators accepted as a given that human behaviour is guided by social attitudes. It was assumed that attitude was the key to understanding human behaviour. Moreover, early work with the attitude construct gave no reason to doubt this assumption. Yet some investigators challenged this view. They argued that the attitude-behaviour relation works the other way around, with our behaviour as the horse and our attitudes as the cart and that people's expressed attitudes hardly predicted their varying behaviour. For instance, student attitudes toward cheating bore little relation to the likelihood of their actually cheating.

A number of studies on the attitude-behaviour relation assessed verbal attitudes and observed actual behaviour that they expected to be related to attitudes. For anyone inclined to rely on attitudes to predict and explain human behavior, the results of these studies were not very encouraging: Attitudes were usually found to be very poor predictors of actual behavior, and many began to worry about the utility of the attitude construct. Taken as a whole, these studies suggested that it was considerably more likely that attitudes will be only slightly related to overt behaviors.

### When do Attitudes predict Behaviour?

Researchers have discovered that people are more likely to behave according to their attitudes under certain conditions. This is particularly so when attitudes are a result of personal experience, when one expects a favourable outcome, when the attitudes are repeatedly expressed, when one stands to win or lose something due to the issue under consideration, when situational factors that contradict our attitudes are weak, when we are aware of them and when they are strongly held. Our behaviour and our expressed attitudes differ because both are subject to other influences. But if we could just neutralize the other influences on behaviour—make all other things equal—then attitudes can predict behaviour fairly accurately. The following points explain in detail the conditions under which people are more likely to behave according to their attitudes.

- **Strength of Attitude**

One important condition for high attitude-behaviour consistency is that the attitude be strong and clear. Strong attitudes are typically stable, have personal implications, and are held about personally important issues about which one feels extreme and certain. They are often formed through direct experience and become highly accessible as a result.

Another factor that strengthens attitudes is rehearsing and practicing them. Attitude-behaviour consistency is greater when people think about and express their attitudes, presumably because this helps to strengthen the attitude. Strong attitudes are often highly embedded attitudes; that is, they are tied to other beliefs that people hold. Embedded attitudes, therefore, should predict behaviour well.

Another source of attitude strength comes from having some vested or selfish interest in the issue. Important attitudes are ones that reflect fundamental values, self-interest, or identification with individuals or groups that an individual values. Such attitudes are highly resistant to persuasion and also show a strong relationship to behaviour.

- **Stability of the Attitude**

Stable attitudes that are easily remembered are more likely to predict behaviour than attitudes that are less stable and not accessible in memory. When people's attitudes are unstable, their current attitudes predict behaviour more than the attitudes they held some months or years ago. Therefore, consistency between attitudes and behaviour is at a maximum when they are measured at about the same time. Longer time intervals diminish the attitude-behaviour correlation because attitudes change. Also, people and situations change.

- **Accessibility of the Attitude**

Attitudes that are more accessible in memory influence behaviour more strongly. A primary factor that determines whether an attitude is accessible in memory is how frequently it is expressed. Attitude accessibility also influences how people process persuasive messages. The more accessible the attitude, the more likely a person will be to elaborate on the persuasive message as opposed to processing it heuristically.

Attitudes also become more extreme when they are expressed more frequently. That is, the more opportunities you have to express an attitude, the more you come to regard that attitude as important to you.

- **Salience of the attitude**

In most situations, several different attitudes may be relevant to behaviour. Salience is particularly crucial when the attitude is not a very strong one. When an attitude is strongly held, presumably it does not have to be brought forcefully to the person's attention to be strongly related to behaviour.

- **Affective vs. Cognitive Aspects of an Attitude**

Some attitudes depend heavily on cognitions to back them up, that is, beliefs about the attitude object. Other attitudes are more affectively based, dependent on the positive or negative feelings or emotions that a person associates with an attitude object. Making the affective component of the attitude more salient increases the influence of the affective component over behaviour, whereas making the cognitive component more salient makes the cognitive component the stronger determinant of behaviour. However, when the cognitive and affective components of an attitude are consistent with each other, it does not matter which is made more salient: both will be highly correlated with the behaviour when either is made salient.

## Moral and Political Attitudes

### Moral Attitudes

Moral development implies one's reasoning about morality, his attitude toward moral lapses, and behaviour when faced with moral issues.

The basic components of morality include the following:

- Cognitive: knowledge of ethical rules and judgments of what is good and what is bad.
- Behavioural: the person's actual behaviour, his response to situations involving ethical considerations.
- Emotional: it involves the person's feelings and conduct in reaction to situations that need moral and ethical decisions.

It has been argued that a child's cognitive capabilities determine the growth of his moral reasoning. Further, moral development builds on concepts acquired in various stages, such that attainment in each stage becomes a product of previous stages.

### Stages of Moral Behaviour

To provide a conceptual framework for analysing moral-cognitive development, Kohlberg has constructed six stages, or three levels each of which includes two stages of development. These are well known and shall be summarized briefly. Each of the Kohlberg levels of moral-cognitive development is primarily defined by the "socio-moral perspective" which the actor takes in making decisions on socio-moral problems.

- Level 1: Pre-conventional Morality
  - Stage 1 (Obedience and Punishment Orientation): Individuals focus on the direct consequences of their actions on themselves.
  - Stage 2 (Naïve Hedonistic and Instrumental Orientation/Self-Interest Driven) espouses the “what’s in it for me” position, in which right behaviour is defined by whatever is in the individual’s best interest.
- Level 2: Conventional Morality – Conventional Rules and Conformity
  - Stage 3 (Good Boy Morality): The self enters society by filling social roles. Individuals are receptive to approval or disapproval from others as it reflects society’s accordance with the perceived role. They try to be a “good boy” or “good girl” to live up to these expectations, having learned that there is inherent value in doing so.
  - Stage 4 (Authority and Morality that Maintain Social Order): It is important to obey laws, dictums and social conventions because of their importance in maintaining a functioning society.
- Level 3: Post-conventional Morality – Self Accepted Moral Principles
  - Stage 5 (Social Contract Driven): The world is viewed as holding different opinions, rights and values. Such perspectives should be mutually respected as unique to each person or community.
  - Stage 6 (Universal Ethical Principles Driven): Moral reasoning is based on abstract reasoning using universal ethical principles. Laws are valid only in so far as they are grounded in justice, and a commitment to justice carries with it an obligation to disobey unjust laws. Rights are unnecessary, as social contracts are not essential for deontic moral action.

#### **Elliot Turiel' Moral Rules:**

*“Even very young children can distinguish moral rules from what are dictated by conventions & are accepted ways of doing things.”*

- It is seen in standard of dressing and even in speech.
- Moral rules manifest a concern for the welfare of others and are not influenced by opinion.

*“Moral acts such as hurting someone or hitting somebody as part of a game cannot be legitimized actions. The youngest children however were less clear about acts leading to psychological harm, such as name calling as part of game”*

#### **Difference between Men's Moral Voices and Women's Moral Voices**

##### **Men**

- Justice
- Rights
- Treating everyone fairly and the same
- Apply rules impartially to everyone
- Responsibility toward abstract codes of conduct

##### **Women**

- Care
- Responsibility
- Caring about everyone's suffering
- Preserve emotional connectedness
- Responsibility toward real individuals

## Difference between Men's and Women's View of the Self

Men	Women
• Autonomy	• Relatedness
• Freedom	• Interdependence
• Independence	• Emotional connectedness
• Separateness	• Responsiveness to needs of others
• Hierarchy	• Web of relationships
• Rules guide interactions	• Empathy & connectedness guide interactions
• Roles establish places in the hierarchy	• Roles are secondary to connections

## Political Attitudes

It is political attitudes that determine how people participate in the political process, whom they vote for, and what political parties they support. Many factors including - family, religion, caste, ethnicity, and region – all contribute to the political attitudes and behaviour.

It has been argued that the development of political judgment represents a part of moral development and that political and moral education is largely identical. Political culture is a subjective psychological phenomenon that appears in the process of interaction between individuals and the political system.

Lasswell tried to specify the personality character or traits of a "democrat". His list of "democratic" traits included:

1. Open ego (warm and inclusive attitude toward other human beings,
2. Capacity for sharing values with others,
3. A multi-valued rather than a single valued orientation
4. Relative freedom from anxiety

Lasswell's democratic qualities are not specifically political attitudes and feelings, and they may actually be encountered in great frequency in societies that are not democratic in structure. As Lasswell noted, political behavior and political attitudes stem from personality structure.

### Personality traits and political attitude

Personality traits	Attitudes	Behavior in everyday life	Political behavior
Openness Extroversion	political attitude	Parents should take into consideration children's opinions	Respect for differences
		Husband and wife are equal in marriage	Tolerance
		Progressive education	Citizens' initiative

A nation's political culture is a dominant distribution of patterns toward political objects. This orientation includes: 1) cognitive orientation 2) affective orientation, and 3) evaluative orientation -judgment and opinion about political objects. Establishing a democratic culture entails developing several personality dimensions that

were repressed in other political systems. Among others, these dimensions are reflective thinking, critical thinking, creative thinking, and self-confidence which is very much connected with cooperation and sharing.

### Political Attitude and Personality

Personality has five basic dimensions that interact with external influences including culture, in shaping the skills, habits, tastes, and values which construct the characteristic adaptation of the individual. All personality tests are based on statements which correspond with the expression of behaviour. As the personality theory clearly explains, psychologists study personality based on expressed behaviours. Further, personality is shaped in a certain way because of contact between individual and their environment. The quality of contact depends on culture, personal experiences, and influences by socialization agents. The two personality dimensions: openness and extroversion, influences political attitudes.

### Political Attitude and Socialization

Specific groups that carry out socialization are called agents of socialization. Our society relies on four major agents of socialization: family, media, school, and peers.

This process does not develop in the activists a stable core of political attitudes or cognitions. Rather, it produces a particularly open and flexible political learning style. Agents of socialization represent society and act on its behalf. Although socialization can occur outside of the realms of these agents, society relies on them to do most of the socialization. Totalitarian regimes may attempt to establish official agents of socialization to promote their political agenda. Thus, regardless of whether agents of socialization function in democratic, totalitarian, or other political and economic system, each agent plays a role in moulding personality.

Individuals learn and practice specific patterns of political culture and are taught political values through the process of political socialization. For example, at young age, individuals learn to pledge allegiance to the flag, sing the national anthem, and obey authority figures. It is families, friends, teachers, and the media that influence these and many other behaviours and values. For it does appear that the development of political attitude springs from early learned habits of mind and character, and from a flexible learning set which makes continuous revision of political positions bearable within the context of sustained political involvement.

## Social Influence

Social influence can be defined as a change in behaviour caused by real or imagined pressure from others. The most effective social influence attempts to succeed in changing a person's attitudes and behaviour. But changing someone's attitude is not necessary for social influence to occur; all that's required is behaviour change.

### Categories of Social Influence

Three major categories of social influence: conformity, compliance, and obedience are generally considered.

- Conformity involves changing one's behaviour to match the responses or actions of others, to fit in with those around us.
- Compliance refers to the act of changing one's behavior in response to a direct request. The request may come from sources as distinct as friends.
- Obedience is a special type of compliance that involves changing one's behavior in response to a directive from an authority figure.

## Goals

### To Choose Correctly

- People often rely on two powerful psychological principles to help them choose correctly: authority and social validation. Thus, they are more willing to be influenced by authority figures, on the one hand, and similar peers on the other.
- One reason authorities are influential is that they are often expert, and, by following an authority's directives, people can usually choose correctly without having to think hard about the issue themselves.

- Just as following an authority is normally a shortcut to choosing correctly, so is following the lead of most of one's peers. The choices of these others provide social validation for the correctness of that choice.
- People are most likely to allow themselves to be influenced by others when they are uncertain about how to respond in the situation—because when uncertainty and ambiguity reign, people lose confidence in their own ability to choose well.
- When others share a consensus about the correct way to act, they are especially influential to observers.
- In addition, observers are more likely to be influenced by others who are similar to them and who, therefore, provide better evidence about what the observers should do.
- When choosing accurately is important, only uncertain individuals are more likely to follow the crowd; those who are already sure of the validity of their judgments are less willing to conform.

### To Gain Social Approval

- People change in order to be more accepted and approved by their groups and to avoid the social rejection that often comes from resisting group pressure for change.
- Injunctive standards of a group or culture inform people as to the behaviours that are likely to get them accepted or rejected there.
- One such norm is that for reciprocity, which obligates people to give back to those who have given first. Anyone who violates this norm risks social disapproval and rejection, which makes people more willing to comply with requests of those who have provided an initial favour or concession.
- Usage of *The door-in-the-face tactic* engages the tendency to reciprocate concessions. It begins with a large favour likely to be rejected and then retreats to a smaller favour.
- The desire for social approval and a collective self-definition both increase one's willingness to submit to social influence in order to gain acceptance. But a tendency for rebelliousness decreases one's susceptibility to social influence, especially when the influence is seen as threatening one's freedom to decide.
- Two features of a person's social situation increase the motivation to go along to get along: the appeal of the group or individual pressing for change and the public observability of the person's actions.
- Even strong group norms can be resisted when members feel that they have the ability to withstand group influence or when members don't feel highly identified with the group.

### To Manage Self Image

- People can manage their self-images by yielding to requests for action that fits or enhances their identities.
- Influence professionals can increase compliance by linking their requests to the values to which people feel committed, especially when these values are prominent in consciousness.
- Several influence tactics (the foot-in-the-door, the low-ball, the bait and switch, and labelling) work by establishing an early commitment that links a person's identity to a desired course of action.
- These commitments are most effective when actively and publicly made, particularly when they are also made with free choice.

## Persuasion

Effective persuasion is a process which involves negotiating and learning through which a persuader leads colleagues to a problem's shared solution. It incorporates discovery, preparation and dialogue. It is about testing and revising ideas in concert with one's colleagues' concerns and needs.

The principal purpose of persuasion can be defined as being able to influence or change one's attitudes, beliefs or values towards a particular subject/object, so that these will merge and finally equal the persuader's thoughts and feelings.

Attitude= A predisposition to respond to people, ideas, objects, or events in evaluative ways.

Beliefs= the ways people perceive reality to be; our conceptions about what is true and what is false.

Values= People's most enduring judgements about what's good and bad in life.

The goals are persuasive skills

- When one seeks to influence an audience's attitudes about an issue.
- When one seeks to influence an audience's beliefs or understanding about something.
- When one seeks to influence an audience's behavior.
- When one seeks to reinforce an audience's existing attitudes, beliefs or behaviors.

## Persuasion and Attitude Change

Formation and change of attitude are not two separate things - they are interwoven. People are always adopting, modifying or relinquishing attitudes to fit their ever changing needs and interests. Acceptance of new attitudes depends on who is the communicator, how the communication is presented, how the communication is perceived by the message receiver, the credibility of the communicator, and the conditions under which the knowledge was received.

Attitudes change when:

- A person receives new information from others or media - Cognitive change
- Through direct experience with the attitude object - Affective change
- Force a person to behave in a way different than normal - Behavioural change

Attitudes change, based on how a person perceives the communication and the communicator. Less committed people will change ideas more frequently. Attitude change also has to do with other personality characteristics such as susceptibility to persuasion, intelligence, readiness to accept change, etc. People are more likely to accept information if they feel the communicator has no intent to change our attitudes and opinions.

## Two Routes to Persuasion

There are two routes leading to persuasion: Central Route and Peripheral Route.

- Central Route occurs when the attitude of an audience is changed because of thoughtful consideration of the message. The central route to persuasion is sought when the receiver has high-involvement information processing—whether the person ponders the content and logic of message. It involves a more logical, thought-out process and generates a number of cognitive responses to the communication. It leads to more enduring attitudinal change.
- Peripheral Route involves persuasion via incidental cues. e.g. speaker's attractiveness, expertise, pictures, sounds, etc. It tends to appeal to emotions rather than cognitions. It triggers temporary liking or acceptance and works best for audiences who are neither analytical nor involved with the issue. The peripheral route to persuasion is used when the receiver has low-involvement information processing persuasion depends on non-message factors; for example, if the message-receiver thinks: "That speech has a lot of statistics in it, so I have positive feelings about the message."

## Functions and Purpose of Persuasion

The function or purpose of persuasion will depend on how strongly the audience holds an attitude. In relation to the persuader's opinion, audience may have attitudes that fall anywhere on a continuum as below.

-2 ----- -1 ----- 0 ----- +1 ----- +2

-2 = strongly opposed, -1 = moderately opposed 0 = neutral or undecided +1 =moderately in favour, +2 = strongly in favour.

The persuader needs to select a purpose that is realistic for his/her audience. Five general purposes of persuasion are listed below.

- Create uncertainty: When an audience is strongly opposed to the persuader's view, the best that may be possible for the persuader is to make the audience a little less certain they are right, a little less comfortable with their current attitude.
- Reduce resistance: If the audience is moderately opposed to the persuader's position but not closed-minded, the persuader may be able to reduce opposition to his/her view and move the audience toward neutrality. While not expecting a reversal of views this goal asks the audience to recognize the validity of opinions different from their own.
- Change attitude: If the audience is not committed, especially strongly, to any attitude on the topic this goal is appropriate.
- Amplify attitude: If the audience is already moderately favourable to the persuader's view, he/she can design a message which will reinforce current attitudes in the audience, help the audience resist appeals from opponents, and motivate the members of the audience to become strongly committed to his/her position.
- Gain behavior: When an audience strongly favours the persuader's position, the logical goal is to get them to act on their convictions.



## Steps in Persuasion Process

- **Establish credibility** Credibility grows out of expertise and relationships. A persuader needs strong emotional characteristics and integrity. The need to listen carefully to other people's suggestions and establish an atmosphere where their opinions are valued.
- **Framing common goal with colleagues**- Effective persuader must be adept at describing the position in terms that illuminate the person's point advantages that he/ she is trying to persuade. It is a process of identifying shared benefits. This requires conversations to collect essential information by asking thoughtful questions. This process will often prompt to alter the initial argument or include compromises.
- **Reinforce positions with vivid language and compelling evidence**: Persuasion requires presentation of evidence — strong data in multiple forms (stories, graphs, images, metaphors and examples). Persuaders need to make positions come alive by using vivid language that complements graphics.
- **Connecting emotionally with audiences**: Good persuaders are aware of primacy of emotions and are responsive to them. They know how to maintain a balance between professionalism and their own emotional commitment to the position they are advocating. Their connection to their audience demonstrates both intellectual and emotional commitment to their position. Successful persuaders cultivate an accurate sense of their audience's emotional state, and they adjust their arguments accordingly. Whatever their position, they must match their emotional fervour to their audience's ability to receive their message.

## The Good, the Bad and the Ugly Influence

The outcomes of persuasion could be good, bad or ugly depending on the modes of tactics and contexts in which they are employed

- Ugly influencers push and shove others into decisions. Their style leaves others feeling powerless and resistant to innovation or change.
- Bad influencers might work hard to achieve legitimate and desirable goals, but lack the skills to influence effectively. Their style causes people to feel they are being punished or cutting through red tape, all to please someone who appears ineffective.
- Good influencers get people to focus on an issue that is clearly and simply stated, finds out what the emotional value of the issue is to the people involved, and seeks solutions that satisfy the people who are needed to make the solution work. Good influencers are effective because they create trust, which enables others to take risks. Their habit of communicating, informing and including others builds loyalty.

The desire for social approval influences willingness to change. Two social approval related aspects of the person can affect persuasion. The first is the personal trait of self-monitoring. High self-monitors are more attuned to interpersonal rewards such as those that come from holding socially appropriate or admired attitudes. As a result, they are more likely to be influenced by advertisements that emphasize socially appealing images. Two features of the situation also affect persuasion through their impact on the desire for social acceptance. First, the nature of the audience to whom one reports persuasion influences the amount of persuasion reported; the most occurs when reported to a persuader and the least when reported to an observer. These reports of persuasion can actually reflect true attitude change when, in the process of shifting a position, one is inspired to think differently or more deeply about the issue. Second, when one expects to discuss a topic after receiving a persuasive message, the social appropriateness of one's position becomes more relevant, and people are more likely to change to gain social approval. Both of these tendencies are amplified when the goal of social approval is salient.

## Case Study 1

Ganga is a software engineer working for Alsec Technologies. She was thrilled to receive a job offer from their competitor. Novatex Systems, whom she greatly admired both as an industry leader and as an ideal employer. The position that was offered was just what she had always wanted. She discussed the offer with her husband Vishnu. He raised couple of questions, which began to trouble her. He asked her about the big project that she had been working on. He reminded her that she was the driving force behind the project. He said, if you leave Alsec now, they could be in big trouble. Vishnu wondered whether her leaving would not be a let down to the company and the whole project team.

She had done well in Alsec and the company had treated her well. The issue is what is right for you to do, and not what the company would or would not do. Both are competing firms. It's like switching sides. It's not just loyalty to the company, but to the people you work with. Novatex needed somebody right away. But they gave her some more time to think about the offer. It was a big opportunity as far as she was concerned. Her conversations with Vishnu had troubled her and she started wondering whether she would be right in accepting an offer which she had wanted so much.

- What should Ganga Do? What ideals, obligations and effects should she take into account
- Would it be unprofessional of Ganga to drop everything and move to Novatex? Would it show lack of integrity? Could moving abruptly have negative career consequences for her?
- Is it morally wrong, morally permissible or morally required to take up the new job? Examine Ganga's choice.

To answer the above Questions consider the following

### What Are the Relevant Facts?

1. Ganga is a software engineer working for Alsec, but currently she is not in a job that she always wanted.
2. She received an offer from Novatex, but her husband reminded her about how important she is for Alsec at this moment.
3. She passed comments about her colleague who switched sides of the competing firm.

### What Are the Ethical Issues?

1. Should Ganga join Novatec despite the fact that she is the driving force of the current project?
2. On what grounds are Ganga's decision should be taken?

### Possible Solution

Currently, Ganga's present employer considers her a top performer and treats her well. A competing company wants her. She has the right to listen to their offer.

She hit a career plateau and this dangled position represents a growth opportunity, and she owe it to herself to hear what they offer, driven by curiosity or career ambition.

If she wisely realize, her current employer may view this as disloyalty. You can mitigate this risk by maintaining clear ethical boundaries.

- First, when she listens to the competing company's offer, she should make sure they should not tell her anything they wouldn't want her to know if she continues to working for her current employer. This warning prevents her from burning a bridge and increases their respect for her professionalism.
- Second, before she accepts a competitor's offer, she can give her current employer the chance to make a competing offer.
- Third, if she leaves her current company, she should play fair with them, by completing the current project she is associated with because ethics require that she does not walk out the door with proprietary information.
- Fourth, she should make sure to her current employer, admitting she simply took a promotional opportunity and she'll ease the concerns of the clients who negatively view employees who switch between competing companies.

- Next, in weighing the two options, she should ask herself which she might regret more a year from now taking a risk and moving to a job she liked or losing a potentially good opportunity in the current company. With that in mind, either call her competitor and say "no thanks" or hear them out.

## Case Study 2

You are the engineering manager for the Road Commission with a primary responsibility for district road safety. At least 1 person has died along a given stretch of road each of the last 7 years by crashing into a roadside tree. Many other accidents have occurred. Two law suits were filed regarding the unsafe segment of the road, but were dismissed because the drivers were exceeding the 45 mph speed limit. You recommend that the road be widened, resulting in cutting down ~30 old trees. Environmental groups protest, and file a petition signed to 150 people to save the trees. Public debate falls on both sides of the issue.

"Discuss how you will proceed at this point."

Societal values: A variety of societal values pertain to this situation. Society values human life, so this would favour widening the road and sacrificing the trees. Society also values following the law. Since it can be argued that people in the accidents were speeding, and therefore violating the law, perhaps leaving the road is fine.

Steps that I will follow

1. First, I would hold a public meeting to inform public. It should be noted that minimum no of people on the petition is a small fraction of persons affected (up to 60,000 in town, so there could be a silent majority in favor of widening the road). Explain why technically the best solution is to widen the road.
2. The district should widen the road and remove trees from the right-of-way for optimal safety.
3. The district should consider relocation of the displaced trees to other public property (a park, etc).if possible and plant double the number of trees.

This solution accommodates both public safety which is a human ethics and environmental preservation, part of environmental ethics.

## Case Study 3

In the past month one of your employees has shown a major decline in performance when dealing with citizen redressal. Though this decline has been on-going for the past six months it was particularly sharp during the course of the last month and you receive a lot of complaints In addition, she started coming in late, seeming very frustrated with her work. Her frustration is influencing the atmosphere in the office as she is a popular employee and has been working for the company for the past two years.

**The following are the course of Action that will be taken by anyone depends on his personality/character and values he holds and organisational Values. What will you choose and justify the answer.**

1. I call her for a talk and try to get down to the source of the problem. I explain that this behavior is bad for all who are involved, including her. I express my true will to help her with this rough patch in the condition that she works with me and not against me.
2. Demotion is the most appropriate solution. I replace her and assign her with back office tasks. Employees are being measured by accomplishments and if she doesn't make the requirements then I don't have a choice. In addition she is a respected worker in the staff and I have to stop her from deteriorating all the other employees.
3. I call for a staff meeting to talk about the negative atmosphere and make sure that the employee is not there so that there won't be any rejections.

4. She has been working for the past two years. Everyone has periods that are not the best and part of my job is to be sensitive when it is called for and "cut her some slack" on this one.

## Case Study 4

A co - worker is undermining you. At the moment he has the least senior position in your department and is less experienced. However, he has impressive academic achievements and is very talented. You are informed that he is interested in getting some of the authorities that you hold.

**What do you do and why? Choose one of the options below and state the reason involving values you learnt in the course of your life.**

- A. I wait to see how things develop; it is not fair to act just because a third party said something without me having solid proof.
- B. I call him in for a clarification talk and ask him to stop at once. I explain that cooperation is a better way to work and that we can both learn from one another. If he refuses to understand I take more serious steps.
- C. I do not take any chances with these issues, I must take advantage of the fact that I am now ahead. I report this to my supervisor, and advise him to reconsider a replacement.
- D. I do not want to make a "big deal" out of this and so I ask the third party to imply to him that his behavior is unacceptable.

## Case Study 5

A Diamond watch has been stolen in a Gil Gil Diamond Merchant store. Adi, a jewellery salesman, was the only person observed handling the watch based on Vinay's study on CCTV tapes, though it cannot be exactly determined if Adi stole the watch. He has failed a lie-detector test unlike other employees. Vidya is the Manager and she notes that there is a flaw in Adi's application and are not consistent with previous work experience. She would not have noticed the irregularities on Adi's application had it not been for Vinay's suggestion. She also does not think it is fair to let Adi continue working if he did steal the watch; however, she feels that he is also innocent until proven guilty despite the circumstantial evidence.

**What Are the Ethical Issues?**

1. What are the typically appropriate grounds for terminating an employee who is suspected of theft?
2. If an employer has very strong circumstantial evidence that an employee is guilty of theft but the evidence is not conclusive, is it ethical to terminate the employee on the basis of factors that were not themselves the real reason for the termination?
3. What are the moral rights of employees suspected of theft?

**Who Are the Primary Stakeholders?**

1. Vidya
2. Vinay
3. Adi
4. All other employees of the store

**What Are the Possible Alternatives?**

- Fire Adi based on the discrepancies in his application form.
- Do nothing

**What Are the Ethics of the Alternatives?**

1. What burdens would be placed on Adi if he is not told the real reason for his termination? What burden would be placed on Vidya if Adi is told the real reason for his termination? Which of these two ways of distributing burdens is most fair?
2. If Adi is terminated, who benefits and who is burdened? Who benefits and who is burdened if Adi is not eliminated? Which distribution of benefits and burdens is most fair?
3. If Vidya fires Adi for a paperwork technicality, should she follow suit and check the other members of the jewellery department of the store?
4. If Adi really did steal the watch, is it fair for him to be able to continue his employment?

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**G.S IV**

**Aptitude and Foundational Values for Civil  
Service & Dedication to Public Service**

**VISION**

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VISION

## **SECTION A: INTRODUCTION**

***The best way to find yourself is to lose yourself in the service of others***  
***-Mahatma Gandhi***

Governance is a term that is widely used in public debate these days & is seen as a solution, to many problems if not all, that beset the country like corruption, poor delivery of public services, law & order etc. Governance is the act of governing through decision making & leadership processes. In the modern Nation-States generally these processes are administered by the Government. It entails interaction between government & other actors of the social sphere. In a Parliamentary democracy like India, the ultimate responsibility for running the administration lies with the elected representatives of the people which are the ministers.

As a handful of elected representatives cannot be expected to deal with all the levels of administration of the country, the power has been delegated to civil servants, who then supports the government in developing and implementing its policies as well as service delivery i.e. the executive decisions are implemented by the Civil Servants.

The Civil Services is the backbone of the administrative machinery of the country & refers to the permanent bureaucracy of the Government. While the provision of adult franchise & electoral democracy provides an enabling environment for the practice of democratic governance, it is the quality of people who must have not only the required skills and knowledge, but also the right values which would include integrity, commitment to public service and above all, commitment to the ideals and philosophy embodied in the Constitution.

## **SECTION B: CONSTITUTIONAL VALUES**

Our constitution is committed towards certain principles to its people as prescribed by the preamble, they are:

- **Sovereignty**- It essentially means the people of country are sovereign & elect their representatives to govern them in the best possible manner.
- **Socialism**- It means ownership of means of production belongs to the people as a whole which indicate distributive justice.
- **Secularism**- State should not discriminate negatively or positively towards any religion
- **Democracy**- Rule by people
- **Republic**- It means that supreme power lies in the body of citizens. Head of the state is elected & not a hereditary institution like the monarchy.
- **Justice**- Social, economic & political. Which essentially means the society progress together without any sections left unattended to & rule of law prevail throughout the country.

- **Equality**- of status & opportunity seeks to empower the marginalized sections of the society with certain affirmative action.
- **Fraternity**- means common brotherhood of all Indians, assuring the dignity of all individuals.

Preamble clearly states that the people of India are sovereign & the constitution confers the right on every citizen of India to exercise adult franchise to elect their representatives to govern them. These representatives then are expected to work towards upholding the spirit & values of the constitution & give to its people their right to equality, justice & a democratic government & make this country liberated from the inequality, injustice to people, poverty & many of the ills that haunt the country in its face even today, thus create an independent nation in the true sense!

## **SECTION C: Constitutional & Legislative provisions**

Civil Services in India can be grouped in 3 categories:

- All India Services – Its members serve both the union & the State
- Central Civil Services- Its members serve only the central government.
- State Civil Services- Its members serve only the respective state government.

Following are the acts & legislations for the civil services:

- 1) **Art 309**- This Article empowers the Parliament or the State Legislature to make laws to regulate the recruitment and conditions of service of persons appointed to public services in connection with the affairs of the Union or the State respectively.
- 2) **Art 312**- This Article empowers the Parliament to make laws to create one or more all-India services (including an all India judicial services) & to regulate the recruitment and conditions of their service.
  - IAS & IPS are services deemed to be created by parliament under this article.
  - **Constitution 42<sup>nd</sup> Amendment Act 1976**- It made provisions for constituting an All India Judicial Services, which has not yet been formed.
- 3) **All India Services Act 1951** – An Act which empowers the Central Government to make rule & regulate the recruitment & conditions of service of person appointed, to the AIS (viz. Indian Administrative Services, Indian Police Services & Indian Forest Services) after consultation with the Governments of the States concerned (including the State of Jammu and Kashmir)

**Key objectives of creating AIS were:**

- Preserving national unity and integrity and uniform standards of administration
- Neutrality and objectivity - non-political, secular and nonsectarian outlook

- Competence, efficiency and professionalism - at entry by attracting the best and brightest
- Maintain integrity & idealism throughout the career.

- 4) **The Central Civil Services Conduct Rules, 1964** – To maintain integrity in public service the conduct rules were notified in 1964, which stipulate certain guidelines for the Civil servant to perform the duty with full devotion; perform the task assigned in a set time frame; shall discharge their duty in a courteous manner & shall not adopt dilatory tactics in their dealings with the public & the likes that are uncalled for like accepting bribe etc, from a civil servant.
- 5) **The All India Services Conduct Rules 1968**- To maintain integrity in public service the conduct rules were notified in 1964, which stipulate certain guidelines for the Civil servant to perform the duty with full devotion; perform the task assigned in a set time frame; shall discharge their duty in a courteous manner & shall not adopt dilatory tactics in their dealings with the public & the likes that are uncalled for like accepting bribe etc, from a civil servant.
- Though we have Code of Conduct Rules enumerated in the Central Civil Services Conduct Rules 1964 & All India Services Conduct Rules 1968 for the Civil Servants in the form of certain guidelines to follow while discharging of one's duty, however they do not lay down the values & morals in the form of a Code of Ethics, that they should imbibe in their persona to do justice with public service.

- 6) **Code of Ethics, 1997** – It was the first initiative to introduce the code of ethics for public servants in India, which was considered a step towards better governance. The salient features of the code were as follows:

A public servant should:

- Uphold the rule of law & respect human rights
- Maintain objectivity & transparency in their conduct with the public & in discharge of their duties
- Maintain utmost impartiality in respect of service matters
- Be accountable for their actions for timeliness of delivery, quality of service etc & be accessible to the people
- Ensure effective & efficient use of public funds & avoid extravagance.
- Not exploit their position of power for any personal gains.

The code was considered by a group of ministers but was not issued as code of ethics for public servants unfortunately.

- 7) **Draft Public Service Bill, 2007**- Again in 2007 Department of personnel drafted Public Service Bill. It extends to the whole of India & state. It envisages a moral behavior from the civil servants & enumerates certain values which should guide the Public Servants in the discharge of their functions which are as follows:

- Allegiance to the Constitution and the law, democracy, nationalism, sovereignty & integrity of India and the security of the nation
- Function in apolitical manner, act objectively, impartially, honestly, equitably, and in a fair and just manner
- Act with integrity and in a courteous and just manner
- Establish high standards, and ensure quality service, effective working and prompt decision making
- Be accountable for the decisions
- Establish merit as the fundamental principle in employment, promotion and placements
- Discharge functions with due regard to diversity of the nation/community and religion but without discrimination of caste, community, religion, gender or class and duly protecting the interest of poor, underprivileged and weaker sections;
- Provide honest, impartial and frank advice to political executive;
- Ensure that public money is used with utmost economy and care;

The bill is still under consideration. However it tries to fulfill too many objectives apart from a code of ethic like norms for appointments to public services etc. Thus it might get difficult to gain consensus on all such issues & pass this bill.

## **SECTION D : Aptitude & Foundational values for Civil Servants**

***Why is it important?*** – Some people do ask the question often, why is there such a stringent selection procedure to be a civil servant? After all it is just a job! However that is not the case. Civil Service is the backbone of the administrative system of the country. It is the civil servants who translate the law into action.

In order to be able to do that a civil servant must have knowledge of his responsibilities, awareness of the issues & ground reality that haunt the country, knowledge to deal with crisis situations & deliver his duties with utmost professionalism, without prejudices to the diverse set of opinions & beliefs of people & parties & be able to make quick decisions in the hour of need & be compassionate towards the weak & passionate to make this country a better place, are few of the traits that a civil servant need to possess.

If civil service machinery fails to deliver, the entire governance system is bound to fail!!! That explains the seriousness of civil services & that requires one to possess certain traits for sure. Does this mean a civil servant has to be a super human? No! They have to be real humans with a certain level of aptitude to deal with the situations they are faced with in their duty & human moral values to feel passionate at what they do with absolute honesty.

Also due to the latest developments in the field of public administration & the fast changing environment in which we live today, our country need Civil Servants with a certain degree of

aptitude or intelligence to adapt themselves & a set of values to yield valuable outcomes that can improve the life of her citizens.

Today India needs Civil servants with following qualities:

- 1) **Need for specialization:** As the functions of Government has diversified, selection for senior management posts in functional areas and outside functional areas should be done on the basis of area of specialization. Generally retired civil servants are appointed in various senior positions which require domain expertise which they neither possess nor are motivated enough to learn at that stage of their career in most of the cases.
  - **Uttarakhand flood case:** In a recent case of Uttarakhand flood in June 2013 due to cloud burst & heavy rain, authorities in Uttarakhand seemed clueless about how to handle the situation as disaster management was a new concept to them & it took time for them to understand how to work in that situation by when a lot of damage had happened. If there had been personnel with a prior specialization in that domain or with proper training, a lot of damage could have been prevented.
- 2) **Leadership:** A leader is one who steps up in times of crisis & is able to think and act creatively in difficult situations & is able to inspire subordinates to perform & achieve the goal.
  - As per the Alagh committee report 2001, the scheme of examination for entry into civil services should do away with optional papers & rather include test to judge aptitude & leadership qualities of candidates.
- 3) He should be willing to assume responsibility & be able to deal with diverse problems of the country.
- 4) He should be a good listener who is influential with people to convince them of the benefits of government programs if required & also motivate & involve them in decision making.
  - This is found to be a major issue in implementing developmental & rehabilitation projects like nuclear projects or land acquisition etc.
- 5) Capacity to use institutional resources to achieve the goals targeted towards a better society.
- 6) Avoid using their authority & privileges for their own good.
- 7) Should welcome reports of troublesome things without getting accustomed to the luxuries & powers, becoming an end in themselves. They should be ready for any reforms essential for efficient public service which is often not the case.

## **SECTION E: VARIOUS COMMITTEES' RECOMMENDATIONS**

Certain committees have recommended from time to time reforming the civil services w.r.t. to the code of conduct & ethics of the civil servants few of which are as follows:

### **1) Committee on Prevention of Corruption (Santhanam Committee), 1964:**

- Suggested rules to be framed for governing the conduct of civil servant
- Suggested that values like altruism and empathy for the poor, are hard to imbibe after joining the services. These need to be instilled in childhood through various institutions like family, school etc.
- There is no code of ethics for civil servant in our country unlike other countries, which needs to be incorporated.

### **2) Hota Committee Report, 2004 :**

- Aptitude & leadership test may be introduced for selection & that domain assignments should be introduced for the civil servants for acquisition of skills required.
- As no competitive examination can be a proof against unsuitable candidates for the public service, the committee recommended invoking the probation rules to weed out such officers. Also a performance review after 15 yrs of service is recommended to remove such officers.
- **Code of Ethics** should be laid down for the civil servants for imbue the values of integrity, merit & excellence in public service.

## **SECTION F: CODE OF ETHICS**

In India civil services values have evolved over these years which mention about the Code of conduct rules in the Central Civil Services (Conduct) Rules 1964, that the civil servant must follow in his/her tenure of service to the nation. It is essentially directed towards classifying certain specific activities deemed undesirable for the civil servants. However there is no Code of Ethics prescribed for civil servants in India although it does exist in other countries like Australia, China & UK etc. which is the need of the hour in the country as ethical culture is the best defense against corruption & achieving goals of the nation which had been proposed in the Draft public service bill, 2007 which is still under review.

The **Second Administrative Reforms Commission** in its 10<sup>th</sup> report pertaining to Values & Ethics of Civil Services in India recommended drafting a Bill on ethics to give code of ethics a statutory basis in the form of "The Civil Services Bill" ( 2<sup>nd</sup> ARC has recommended to rename public service bill as civil service bill as public service has a wider connotation).

The commission recommended that in addition to upholding the constitutional spirit the civil servants shall be guided by the following values:

- Adherence to the highest standards of integrity & conduct
- Impartiality & non-partisanship
- Objectivity
- Dedication to public service
- Empathy & compassion towards the weaker sections

## **SECTION G: INTEGRITY**

Integrity in dictionary terms means the quality of being honest & having strong moral principles. It is a concept of consistency of actions, values, methods, measures & principles. Integrity is a personal choice, an uncompromising and “***predictably consistent commitment***” to honor moral, ethical & spiritual values and principles. It helps to decide whether one’s actions are right or wrong. Organizations & Individuals have certain ethical standards that ensure that they have consistent approach in carrying out their responsibilities & the way they make their decisions.

Draft Public Service Bill, 2007 has proposed certain ethical standards for the public servants to imbibe in their conduct to maintain integrity as a virtue in their service to the nation as follows:

- To discharge official duties with competence and accountability; care and diligence; responsibility, honesty; without discrimination and in accordance with the law
- To ensure effective management, professional growth and leadership development
- To avoid misuse of official position or information and using the public moneys with utmost care and economy
- Function with the objective to serve as instruments of good governance and to provide services for the betterment of the public at large

## **SECTION H: IMPARTIALITY & NON PARTISANSHIP**

The Indian Civil Services plays an important role in ensuring the benefits of policies of the government reaching the people for whom it has been created & towards ensuring good governance. Despite of clear mention of objectives, execution & implementation of the policies of the elected Government, their execution & administration is a complex system. The civil servant has to maintain political neutrality & non partisanship while performing his duty of public service by serving the political ideology of the elected govt, without letting his own ideology or liking for a group affecting his duty. It essentially means political neutrality of the civil servant in execution of his duties & should be loyal to serve the Governments of all political ideologies.

- In the recent case of Durga Shakti Nagpal, her decision to demolish the wall however constructed illegally, without the order of the executive in a communally sensitive area could prove to be perilous.

The Civil Servant is expected to follow:

## ***DOs***

- Carry out your responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity.
- Serve the Government, whatever its political persuasion, to the best of your ability in a way which maintains political impartiality and is in line with the requirements of this Code, no matter what your own political beliefs are;
- Act in a way which deserves and retains the confidence of Ministers, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in some future Government; and
- Comply with any restrictions that have been laid down on your political activities.

## ***DONTs***

- Act in a way that unjustifiably favors or discriminates against particular individuals or interests.
- Act in a way that is determined by party political considerations, or use official resources for party political purposes; or
- Allow your personal political views to determine any advice you give or your actions.

Though we expect the civil servant to be impartial in their service to the nation however unfortunately, it is the age of corruption and nepotism. The cases of civil servants losing the principles of neutrality and rule of law are growing. At the same time, political climate is not favoring strong and stable government. Thus the role and responsibility of civil service will grow. Need of the hour is to keep the civil services insulated from politicization of the services!

## **SECTION I: OBJECTIVITY**

Objectivity essentially means basing your ideas & decisions on empirical evidences & a rigorous analysis of the issue at hand. A Civil servant should be open minded, impartial, guided by evidence & should not let any set of pre conceived notions affect his duty or professional conduct.

A civil servant is expected to do the following while maintaining objectivity:

## ***DOs***

- Provide information and advice, including advice to Ministers, on the basis of the evidence, and accurately present the options and facts;
- Take decisions on the merits of the case; and
- Take due account of expert and professional advice.

### **DONTs**

- Ignore inconvenient facts or relevant considerations when providing advice or making decisions; or
- Frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from those decisions

### **SECTION J: DEDICATION TO PUBLIC SERVICE**

Spirit of sacrifice & service to the public & to the nation are the essential ingredients of public service & civil servants should feel motivated & inspired by the fact that they are working & devoting their life to a noble cause if they chose to be a part of it.

A survey was conducted by the Department of Administrative reforms & public grievances in 2010 to know the motivation of the civil servants to join the civil services. Survey included determinants like opportunity to make a difference to society; job security; social status & power; pay & perquisites etc. It was found that respondents rated other determinants (along with “to make a difference to society”) quite high i.e. very important, for joining the services!

Also as per the report of *Transparency International*, there continues to be a decline in India's rank on Transparency International's Corruption Perception Index (CPI) indicating a serious corruption problem. As of 2011, in duration of three years a total of 943 cases were at different stages of investigation by CBI against civil servants.

Today we are moving towards a consumer society. There is a general lack of compassion, concern & devotion for others & for the society. Everyone wants to achieve their materialistic ambitions & civil services are considered by many to achieve those through unethical practices by exploiting their position of power & authority. However we need to change the societal attitude of people to be an agent of change themselves especially those who are in public service, so that they develop a sense of devotion for the masses & work in true spirit of the service to the society.

### **SECTION K: EMPATHY, TOLERANCE & COMPASSION TOWARDS THE WEAKER SECTIONS**

The concept of good governance is linked with the citizen's right of life, liberty & pursuit of happiness. However the prime challenge before good governance relates to social development. In his famous speech “Tryst with destiny”, Jawaharlal Nehru articulated this challenge as “the ending of poverty, ignorance, diseases and inequality of opportunities”. This essentially means good governance relates to securing of justice, empowerment, employment & efficient delivery of services for all the citizens alike.

It is well known that economic growth & prosperity in India has generally bypassed a large number of marginalized and disadvantaged people. Moreover access to basic services & access to justice depend upon the basic principle that people are aware of their rights, educated enough to avail those & empowered enough to challenge the authorities in case the justice is being denied. Which is often not the case & therefore majority of weaker section of the society even though covered in government programs & schemes on paper, not able to enjoy even the most basic & fundamental rights in the country!

On top of that many government programs are plagued by corruption, leakages and error in selection of the claimant, delays, poor allocation & little accountability.

It is therefore imperative to inculcate a strong sense of values like *empathy*, *tolerance* & *compassion* towards the weaker section, amongst the civil servants, so that we can move closer towards the dream of an egalitarian society as enshrined in our constitution.

**Empathy**- It is about understanding another person's condition from their perspective. Simply put empathy means putting yourself in their shoes & feel what they must be feeling in the circumstances they are faced with.

- There are many destitute in our country, living on pavement, subways etc which do not know any other home to go & are denied basic rights & services as they can't be given citizenship because of lack of permanent residence!

**Tolerance**- It is a fair, objective & permissive attitude towards those whose opinion, practices, race, religion, gender, or economic status etc differ from one's own.

**Compassion**- It is a feeling of distress and pity for the suffering or misfortune of another which include the desire to alleviate it.

If governance is important to citizens, it is more important to the weaker section of the society which includes women & children, poor people, minorities & the disadvantaged. The rest who are well to do can find their way around poor governance as they are likely to be a part of it. However it is the weaker section of the society that depends upon governance arrangements for availing primary services like health, education, shelter & livelihood opportunities.

Thus an improvement in the attitude & conduct of service towards the common man & especially towards the weak & marginalized is necessary for the task of building a strong nation.

## **SECTION L: NEED FOR REFORMS OF CIVIL SERVICES**

*"The only thing that is constant is change"*

-Heraclitus

Civil Services has been criticized often for the inability of the recruits to administer the situations they are been hired for. So far there have been six hundred commissions & committees set up & fifty since independence to look into & suggest reforms for the same, however there have been no serious attempts to restructure the services. Rather the reform efforts have been tremendously conservative.

Following are some reasons cited for the need to reform the Services:

- 1) Rapid & fundamental changes are taking place in political, economic & technological front. The response time to adapt to these changes has become much shorter than it used to be. All this has necessitated building a competent work force of civil servants who can administer in the changing scenario with finesse.
- 2) As a result of globalization countries are competing not only in the market scenario but also on their quality of governance structures. The changes in the economic structure, which demands for a less prescriptive & more market driven approaches in administration, raise new concerns of control & accountability of civil service.
- 3) The increasing role of Private sector & that of the civil society, in the Indian economy & social development, calls for their involvement as partners in the development process of the country by the civil servants.

In the today's fast changing scenario the civil servants have to be ready for change & to adapt themselves as per the need. However in reality they often resist change as they are wedded to their privileges & powers & become an end in themselves.

## **SECTION M: SUGGESTED REFORMS**

The success or failure of any country in terms of governance depends upon the successful implementation of government plans & policies which in turn depend upon the quality of people in the administrators. However corruption & power abuse is becoming so widespread, that it is weakening the governance structure of our country. Unless values are inculcated within the civil servants, they can't be expected to conduct ideally in a superficial manner.

Following are some of the suggestions to reform the Civil Services for better governance:

- 1) Code of Ethics – There is a need to lay down a statutory code of ethics for civil service with lucid language & clear emphasis on values only. The civil service code of some other countries like that of UK can serve as a model.

- 2) The authority & accountability for meeting certain goals in public administration should be clearly defined.
- 3) Political executive should also have conduct rules so that the honest civil servant is not being harassed for doing what is ethically & morally right.
- 4) There should be proper training in ethics awareness and also for development of essential skill for ethical analysis and moral judgment in situations of dilemma for the civil servants.
- 5) Though training can impart certain skills in an individual & can make them learn certain basic values necessary to deliver public services however training cannot completely let them unlearn their values they have learnt throughout their life. It is therefore necessary to make drastic changes in the way civil servants are recruited. Rather than testing them on a rigorous written examination, it should try to judge them on their passion to serve the nation, qualities like leadership etc & the values that guide these men/women. Which could be done by introducing a field based assessment by putting them in real time situation for some period or making it mandatory before applying for such a position.

Following are some of the recent reforms in the civil services:

- UPSC brought about changes in the Prelims stage of the Civil Services Examination in 2011 by abolishing the optional subject paper and introducing Civil Services Aptitude Test (CSAT). Further changes were made in the Mains stage of the exam from 2013 by abolishing one optional subject & expanding the extent of General studies papers.
- In 2011, the Department of Personnel and Training (DOPT) created a proposal to retire and remove incompetent, inefficient and unproductive All India Service officers after 15 years of service. The proposal has been accepted and rule 16(3) of the All India Services Rules of 1958 was amended in 2012. As per which central government in consultation with the state government concerned can retire a member of the services with a 3 months notice.

## **SECTION N: ANALYSIS**

Indian civil services have a long history & have evolved over all these years. It has been found that certain human values & ethics are imperative to do justice to the role & responsibilities of a civil servant. These values have also find place in various rules including the Code of Conduct Rules. However values like compassion, integrity, dedication etc can't be taught to an adult through training of few months. These are the values that an individual learn through the process of socialization while growing up, which is influenced by his/her family, institutions & the various leaders & prominent figures he/she come across through various media. We need to inculcate a strong sense of national pride, a feeling of public service & integrity in the people of the society at large which is a long term process.

It is evident that States, governments and public services are in a period of transition. There are fast changes happening on social, political, economic & technological level. We are moving towards a consumer society where people join even the most noble profession like that of a civil service to achieve their own materialistic goals. However Constructive internal criticism can provide with a mechanism of rewarding or punishing a behavior deviant or in compliance with a set standard.

A civil servant is expected to possess the values and ethics of the highest level that support good governance & ensure the achievement of highest possible standard in all that they do. There is an urgent need to reinvent & reinvest in the civil services to ensure it meets the ethical standards it desire else it could very soon lead to a state of anarchy.

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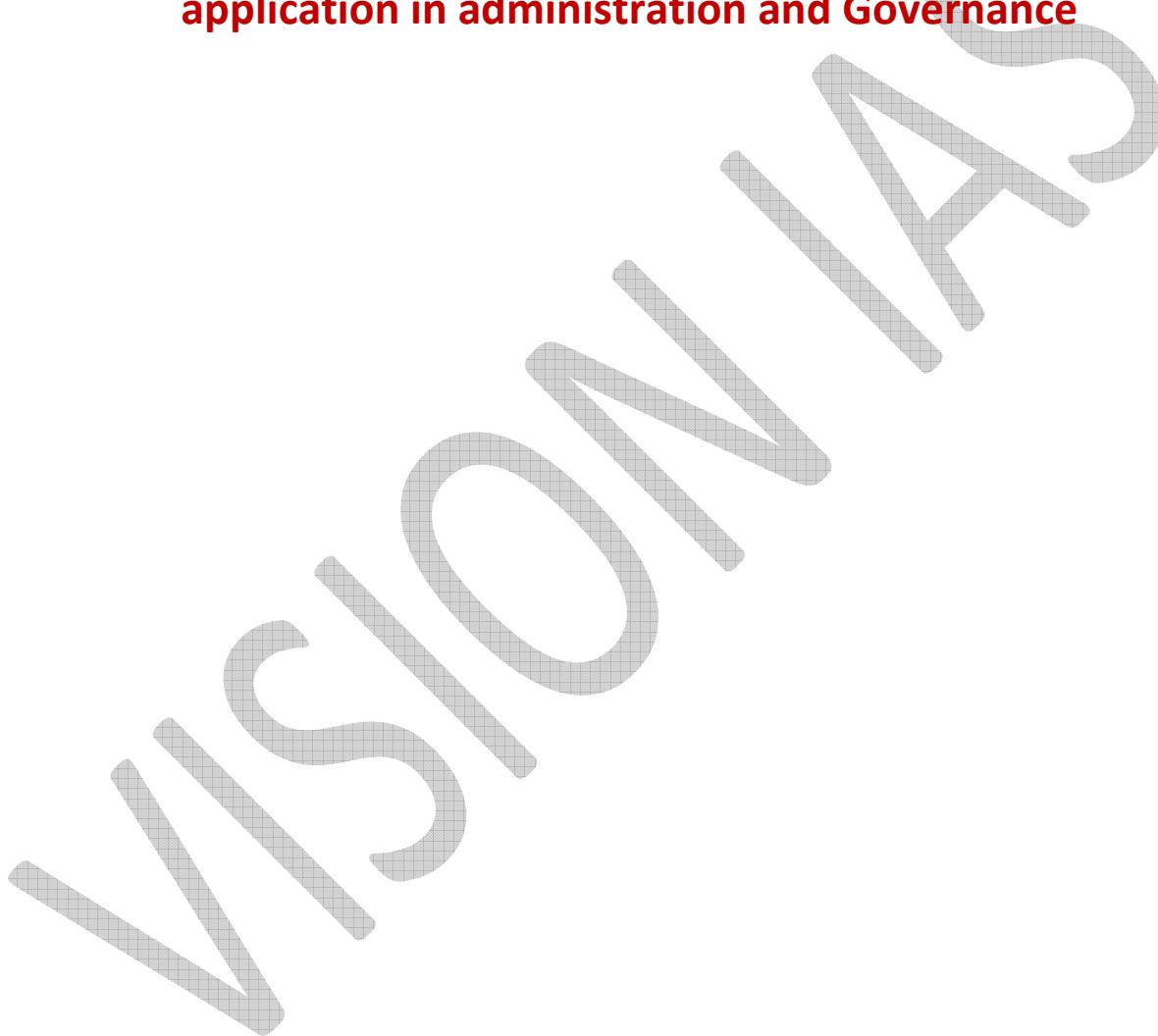
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(B)

## G. S. IV

### Emotional Intelligence – concepts, and their utilities and application in administration and Governance



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## Emotion

Emotions are linked to behaviour, such as seeking comfort, helping others, attacking, fleeing, and reproducing. Such behaviours help us survive and adjust to changing conditions. Emotions can have negative effects. “Stage fright” in sports can spoil performances. Hate, anger, fear and contempt, disgust, disrupt behaviour and relationships. But emotions are important for survival. As social animals, it would be impossible for humans to live in groups, defend one another and cooperate in raising children, without positive emotional bonds of love, caring, and friendship. Emotional expressions or outward signs of what a person is feeling are another ingredient of emotion.

Emotional intelligence is one of several types of intelligence required for success in all kinds of situations. People have different abilities in dealing with emotions just like they have different abilities in language, logic, mathematics, and music.

Emotional intelligence is the practice of:

- Using emotional information from ourselves and other people.
- Integrating this with our thinking.
- Using these to inform our decision making to help us get what we want from the immediate situation and from life in general.

## Concept of Emotional Intelligence

Emotional intelligence is the ability to understand and express our emotions to meet the requirements of day-to-day living, learning, and relating to others. It is important to use emotional intelligence, because it helps you to:

1. Solve problems by using both logic and feelings.
2. Be flexible in changing situations.
3. Help other people express their needs.
4. Respond calmly and thoughtfully to difficult people.
5. Keep an optimistic and positive outlook.
6. Express empathy, compassion, and caring for others.
7. Continuously learn how to improve ourselves and the organization.
8. Enhance our interactions and communications with other culture people.

## Two Aspects of Emotional Intelligence

EI embraces two aspects of intelligence: 1) understanding ourselves, our goals, intentions, responses, behaviour and all; 2) understanding others and their feelings. Howard Gardner describes these two aspects of intelligence as intrapersonal intelligence— being intelligent in picking up what is going on inside us and doing what we need to do about it; and interpersonal intelligence— being intelligent in picking up what is going on in other people and between other people and doing what we need to do about it

## Elements that makeup Emotional Intelligence:

### Perceiving emotions:

1. The foundation of emotional intelligence is the ability to perceive emotions in ourselves and others.

2. Emotionally intelligent people recognize quickly if they are angry, or envious, or feeling guilty, or depressed.
3. This is valuable because many people have disruptive emotions without being able to pinpoint why they are uncomfortable.
4. Emotionally intelligent people have empathy. They are good at “reading” facial expressions, tone of voice, and other signs of emotion.

## Using Emotions

1. People who are emotionally intelligent use their feelings to enhance thinking and decision-making.
2. Emotions can be used to promote personal growth and improve relationships with others.
3. People who are emotionally smart share the good news with others that comes in their way. Almost always, doing so strengthens relationships and increases emotional well-being.

## Understanding Emotions:

1. Emotions contain useful information. E.g. Anxiety is a cue that something is uncertain.
2. People who are emotionally intelligent know what causes various emotions, what they mean, and how they affect behaviour.

## Managing Emotions:

1. Emotional intelligence involves an ability to manage our own emotions and those of others.
2. People who are emotionally intelligent have an ability to amplify or restrain emotions, depending on the situation.

## Positive and Negative Emotions

There are certain emotions like joy, interest, contentment, love, and similar those are pleasant and rewarding. They open up new possibilities and builds up our personal resources. There is a natural tendency that people enjoy positive emotions while treating negative emotions as misery. Negative emotions are associated with actions that probably helped our ancestors save their skins: escaping, attacking, expelling poison. Negative emotions can also be valuable and constructive. For example, persistent distress may motivate a person to seek help, mend a relationship, or find a new direction in life

## Mixed Model of Emotional Intelligence

The mixed model was most famously described by Daniel Coleman, and is widely accepted and used model for EI. It involves a range of competencies which are broken down into skill sets and which together form the picture of a person's level of EI.

## Goleman's EI Competencies

**Self-Awareness:** In Emotional Intelligence, Daniel Goleman says that self-awareness—the ability to recognize a feeling as it happens—is the keystone of emotional intelligence. Self-awareness is clarity about our feelings and thoughts. With awareness comes the ability to make better choices.

- Emotional Self-Awareness
- Accurate Self-Assessment
- Self-Confidence

**Self-Management:** Handling our own emotions so that they don't interfere but facilitate: having the ability to delay gratification in pursuit of a goal; recovering well from emotional distress: translating our deepest, truest preferences into action in order to improve and succeed.

- Self-Control
- Trustworthiness
- Conscientiousness
- Adaptability
- Achievement Orientation
- Initiative

**Social Awareness:** Sensing what others are feeling; being able to understand situations from others' perspective: cultivating relationships with a diverse range of people.

- Empathy
- Organisational awareness
- Service orientation

**Social Skills:** Handling emotions in respect to relationships with other people; able to read the intricacies of social interactions: able to interact in social situations well; able to use this skill set to influence, persuade, negotiate, and lead.

- Influence
- Leadership
- Developing Others
- Communication
- Change Catalyst
- Conflict Management
- Building Bonds
- Teamwork and Collaboration

Goleman includes these set of emotional competencies within each construct of EI. Emotional competencies are not innate talents, but rather learned capabilities that must be worked on and can be developed to achieve outstanding performance. Goleman posits that individuals are born with a general emotional intelligence that determines their potential for learning emotional competencies.

## Importance of Emotional Intelligence

Emotional Intelligence (EQ) is important than IQ, since EQ helps us to understand our life, our values better. Various tests and scientific evaluations have proved that having better Emotional Intelligence lets us make healthy choices in every aspect of life. Emotional Intelligence is a group of traits or abilities which relate to the emotional sides of life.

**1. Know your emotions:** Emotions are powerful reactions. Some are highly aware of their emotional side of life, and others are completely unaware to their emotions. If one is not aware of his emotions how can he make a moral judgment? It is also found that the same kinds of people are low in expressiveness. Expressiveness means showing our expressions through facial expressions, body language, and other gestures. Lack of expressiveness hurts in terms of interpersonal relationships since, other people will find it tough to decipher the inner world of that person. Hence, being aware of one's emotions is a must.

**2. Managing emotions:** We try to manage our emotions in our everyday Life. It is like regulating the nature, intensity and expression of concerned emotions. For example, if we don't clear an examination,

we try to remain calm before our parents, nevertheless, the emotions running behind our face is not good. Managing emotions is very much important for our mental health and for keeping our interaction with others efficient.

**3. Motivating ourselves:** To get something special in our life, one thing that matters most is self-motivation. Motivating oneself to work hard and be on right direction is one of the main aspects of Emotional Intelligence. This aspect gives surprising results for any individual.

**4. Recognizing and influencing others' emotions:** This relates to the ability to understand others exactly. It is to recognize their mood and the emotions at any point of time. This ability is very much valuable in practical settings. Sometimes, understanding others' mood and emotions exactly can tell whether it is the right time or not to ask for a favour.

**5. Handling relationship:** Handling relationship is the most important point of strong interpersonal relationship. When relationship is handled very well then the person's life has become successful. Some people make a total mess of their interpersonal relationship. A person with high EQ will always handle relationship in optimum way.

### Skills required being emotionally intelligent

**Self-Awareness:** Emotionally intelligent people are aware of how they feel, what motivates and demotivates them, and how they affect others.

**Social Skills:** Emotionally intelligent people communicate and relate well with others. They listen intently and adapt their communications to others' unique needs, including diverse backgrounds. They show compassion.

**Optimism:** Emotionally intelligent people have a positive and optimistic outlook on life. Their mental attitude energizes them to work steadily towards goals despite setbacks.

**Emotional Control:** Emotionally intelligent people handle stress evenly. They deal calmly with emotionally stressful situations, such as change and interpersonal conflicts.

**Flexibility:** Emotionally intelligent people adapt to changes. They use problem-solving to develop options.

### Advantages of developing our emotional intelligence are:

1. Improved relationships
2. Acting with integrity
3. Reduced stress levels
4. Improved career prospects
5. Improved communication with others
6. Feeling confident and positive
7. Respect from others
8. Better empathy skills
9. Learning from mistakes
10. Increased creativity
11. Managing change more confidently
12. Fewer power games at work

## Developing Emotionally Intelligent Leadership

Leadership is a process of social interaction where the leader's ability to influence the behavior of their followers can strongly influence performance outcomes. Leadership is intrinsically an emotional process, whereby leaders recognize followers' emotional states, attempt to evoke emotions in followers, and then seek to manage followers' emotional states accordingly.

Leaders increase group solidarity and morale by creating shared emotional experiences. The ability of leaders to influence the emotional climate can strongly influence performance. EI is a key factor in an individual's ability to be socially effective and is viewed in leadership as a key determinant of effective leadership.

Emotionally intelligent leaders can promote effectiveness at all levels in organizations. The EI of the leader plays an important role in the quality and effectiveness of social interactions with other individuals.

A big part of being a leader involves being credible, or honest and trustworthy. Being credible helps us to earn respect from others. People also listen to someone who they feel has their best interests at heart.

In emotional-intelligence terms, one earns this trust by using empathy. If a person is empathic, one is more likely to gain the cooperation of others because they show concern about others welfare. If someone acts in a self-serving or callous manner, people are more likely to avoid the person. As part of the strategy for getting people to follow, one should try working towards winning over them.

**Self-regard:** Having high self-regard means that one has a good understanding of his strengths and weaknesses. Acting on this understanding requires that you have good self-knowledge and effectively strike a balance between being confident and being arrogant. People are more comfortable helping others who demonstrate the right amount of humility.

**Optimism:** People find optimism and happiness attractive attributes. People are more likely to cooperate with someone who's optimistic.

**Happiness:** Happiness, like optimism, attracts people. When we're happy others are more pleasant to be around. Being happy add to "likability" factor.

It can also be contagious. Everybody likes to be happy, and being around happy people contributes to one's own happiness.

## Role of Emotional Intelligence in Administration

### Emotionally Intelligent Administrator

Emotionally intelligent leaders are centered and grounded. The people around them see them as having a stable mood, even when things get tough. Such leaders aren't erratic or extremely unpredictable in their behaviour, and they tend to possess these traits:

- **Have high self-regard:** The good leaders have high self-regard. Leaders who claim to know it all tend to be poor leaders. Good leaders know their strengths and capitalize on those strengths, as well as know their weaknesses and fill the gaps with people who have strong skills in these areas.
- **Maintain balance in life:** Good leaders also seem to know how to balance their personal and work lives. They tend to avoid burning out by managing their time well. Traditionally, most leaders

and aspiring leaders believed that in order to be a successful leader, one needed to be a workaholic. However, if a person can manage his own life well — including stress, home life, fitness, and diet — then he has a better chance of managing the workplace well.

- **Model the way:** Successful leaders say what they want to accomplish and get it done. The leader needs to walk the talk if he wants others to follow. In emotional intelligence terms, this practice involves assertiveness and independence. People who are assertive have no difficulty expressing their thoughts, feelings, and beliefs. Also, people who are independent listen to and take in the advice of others, but in the end, make their own informed decisions. Independence implies taking action in order to carry things out.
- **Inspire a shared vision:** As a leader, one must convince others that he/she understands others needs and have their best interests at heart. Inspiring a shared vision requires a good deal of empathy and optimism. Our optimism gives our vision a positive and desirable flavour so that others want to share in it. Our empathy ensures that we hit the right chord in terms of what others want to see and hear from us.
- **Challenge the process:** An emotionally intelligent leader Strive for change. Look for opportunities to improve and grow. Also, experiment and take risks. One of the key emotional intelligence skills that are needed in order to challenge the status quo is flexibility. Flexible people are more likely to try new things, take risks, and face new challenges without fear.
- **Enable others to act:** Success requires a team and because leaders, by definition, require followers. Leaders can empower others in a variety of ways. He enables others by fostering collaboration and building trust. Successful leaders share power, delegate well, and do what's necessary to help others perform. In terms of emotional intelligence, there is a need of good self-regard and interpersonal skills to enable others to act. In order to build successful relationships, you need the skills to engage and relate to others in a meaningful way.
- **Stay composed under pressure:** Good leaders don't flare up or lose control under difficult circumstances
- **Encourage the heart:** The relationship of this practice to emotional intelligence is the most evident. A key component of this practice involves recognizing the contributions of others. Rewarding people for their participation goes a long way in motivating them to be part of our team. Leaders who encourage others not only need to know how those people feel but need to be capable of building relationships with them, as well. Socially responsible behaviors embody this ability to care about and contribute to others.

## To Conclude

EI is essentially about attitudes and feelings, it follows that if aspects of our EI change, then we change as people. If a person improves his attitudes towards flexibility, this will also impact on other areas of his life. By developing EI, it is not just the social image that will improve, but also experience changes with the family and friends in just about any situation the person face.

## Case Studies

### Case Study 1

The rationale for change in one major bank includes the elimination of middle management, development of new structures, and a more customer oriented approach. Centralisation and rationalisation of services to be more cost effective and to be more competitive are also offered as reasons for change.

With the assistance of external consultants, the change process is driven from the top. Direction on 'a need to know basis', rather than consultation, is the communication style used. Because staff is not consulted about the changes, exclusion from participation is also identified by them.

The process used evokes feelings of fear, is manipulative and intimidatory according to the staff. The 'downsizing' operation is identified as an arbitrary figure of 25% of the workforce. More specific explanation is not given. Moreover no mention is made in the initial stages of the types of positions to be assessed, geographical location of the offices involved, change strategies to be followed, or provisions for redeployment, redundancy or retrenchment of staff.

One member of the staff indicates that people are left with feelings of anxiety, depression, low self-esteem and stress symptoms. These outcomes are bought on by the uncertainty of the change process and increased workloads. Some of these workloads are met through unpaid overtime that results in degrees of burnout because 'you've got your pedal to the metal, so to speak'.

### Case Study 2

It is necessary for Saurabh to take six weeks off work to undergo major surgery. He arrives at hospital on a Monday morning and books in for his surgery. By the time he reaches his ward there is a message to ring his national sales manager, which he does. While the matter is of 'minor importance', Saurabh rings again the next day, prior to undergoing seven and a half hours of major surgery. The national sales manager rings him again at lunchtime, also on a 'minor matter'. This is followed by another call from the national sales manager on the Wednesday morning, requesting Saurabh to return his call. These calls are work related, not personal.

When Saurabh returns to work he mentions to the national sales manager that he does not appreciate the number of business calls made to him while he was in hospital. The national sales manager accuses him of being prepared to talk to everyone else except him while he is on sick leave. The implication is that Saurabh is disloyal. He is left with the feeling that he 'shouldn't have questioned the fact that he wanted to speak to me in hospital'.

This conversation is later followed up with requests for reports, as Saurabh sees it, about quite insignificant issues. Issues include the number of private and business telephone calls being made by staff, simply to 'put greater pressure on me'. Saurabh is also accused of 'idle chit-chat' with other managers at a time when the managers need to liaise because they are setting up national agreements with various companies.

At a national conference held in Sydney, Saurabh and another branch manager are made to sit at the front of the room beside the national sales manager's desk 'like the two naughty children in the classroom'. Both branch managers are used, on a number of occasions, as examples of poor management, even though the national sales manager, in Saurabh's opinion, is 'not truthful'.

Saurabh feels victimised by an authoritarian manager who isolates him from decision making processes. He also feels that the manager attempts to ridicule and intimidate him in front of his peers.

### Case Study 3

A Japanese fashion company established a branch office in Rome to import and distribute fashion goods in Italy. The initial team of office staff consists of a Japanese manager, ten Italian salespeople,

and three administrative assistants—two Italian and one Japanese. The Japanese manager is responsible for recruiting, retaining, and rewarding the local employees under his supervision.

Headquarters has been pressuring this manager to achieve sales goals and monitor the amount of the goods sold monthly. The administrative assistants are as follows: a 35-year-old Italian woman who was hired with a long-term contract approximately six years ago when the company first opened the branch office in Rome; a 35-year-old Japanese woman who was hired five years ago with a short-term, 12-month contract that has been extended annually for the last four years; and a 30-year-old Italian woman who was hired two years ago with a long-term contract. Two years ago, a fourth Italian secretary was brought on board to support the administrative office. She was initially given a short-term, 12-month contract that was then renewed for six months. Before the end date of her last contract renewal, she became pregnant, so when her contract expired, she was not granted any further job extension. The administrative personnel have taken issue with the departure of their pregnant colleague. They contest the company's stated reason for her nonrenewal: that based on an evaluation of the organization's financials, the overall expenditure for four administrative assistants is unjustifiable, indeed fiscally irresponsible, when only three such employees are necessary.

Over the course of four years, the Japanese administrative assistant has raised the short-term contract issue with her manager without satisfactory progress or resolution. The Japanese administrative assistant has been working 13-hourdays in an attempt to prove to her manager that she is a highly capable and motivated employee who is serious about her work and deserving of a long-term position. Nevertheless, she has been granted only a limited contract extension each year.

Now she has developed a medical condition. Approximately six months ago, she made an appointment with her medical doctor, who diagnosed her with serious cardiovascular, digestive, and neurological issues—caused, in his professional opinion, by job stress. The doctor indicated to her that she should stay home for several weeks to recover. The administrative assistant feels that her condition is a direct result of her insecure position at work: the 12-monthtemporary contract creates an insurmountable degree of insecurity. Furthermore, because this middle-aged employee cannot claim a permanent job, she is unable to secure a bank loan to purchase a home.

In addition, the Japanese administrative assistant alleges that her manager treats her differently from the other administrative employees; despite the other similarities within the group, her other colleagues all have permanent positions, even the secretary, who is her junior. Moreover, the manager advises this particular employee that he expects her to behave in the traditionally Japanese way: hard-working, submissive, passive, and completely devoted to the company, regardless of personal detriment. In fact, the manager tolerates the way the employee's counterparts behave—they are relatively unproductive and leave the office before 5:30 PM—but he has specifically warned the Japanese administrative assistant that she “should not behave like them.”

Over the last five years, whenever this employee has approached her manager to discuss her contract situation, he has responded with evasive answers such as:

- “I can’t give you a permanent position because of the current economy.”
- “Let’s talk about this next year.”
- “It’s too late now—the budget is already in place. You should’ve notified me three months ago, when we were preparing this year’s budget.”
- “If you work harder, I may be able to give you a long-term contract.”
- “Why do you keeping bothering me about this every year?”

After numerous attempts over the years, the employee feels increasingly frustrated and stressed. She has searched—and continues to search—for a new job over the past two years, but has been unable to find an appropriate position. She feels trapped.

During her convalescence, the manager requested the company's medical doctor to visit the employee's home to verify that she was really sick. The company doctor confirmed the severe medical conditions diagnosed by the previous doctor and indicated to the manager that he should assess the working conditions of his team for suspected job stress. To this end, the external human resources consultant with a psychoanalytic background was asked to deal with the situation.

### Case Commentary:

At first, this appears to be a case of job stress—after several years of working, the employee has become sick and is feeling frustrated, exploited, and neglected. She is also no longer motivated to work and is searching for a new job. Nevertheless, the difficulty in finding new professional opportunities increases her feeling of being trapped. Despite how hard she has worked for the past few years, aiming to demonstrate her professional value, competence, and devotion, she has not yet received a permanent contract. Such a contract may help her to feel more stable and look toward the future with less uncertainty. She kept working until she experienced a physiological breakdown. This stress can be related to the work conditions and the relationship with the manager leader.

Providing the assistant with a permanent contract might solve her job stress problem. So why doesn't this manager give her one? First, this leader lacks empathy, as he seems to be unable to recognize the other's need—he even recently dismissed the Italian administrative assistant who was pregnant. While he may be able to argue cost-reduction as the reason, it's ethically unfair, and in any regard, it's a sign of lack of empathy. This leader also makes the Japanese administrative assistant work hard, continually promising to provide things he never will—just like the donkey rushing forward to catch a carrot he will never catch because it is attached to his head.

This is also not a case of racism or cultural discrimination, as both the employee and the manager belong to same culture, and at first glance, it would even be simple—although reductive—to consider this as just a "Japanese cultural affair."

The psychological consultant identified the unconscious dynamics occurring in this case. During the interview, the manager stated that he has been sent to Italy for five years, will be transferred to France for another five years, and will then move on to another country in Europe. Despite the large financial rewards provided to compensate him for these moves, he expressed that such changes are very stressful for his children and wife, who are forced to start their lives over every few years in a new country, adapting to new language and traditions. Once they finally begin to feel more stable, they have to move again, losing classmates and friends and never truly feeling at home.

At the unconscious level, a link between the leader's feelings of pain and instability, and the administrative assistant's feeling of pain and instability can be now noted. Both are in unstable positions that create uncertainty and stress. Though the leader has the ability to help the employee, he is unconsciously blocking it by refusing providing a permanent position that will give the employee more serenity and stability. Unconsciously, the manager is denying the assistant, or other, what he has not.

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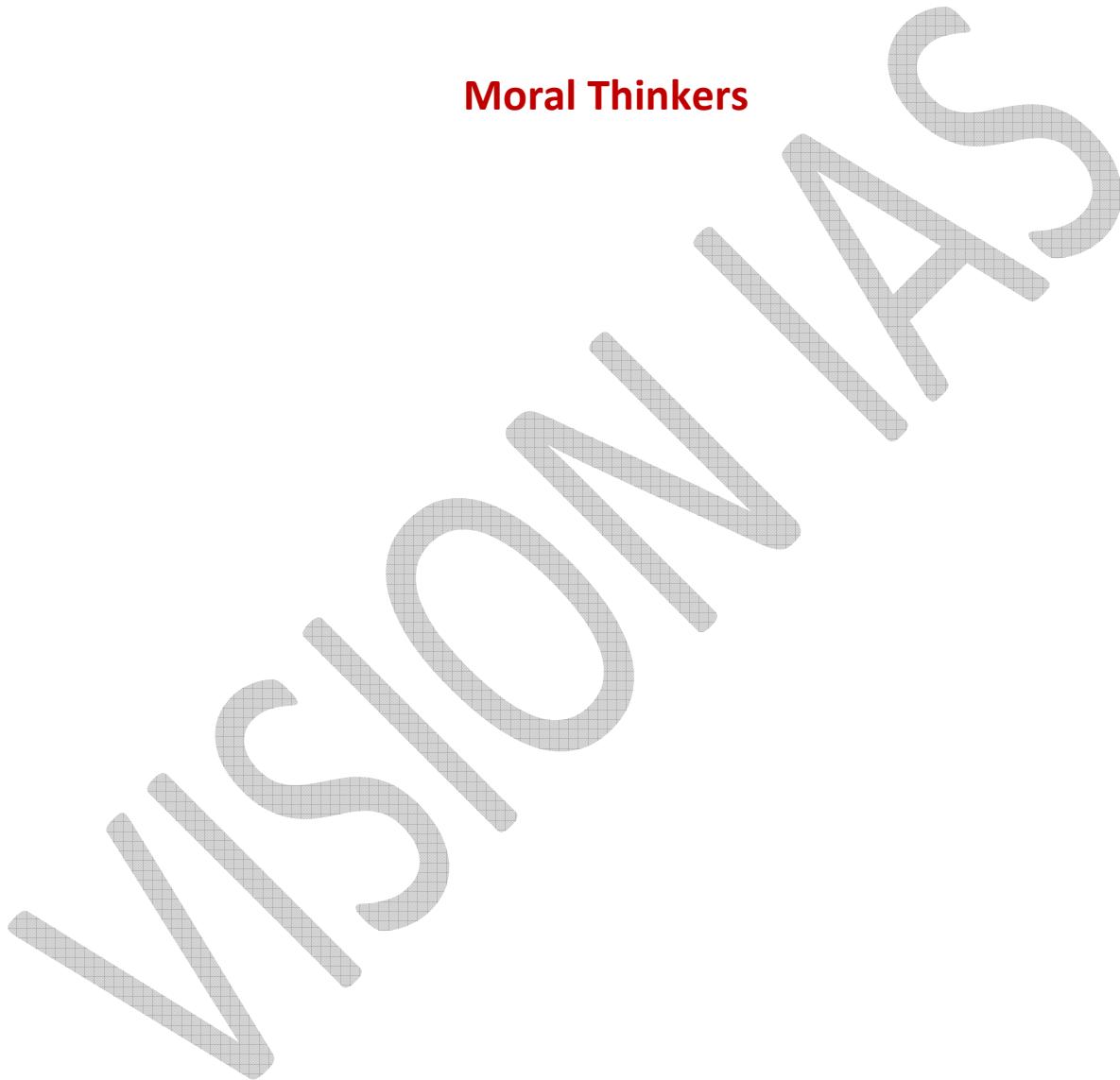
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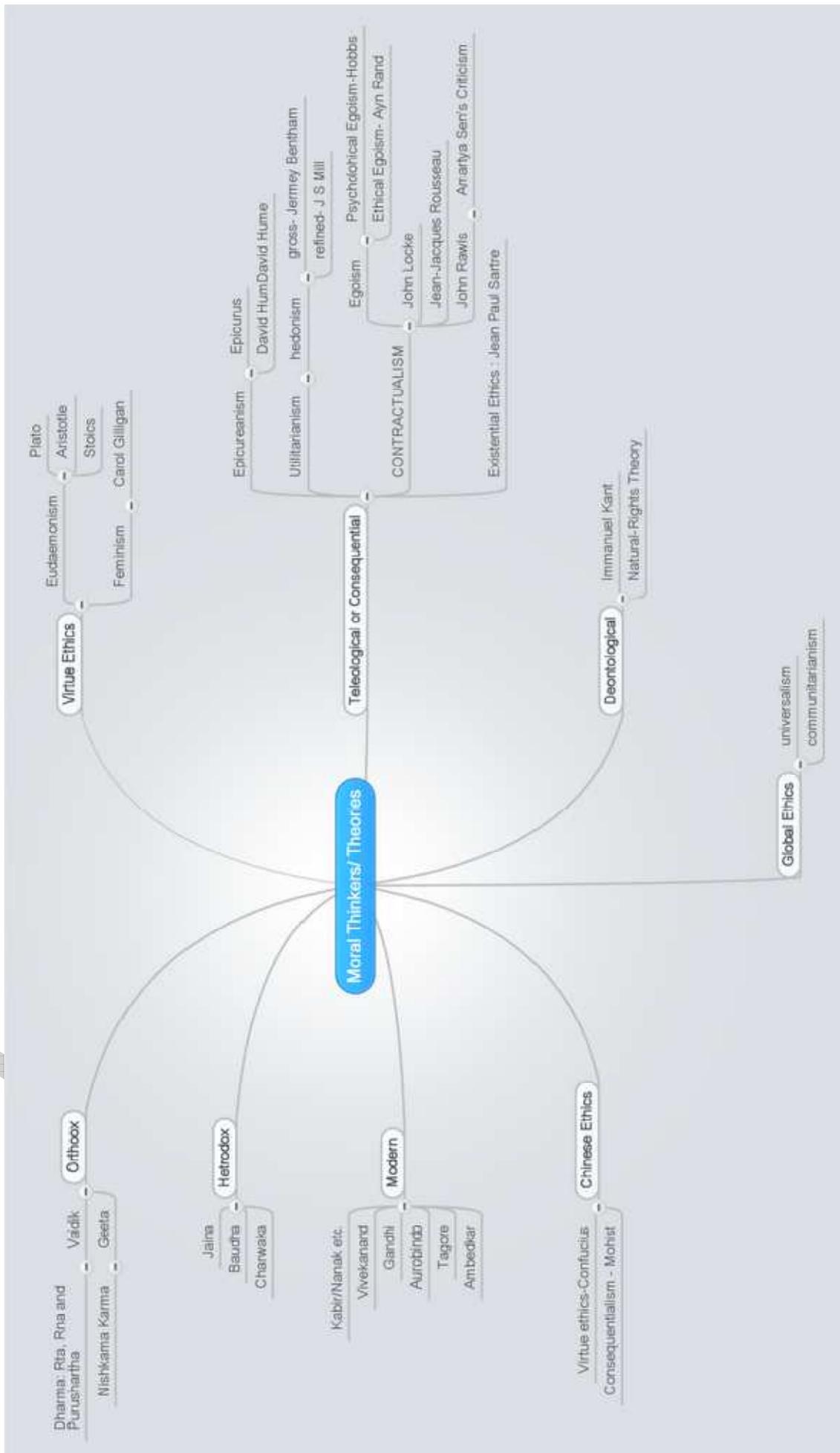
## G. S. PAPER – IV

**Moral Thinkers**



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## Contributions of Moral Thinkers and Philosophers from India and World

- Ethics is the philosophical study of morality. Ethics as branch of philosophy arises from the curiosity about the values involved in the human behavior. Human conduct is a chain of voluntary actions. It implies the inherent and intense desire for higher ideals. All activities, determined by ends, are related with Ethics. Ethics investigates into the nature of human conduct accordingly.
- Ethical theories and thinkers can be broadly grouped into **three** categories-(1)**Virtue Ethics** (Acts of virtues person are moral.)(2) **Consequentialism** (An act is moral if it produces good results. ) and (3) **Deontological** (An act is moral if intention is good no matter whether results are good or bad. Duty for the sake of duty.).

**(Please note:** 1. Indian contribution can also be categorized in these three categories. 2. Contractualism is very much related to **philosophical basis of governance**. 3. Modern thinkers overlaps with “**lessons from the lives and teachings of great leaders, reformers and administrators**”.)

### Virtue ethics

- Virtue ethics is a broad term for theories that emphasize the role of character and virtue in moral philosophy rather than either doing one's duty or acting in order to bring about good consequences. A virtue ethicist is likely to give you this kind of moral advice: "Act as a virtuous person would act in your situation."
- Most virtue ethics theories take their inspiration from Plato/Aristotle.
- Since its revival in the twentieth century, virtue ethics has been developed in three main directions: **Eudaimonism**, agent-based theories, and the ethics of care.
- "Eudaimonia" is an Aristotelian term loosely (and inadequately) translated as happiness. The best known forms of eudaemonism are those of Plato (c. 428–c. 348 BCE), Aristotle (384–322 BCE), and the Stoics.
- The Ethics of Care is another influential version of virtue ethics. Developed mainly by feminist writers, such as **Annette Baier**, this account of virtue ethics is motivated by the thought that men think in masculine terms such as justice and autonomy, whereas women think in feminine terms such as caring.
- Virtue ethics offers a radically different account to deontology and consequentialism. Virtue ethics, however, has influenced modern moral philosophy not only by developing a full-fledged account of virtue, but also by causing consequentialists and deontologists to re-examine their own theories with view to taking advantage of the insights of virtue.

### PLATO (427 B.C. – 347 B.C.): Four cardinal virtues

- Plato was a great Greek philosopher. He is known as a true disciple of Socrates. Plato's doctrine of cardinal virtues is based on his concept of virtue. According to Plato, **goodness consists of the natural and proper functioning of human nature**. Besides, man is social by nature; therefore, society is a normal background of moral life of human beings.
- Socrates had said that **virtue is knowledge**. For Plato, **good life is the life of virtues**. Like later Greek and mediaeval thinkers<sup>1</sup>, Plato assumes that virtue is necessary for happiness, an assumption that remains unchallenged until the modern period.
- **Plato has described four important virtues in his theory of morality**. According to him the cultivation of these four virtues - wisdom, courage, temperance, and justice - constitutes a morally good life. Later on, these four virtues came to be called 'Cardinal virtues'. **The four virtues are cardinal because they support moral life of man in society. They are fundamental virtues. Other virtues depend upon**

<sup>1</sup> Medieval philosophy is the philosophy in the era now known as medieval or the Middle Ages, the period roughly extending from the fall of the Western Roman Empire in the 5th century C.E. to the Renaissance in the 16th century.

**them and are therefore subordinate to them.** These four virtues are said to be the basic and important constituents of moral life or goodness of man.

- **Morality consists in knowing and maintaining the harmony between the rational and non-rational elements of the self.** It is called 'Justice' by Plato. Malfunctioning of any part of the self will have adverse effects upon the other parts. Thus, the key to moral life is the proper integration of the three parts of the self.
- According to Plato, the human self or soul is **tripartite**. The three elements or parts of human beings are:

- (1) Passionate or Appetitive Element (**Passions**)
- (2) Spirited or Dynamic & Executive Element (**Will**)
- (3) Philosophical or Rational Element (Reason or **Intellect**)

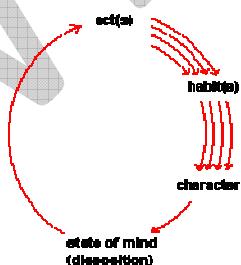
- **This integration can be achieved when the spirited element helps the reason to keep the passions in check.**
- **Wisdom is the virtue of reason.** It consists in knowing and mastering the non-rational elements viz. spirited element and passions. It includes knowledge, insight and foresight based on that knowledge. It is not bookish knowledge/data/information only. It implies the active choice of values as against disvalues, or virtues as against vices. **A man is wise in whom reason rules over the other impulses.**
- **Courage is the virtue of the spirited element.** It must perform its heroic function within the limits set by reason. It is of two types viz. physical courage of a soldier and moral courage of a thinker or a reformer. Thus, one can be courageous in war as well as in intellectual convictions. Courage, therefore, is the excellence in the activity of the will. **A man is brave when the spirited element holds fast to the instructions of intellect.**
- **Temperance or self-control consists in keeping bodily satisfactions within limits.** Passions are not to be condemned. Even they are to be satisfied. The passionate element is both non-moral and non-rational. It needs to be regulated and subjected to the rules of reason. Temperance is not complete abstinence. It is the principle of self-restraint and moderation. It is the controlling and ordering of natural instincts, desires and sensuous pleasures. A man is temperate when the spirited element or passionate element yields to intellect and obey its commands.
- **Justice is the virtue of the whole self or the complete person.** It is the proper integration of different parts of the self. Thus, justice also consists of the harmonious functioning of the three parts of personality. Each part must do its function for which it is fit. When these three parts of the personality or the self with their three virtues of wisdom, courage and temperance function harmoniously together and are ordered and ruled by reason, then justice emerges as the resultant virtue. Each man is fit for a particular job in accordance with his nature. Justice consists in doing one's own job. **Being morally perfect, therefore, is tantamount to being wise, valiant, temperate and just.** Justice, then, is the supreme virtue. Just man will not indulge in the pursuit of material pleasures only.
- **According to Plato, the four cardinal virtues have both individual and social significance.** They are found **both in the individual and in the society**. Human beings are rational and social animals. They have the natural tendency to live in communities. **Morality of the society is the same as it is for the individual.** According to Plato, society is the individual 'writ large'. For society is made up of individuals.
- Each individual self consists of three parts. All the three elements are not equally dominant in all individuals. In some persons, the rational element is predominant, while in others the spirited element is powerful. Majority of the people give more importance to the passionate element. Thus, **as we have three elements of the self so we have three classes in a society. They are: Guardians, Auxiliaries and Civilians.**
- Guardians constitute the class of rulers. They are drawn from that type of men in whom the rational or the philosophical elements is dominant. Such persons live only for truth. They are truth-seekers. They can be philosopher-kings. They are men of knowledge and wisdom. Wisdom is their chief virtue.
- The auxiliary class consists of those in whom the spirited element is dominant. They live for honour and success. They are good for the execution of laws and to protect the society from internal disorder

and external attack. Courage is their principal virtue. They support the guardians and execute the laws made by the enlightened rulers or philosopher kings

- **The class of civilians consists of producers, such as farmers, blacksmiths, fishermen, traders, carpenters, etc.** In them the element of passion is dominant. They live for material gains. Temperance is their main virtue.
- The guardians are enlightened or wise rulers. They direct and control the majority of the people with the help of the members of the auxiliary class. When each class does its appropriate function, justice emerges. In a just society, the latter two classes willingly accept the rule of the wise (guardians). Wisdom is an important virtue. It helps a person to control his passions and perform his duties efficiently. The virtue of justice takes note of different aspects of a human person and integrates them. It thus stands for the harmony in the individual as well as harmony between the individual and community.

### ARISTOTLE (384 B.C. – 322 B.C.) : Ethics of character

- He was also a great Greek philosopher. He was the first to write a book on ethics in the Western world. **Knowledge, courage, bravery, and perseverance by themselves do not make a morally good character or man. Their ethical significance depends on the motives and the values to which they are related.** Aristotle, therefore, rightly distinguishes the moral virtues from the intellectual virtues. The **doctrine of the golden mean** is central in Aristotle's concept of virtues.
- Aristotle is also right in extending the meaning of the important virtue of justice. **He considers justice as the supreme virtue.** It has two forms. Distributive justice consists in the equitable distribution of wealth and honours among the citizens of the state. Remedial justice consists of the fair transactions among the members of the community. The virtues are acquired through the development of the habit of doing virtuous actions consistently. Ability to think and ability to control one's desires and passions is the special virtue of man.
- **According to Aristotle, virtuous conduct consists in avoiding the extremes of excess or of deficiency.** For instance, excessive indulgence is as much a vice as the excessive repression of desires. Self control, therefore, is a virtue. Likewise, courage is the mean between rashness and cowardice. For instance generosity lies between meanness and prodigality. Thus, virtue is a matter of striking a mean between two vices. Moral virtue thus is a mean- state lying between two vices, viz. a vice of excess on the one side and a vice of deficiency on the other. It is not easy to find the mean. As Sahakian has pointed out, it consists in doing the right thing, to the right person, to the right extent, with the right motive, and at the right time. For instance, the practice of generosity: give generously to the right person, at the right time, to the right extent, with the right purpose.
- There can be no two opinions about the significance and the need of virtues for the promotion of the morally good life. **Actual morality consists in doing good deeds, and virtues are good traits or habits of character which are productive of good works and right conduct.** These good traits or virtues in turn can be cultivated through the doing of good deeds and acting on moral principles. Therefore Aristotle said that virtue is a matter of habit. Reason and experience play a major role in choosing right



actions or in hitting the mean and avoiding extremes. Hence the importance of both intellectual and moral virtues.

### **Alasdair Chalmers MacIntyre (born 1929) : Revival of Virtue Ethics**

- MacIntyre is a key figure in the recent surge of interest in virtue ethics, which identifies the central question of morality as having to do with the habits and knowledge concerning how to live a good life. His approach seeks to demonstrate that good judgment emanates from good character. Being a good person is not about seeking to follow formal rules. In elaborating this approach, MacIntyre understands himself to be reworking the Aristotelian idea of an ethical teleology.
- Believes that our society has lost track of the virtues. He says that a moral society would be one in which people recognise and accept common virtues. He also noted that in moral dilemmas naturalistic theories are of little value because they are too time consuming and overly complex.

### **Criticisms of Virtue Ethics**

- According to critics, a major problem with the theory is the difficulty of establishing the nature of the virtues, especially as different people, cultures and societies often have vastly different opinions on what constitutes a virtue.
- Another objection is that the theory is not "action-guiding", and does not focus on what sorts of actions are morally permitted and which ones are not, but rather on what sort of qualities someone ought to foster in order to become a good person
- Some have argued that Virtue Ethics is self-centred because its primary concern is with the agent's own character, whereas morality is supposed to be about other people, and how our actions affect other people.

### **Strengths**

- Focuses on cultivating good people from which good actions will follow, rather than the pedantic drafting of legalistic laws.
- Virtue ethics is becoming more and more useful in spheres of **international relations** and probity in governance because here legalistic laws are seldom effective.
- It can be followed by both religious and secular groups.
- It is a simple system based on a universal well-being for the individual and community
- It attempts to link ethical theory with ethical practice
- It Strives for personal autonomy but within the context of society

### **Consequentialism**

- Consequentialism is a theory of morality that derives duty or moral obligation from what is good or desirable as an end to be achieved. Also known as teleological ethics (from ancient Greek telos, "end"; logos, "reason"), it is often contrasted with deontological ethics (deon, "duty"), or deontology, which holds that the basic standards for an action's being morally right are independent of the good or evil generated.
- Consequentialist theories differ on the nature of the end that actions ought to promote. Utilitarian-type theories hold that the end consists in an experience or feeling produced by the action. Epicureanism, for example, taught that this feeling is pleasure, including **especially the pleasures derived from friendship**. Later theories based on pleasure included the utilitarianism of the English philosophers Jeremy Bentham (1748–1832), John Stuart Mill (1806–73), and Henry Sidgwick (1838–1900), with its formula the "**greatest happiness [pleasure] of the greatest number.**" Many other consequentialist or utilitarian-type theories have been proposed, though none has been as influential as classical utilitarianism. For example, according to "evolutionary ethics," which originated with the English sociologist and philosopher Herbert Spencer (1820–1903) and was revived in the late 20th century, the proper end of action is survival and growth. According to some scholars, the Italian political philosopher Niccolò Machiavelli (1469–1527) and the German philosopher Friedrich Nietzsche (1844–1900) shared the view that right actions are directed toward the experience of power, as in despotism.

Other theories favoured satisfaction and adjustment—as in the pragmatism of the American philosophers Ralph Barton Perry (1876–1957) and John Dewey (1859–1952)—or freedom, as in the existentialism of the French philosopher Jean-Paul Sartre (1905–80).

Theory	Propounded	End sought
evolutionary ethics	Herbert Spencer (1820–1903)	The proper end of action is <b>survival and growth</b> .
despotism	Italian political philosopher Niccolò Machiavelli (1469–1527) and the German philosopher Friedrich Nietzsche (1844–1900)	<b>Right actions are directed toward the experience of power, as in despotism.</b>
pragmatism	American philosophers Ralph Barton Perry (1876–1957) and John Dewey (1859–1952)—	<b>satisfaction and adjustment</b>
existentialism	Jean-Paul Sartre (1905–80).	freedom

- **The chief problem for utilitarian theories has been to answer the conventional objection that ends do not always justify means.** The problem arises in these theories because they tend to separate the achieved ends from the action by which these ends are produced. One implication of utilitarianism is that one's intention in performing an act may include all of its foreseen consequences. The goodness of the intention then reflects the balance of the good and evil of these consequences, with no limits imposed upon it by the nature of the act itself—even if it be, say, the breaking of a promise or the execution of an innocent person. Utilitarianism, in answering this charge, must show either that what is apparently immoral is not really so or that, if it really is so, then closer examination of the consequences will bring this fact to light. Ideal utilitarianism, a view defended by the English philosopher G.E. Moore (1873–1958), tried to meet the difficulty by advocating a plurality of ends and including among them the attainment of virtue itself, which, as Mill affirmed, “may be felt a good in itself, and desired as such with as great intensity as any other good.”

### Utilitarianism Vs Hedonism

- According to hedonism, every human action is motivated by the pursuit of pleasure (psychological hedonism) or ought to be motivated by the pursuit of pleasure (moral hedonism).
- According to Utilitarianism, the good is what produces the greatest amount of happiness for the greatest number of people (including oneself), even if it causes unhappiness to oneself.
- Classical Utilitarianism is considered as social hedonism but A utilitarian could be a hedonist, and so measure utility as just the amount of pleasure or pain someone's experiencing. In this case, the utilitarian would want to maximize pleasure and minimize suffering. However, there are other theories of welfare out there (some listed above). Two big ones these days include preference-satisfaction and objective list theories. preference-satisfaction holds that what makes your life go better or worse is the fulfilment or frustration of your desires or preferences; objective list theories set forth a list of good states to be in and the quality of your life depends on whether and to what degree you're in those states.

### Epicurus (341-270 B. C.)

- Epicurus of Samos (341-270 B. C.) founded his school, the Garden, in Athens--instructed his followers in the art of rational living.
- Main belief: pleasure is the end (*telos*) of life: by pleasure he meant the lack of pain. Pleasure is the freedom of the body from pain and the soul from confusion—not a positive condition.
- Taught a moderate asceticism, self-control, and independence. One should not undertake heavy responsibilities and serious involvement. Pleasures which endure throughout a life-time are sought, not momentary pleasures.

- Epicurus distinguished between higher and lower pleasures (**an influence on J.S. Mill**). higher pleasures: pleasures of the mind--intellectual and aesthetic. lower pleasures: pleasures of the body--food, drink, and sex.
- Epicurus sought virtue--a condition of tranquility of soul. Although it is based on the individual's pleasure (rather than duty). Epicurus put great stress on friendship because one's own pleasure is dependent on others also. Peace of mind and mental well-being is achieved through philosophy--death is recognized to be merely the limit of experience and therefore having nothing to do with the quality of experience. It is not to be feared since it is nothingness.

### Jeremy Bentham's Gross or Quantitative Utilitarianism

- Strongly influenced by the empiricism of David Hume, Jeremy Bentham aimed at developing a "moral science" that was **more rational, objective and quantitative** than other ways of separating right from wrong. Bentham particularly argued against the ascetic religious traditions of eighteenth-century England that held up suffering and sacrifice as models of virtue.

Jeremy Bentham's Utilitarianism can be summarized as follows:

- Nature has placed mankind under the governance **of two Sovereign Masters** viz **Pleasure and Pain**. These masters point what we ought to do and determine what we shall do. Bentham argues that we do desire pleasure therefore we ought to desire pleasure.
- Pleasure is the only desirable. All other things like wealth, power, knowledge etc. are desired because they lead to happiness.
- Bentham says weigh pleasures and pains in our actions. **An action is right if it produces pleasure. An action is wrong if it produces pain.** The worth of an action consists in its utility to produce pleasure and to avoid pain.
- Bentham believes that all pleasures are alike. Pleasures do not have qualitative differences. Pleasures have only quantitative differences i.e. they are more or they are less. Bentham argues that the quantity of pleasure remaining the same, pushpin (a game) is as good as poetry.
- **The quantity of pleasure can be calculated.** The quantitative differences can be measured by seven point scale. To calculate pleasure, Bentham considers seven dimensions of pleasure. The Hedonistic Calculus (Calculus of Pleasure) is as follows: 1. Intensity 2. Duration 3. Proximity 4. Certainty 5. Purity i.e. freedom from pain, 6. Fruitfulness i.e. capacity to give rise to other pleasures and 7 Extent i.e. the number of persons affected.
- Bentham argues that each man desire his own happiness. Each man's happiness is good for him. Therefore general happiness is good for all. Bentham asserts that by nature man is egoistic and selfish. **Man can be altruistic only when, by being altruistic he satisfies his own desire too.** Here Bentham suggests the moral standard of "**the greatest happiness of the greatest number of people.**" **The moral standard is not the greatest happiness of one individual but it is happiness of a number of people.** Bentham suggests the maximum happiness of maximum number of people.
- Bentham's doctrine of Hedonism becomes altruistic by the dimension of "Extent" and by **Four Moral Sanctions**. The transition from egoism to universalism is explained by Four external sanctions.
- According to Bentham, pleasure and pain are the prime, governing motives of human conduct. Our conduct is regulated by Four Sanctions. **These sanctions imply higher powers viz. nature, the state, the society and God.** There is a threatened penalty i.e. pain for disobeying the related laws.

1. Natural or Physical sanction i.e. consideration of health and fear of disease.
2. Political sanction i.e. fears of punishment by the State.
3. Social sanction i.e. fears of social boycott.
4. Religious sanction i.e. fear of Divine wrath or the justice of God.

- Due to these Four external Sanctions man sacrifices his extreme, selfish pleasures and thinks about pleasures of others i.e. general happiness. Man obeys the laws of Nature, the State, the Society and God as they operate through pleasures or pains for individual.

### J S Mill's Refined or Qualitative Utilitarianism

- The theories of Bentham and Mill have many common points. In some points Mill differs from Bentham. The Refined or Qualitative Utilitarianism can be summarized as follows:-
- The moral criterion is Utility or the greatest happiness principle. Actions are right, if they promote happiness. Happiness means pleasure and the absence of pain Actions are wrong if they produce unhappiness. Unhappiness is pain and the privation of pleasure.
- Pleasure and freedom from pain are only desirable Ends. All other things like virtue, health, love of honor, wealth, power are desired because they promote happiness.
- Mill argues that "Desiring a thing and finding it pleasant are two names of the same psychological fact. To desire a thing without its being pleasant is a physical and metaphysical impossibility".
- Happiness is the only desirable end. Mill argues that we always desire pleasure therefore pleasure is desirable. The sole evidence that anything is desirable is that people do actually desire it. All person desire happiness, so happiness is desirable.
- **Mill holds that qualitative distinction among pleasures is as real as quantitative distinction. Intellectual pleasures are better than sensuous pleasures. Mill believes that we ought to seek satisfaction of higher capacities.**
- The question arises, what is the test of quality? Mill leaves it to the **verdict of competent judges**. Those who are equally acquainted with both intellectual and sensual pleasures are competent judges. These judges prefer intellectual pleasures to bodily and sensual pleasures. In addition to the verdict of competent judges, Mill refers to man's "**natural sense of dignity**." No man would consent to be changed in to the lower animals. Mill says "**It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied.**"
- Mill argues that each man desires his own happiness. Each person's happiness is good to that person. Therefore the **general happiness is good to all persons**. So, general happiness is good to each person. In this way, Mill explains transition from egoism to altruism. Mill advocates that, "The moral end ought to be, greatest happiness of the greatest number."
- Mill further states that utilitarianism grows out of self love. The law of transference of interest, changes self love into sympathy or fellow feeling. Egoist man seeks pleasures of others, in order to relieve his own pains. Seeking pleasures of others is means to achieve one's own end i.e. pleasure. In the course of time, means and end are transferred and altruism develops from egoism.
- Mill accepts the sanction of morality as given by Bentham. According to Mill, there are external as well as internal sanctions. Natural, Political, Social and Religious sanctions are the external forces. Mill accepts fifth, Internal sanction of Conscience. Individual's own conscience controls selfishness and motivates altruism.

### CONTRACTUALISM

(Some parts of this section are related to political philosophies of thinkers, which is essentially related to philosophical basis of governance)

- Social contract theorists view ethics as a human creation. They judge ethical systems in terms of how well they function at promoting the interests of the contractors.
- While social contract theorists do not propose that persons living in a "state of nature" at some point in time actually drew up and gave consent to a social contract, which set the rules by which they would live; but they do find this a useful model for judging the legitimacy of ethical rules.
- The original inspiration for the notion may derive from the biblical covenant between God and Abraham, but it is most closely associated with the writings of Thomas Hobbes (1588–1679), John Locke (1632–1704), and Jean-Jacques Rousseau (1712–78), Ayn Rand (1905 - 1982), John Rawls (1921–2002) , David Gauthier (born 1932)
- Thomas Hobbes viewed the state of nature as a "war of all against all," and, for Hobbes, the fundamental purpose of the social contract is to establish order and provide security. So long as a social system achieves that end, Hobbes regards it as at least a decent bargain.

- A somewhat more elaborate system of social contract ethics was developed by John Rawls. Rawls proposed that we consider what sort of ethical system or rules we would favor for a society if we knew nothing about our own particular place within that society, i.e., ethical judgments should be made from behind a 'veil of ignorance.' He suggested that the system we would adopt from that unbiased perspective would be most fair.

### Egoism

- Egoism is ethical philosophies of self-interest. All forms of egoism require explication of "self-interest" (or "welfare" or "well-being"). The main type of egoism are 1) Psychological egoism and 2) Ethical egoism
- Psychological egoism claims that each person has but one ultimate aim: her own welfare. English Philosopher, Thomas Hobbes (1588 - 1679) is an advocate of psychological egoism.
- Ethical egoism claims that it is necessary and sufficient for an action to be morally right that it maximize one's self-interest. American thinker Ayn Rand (1905 - 1982) was an advocate of ethical egoism.
- The distinction between psychological egoism and ethical egoism reflects the contrast of "is" verses "ought," "fact" verses "value," or "descriptive" verses "prescriptive."

### PSYCHOLOGICAL EGOISM : THOMAS HOBES (1588-1679)

- Thomas Hobbes was a British Empiricist. Thomas Hobbes was born in Malmesbury, England. He studied scholasticism and Aristotelian philosophy at Oxford University. He devoted much of his time to independent reading of literary classics.
- He had sufficient time to reflect, travel and become acquainted with such outstanding contemporary philosophers and scientists as Galileo, Francis Bacon, Kepler, Descartes, Gassendi and Mersenne. He wrote many books but his **Leviathan** treatise is very popular in political philosophy. He is best known for his political thought. He is called the founding father of **modern political philosophy**.
- Hobbes argues that **society originates out of self-interest and fear**, not out of natural feeling for one's fellow men. He defends as natural and reasonable the interest each man takes in his own welfare and happiness. In a state of nature the first and only rule of life is self-protection and men have a natural right to do anything which serves this end.
- According to Hobbes the **laws of nature are immutable and eternal**. Injustice, ingratitude, iniquity and the rest can never be made lawful. For it can never be that war shall preserve life and peace destroy it. The science of these laws is the only true moral philosophy. **Moral philosophy is a science of what is good and bad in the conservation and society of mankind**. These laws are called natural laws because they are dictates of reason. **They are called moral laws, because they concern men's manners toward one another**. Hobbes establishes civil authority and law as the foundation of morality. He is arguing that **morality requires social authority**. Which must be in the hands of the sovereign. The will of a sovereign power whose authority is absolute. **Morality is based upon-law and the law of the absolute sovereign**. Only the institution of Government, which can be reward right actions and punish wrongdoing, is moral conduct possible. Without civil authority it would be foolish and dangerous to follow the precepts of morality. Men are moral only if it is conducive to individual security and prime condition of security is absolute civil power. Hobbes concludes that the laws of nature may be summed up in a rule which everyone accepts, the Golden Rule lastly Hobbes ethical theory leads to the political doctrine which is designed to end the natural war of every man with every other man.

### Ethical Egoism: AYN RAND (1905-1982)

- Ayn Rand was an American author and thinker. She was born in Soviet Russia. The communist revolution took place in Soviet Russia in 1917. The communist regime suppressed freedom and thus Ayn Rand left Russia in 1926 and went to USA. She became a citizen of USA in 1931. Since then, she **opposed organized religion and dictatorship of every kind**. Her philosophical position is known as **objectivism**. She proudly admitted the influence of Aristotle on her thinking.
- According to Rand every man has a right to his own life, his own liberty, and the pursuit of his own happiness. She further comments: it does not mention service to others. She was a rationalist,

atheistic, ethical thinker. The first principle of rationalism is that I have the right to live. Likewise, others also have the right to live. Secondly, rationality means context-keeping. To go by reason means not to be guided by emotion and whims. Reason demands the recognition of rights of all human beings. It, she says, is based on the simple fact that man exists by means of his mind. Sometimes it is said that reason determines only the means and not the ends or aims of human life. That is to say that ends are not chosen rationally. Rand was opposed to this idea. She firmly said that we must choose our ends by reason or we perish. Rand talks about three modes of living. They are:

1. Plant model: Plants don't have to move in order to get their life-supporting elements. They get them from the soil in which they grow.
  2. Animal model: Animals and birds have to seek their food and water. Even the lion, the king of jungle, has to seek his food.
  3. Human model: Man does not merely seek food. He has to do productive work. For that purpose he has to choose actions. He has to think. He has to seek knowledge. He needs knowledge in order to live. Hence, selfishness is a virtue. Further she elaborates: Selfishness means the pursuit of one's rational self-interest. Moreover, selfishness means to live by the judgement of one's own mind and to live by one's own productive work without forcing anything on others. Humans, by nature, are not enemies of each other. Moreover, **concern with one's own interests is not evil**. 'Selfishness' is also not to be identified with evil. 'Selfishness,' according to Rand, ridicules the concept of a self-respecting, self-supporting man who supports his life by his own efforts and neither sacrifices himself or others. Rand says: "To attack selfishness is an attack on man's self-esteem."
- Rand was opposed to Altruistic Morality. Altruism orders man to sacrifice one's interest for the good of others. Altruism is possible but it is not desirable. According to her, pure altruism treats humans as sacrificial animals, and every kind of dictator advocates altruistic morality, and suppresses human rights and freedom of thought and speech.
  - Man is neither a mere animal nor a robot. He is a rational animal. Man has a right to live. Life itself is a value. So whatever supports a happy and healthy life is good. Whatever is detrimental to life is bad. One has to take decisions by one's self and also take responsibility of one's decisions and actions. One must earn one's livelihood. He is unjust to claim unearned wealth. Honesty is not to deceive others and to hate lying, and not to desire what one does not deserve. These principles are applicable to all human beings.
  - Even Knowledge according to Rand has only an instrumental value. Knowledge is not a value itself. Knowledge is good or even scientific knowledge, in particular, is a value because it expands, enriches, and protects man's life. It is not a value outside this context. There is nothing wrong in helping others. But it is not one's ethical duty to help others. One may try to reform society but it is not one's moral obligation to do so. One may choose to help others and reform society, but that is or that should be one's choice. It must be the result of one's free and rational choice.

### Criticism of Egoism

- Firstly, utilitarians believe that what is right or wrong is determined by the consequences – as do egoists. However, utilitarians consider the interests of everyone equally while egoists consider the interests of others only in relation to themselves.
- People have had the tendency to confuse egoism with ethical theories like emotivism. Emotivism claims that humans can naturally feel inclined to help people – we care about others. If someone enjoys charity because they like making other people feel good, they are not acting in accordance with egoism. The egoist would claim they are foolish for caring about what makes other people feel good. In fact, altruism is morally unacceptable to the egoists.
- Continuing on this line, science has revealed that most people seem to get enjoyment from helping others. Certain areas in the brain activate pleasure centers.
- Ethical egoism presumes that you are the same person over time. Many philosophers believe we create a sense of self based on our memories.
- Ultimately, ethical egoism was never a popular theory amongst credible philosophers.

- It should be noted, however, that it's quite alluring to someone to be told they have no obligation to help others. In an age where poverty and suffering are widespread, it's easier for some to close themselves off than face reality. Even if people are egoists, there is little reason to presume there is anything ethical about the position

### **Locke, John (1632–1704)**

- Locke, John (1632–1704), English philosopher, founder of British empiricism. Locke summed up the Enlightenment in his belief in the middle class and its right to freedom of conscience and right to property, in his faith in science, and in his confidence in the goodness of humanity. His influence upon philosophy and political theory has been incalculable.
- Locke is most renowned for his political theory. Contradicting Thomas Hobbes, Locke believed that the original state of nature was happy and characterized by reason and tolerance. In that state all people were equal and independent, and none had a right to harm another's "life, health, liberty, or possessions." The state was formed by social contract because in the state of nature each was his own judge, and there was no protection against those who lived outside the law of nature. The state should be guided by natural law.
- Rights of property are very important, because each person has a right to the product of his or her labor. Locke forecast the labor theory of value. The policy of governmental checks and balances, as delineated in the Constitution of the United States, was set down by Locke, as was the doctrine that revolution in some circumstances is not only a right but an obligation. At Shaftesbury's behest, he contributed to the Fundamental Constitutions for the Carolinas; the colony's proprietors, however, never implemented the document.
- **Locke based his ethical theories upon belief in the natural goodness of humanity.** The inevitable pursuit of happiness and pleasure, when conducted rationally, leads to cooperation, and in the long run private happiness and the general welfare coincide. Immediate pleasures must give way to a prudent regard for ultimate good, including reward in the afterlife. He argued for broad religious freedom in three separate essays on toleration but excepted atheism and Roman Catholicism, which he felt should be legislated against as inimical to religion and the state. In his essay The Reasonableness of Christianity (1695), he emphasized the ethical aspect of Christianity against dogma.

### **General will: Rousseau, Jean Jacques ( 1712–78)**

- Rousseau, Jean Jacques (1712–78) was Swiss-French philosopher, author, political theorist, and composer.
- Rousseau is fundamentally a moralist. As a moralist, he is also, unavoidably, a political theorist. His thought begins with the assumption that we are by nature good, and with the observation that in society we are not good. The fall of humanity was, for Rousseau, a social occurrence. "But human nature does not go backward, and we never return to the times of innocence and equality, when we have once departed from them."
- With regard to the social order, Rousseau's aim is freedom. It is perfect submission of the individual to what he termed the **general will**.
- The general will is what rational people would choose for the common good. Freedom, then, is obedience to a self-imposed law of reason, self-imposed because imposed by the natural laws of humanity's being. The purpose of civil law and government, of whatever form, is to bring about a coincidence of the general will and the wishes of the people. Society gives government its sovereignty when it forms the social contract to achieve liberty and well-being as a group. While this sovereignty may be delegated in various ways (as in a monarchy, a republic, or a democracy) it cannot be transferred and resides ultimately with society as a whole, with the people, who can withdraw it when necessary.
- Rousseau's political philosophy assumes that there really is a common good, and that the general will is not merely an ideal, but can, under the right conditions, be actual. And it is under such conditions, with the rule of the general will, that Rousseau sees our full development taking place, when "the advantages of a state of nature would be combined with the advantages of social life." Because he had such faith in the existence of the common good and the rightness of the general will, Rousseau was extreme in the sanctions he was willing to allow for its achievement: "If anyone, after publicly recognizing these

dogmas, behaves as if he does not believe them, let him be punished by death: He has committed the worst of all crimes, that of lying before the law."

### **Justice as Fairness: John Rawls (1921-2002 )**

- Harvard philosopher John Rawls (1921-2002 ) developed a conception of justice as fairness in his now classic work *A Theory of Justice* . Using elements of both Kantian and utilitarian philosophy, he has described a method for the **moral evaluation of social and political institutions**.
- Imagine that you have set for yourself the task of developing a totally new social contract for today's society. How could you do so fairly? Although you could never actually eliminate all of your personal biases and prejudices, you would need to take steps at least to minimize them. Rawls suggests that you imagine yourself in an original position behind a veil of ignorance . Behind this veil, you know nothing of yourself and your natural abilities, or your position in society. You know nothing of your sex, race, nationality, or individual tastes. Behind such a veil of ignorance all individuals are simply specified as rational, free, and morally equal beings. You do know that in the "real world", however, there will be a wide variety in the natural distribution of natural assets and abilities, and that there will be differences of sex, race, and culture that will distinguish groups of people from each other.
- In this original position, behind the veil of ignorance, what will the rational choice be for fundamental principles of society? The only safe principles will be fair principles, for you do not know whether you would suffer or benefit from the structure of any biased institutions. Indeed the safest principles will provide for the highest minimum standards of justice in the projected society.
- To use a more mundane illustration, imagine that you had the task of determining how to divide a cake fairly among a group of individuals. What rule or method should govern the cutting? A simple one would be to let the person who does the cutting receive the last piece. This would lead that person to cut all pieces as equally as possible in order to receive the best remaining share. (Of course if the pieces were cut unequally, someone would get the largest share, but if you are the cutter, you can hardly rely on that piece being left over at the end.)
- Rawls argues that in a similar manner, the rational individual would only choose to establish a society that would at least conform to the following two rules:
  1. Each person is to have an equal right to the most extensive basic liberty compatible with similar liberty for others.
  2. Social and economic inequalities are to be arranged so that they are both: a) reasonably expected to be to everyone's advantage and b) attached to positions and offices open to all.
- Along Kantian lines, the first principle--often called the Liberty Principle -- provides for basic and universal respect for persons as a minimum standard for all just institutions. But while all persons may be morally equal, we also know that in the "real world" there are significant differences between individuals that under conditions of liberty will lead to social and economic inequalities. The second principle--called the Difference Principle --permits this condition and even suggests that it will be to the advantage of all (similar to the utility principle), but only if it meets these two conditions.

### **Amartya Sen's Criticism**

- Amartya Sen has raised concerns over Rawls' emphasis on primary social goods. He has argued that we should attend not only to the distribution of primary goods, but also how effectively people are able to use those goods to pursue their ends (**capability approach**).
- The reason is that this emphasis excludes consideration of the variability in individuals' actual abilities to convert resources into valuable outcomes. In other words, two people with the same vision of the good life and the same bundle of resources may not be equally able to achieve that life, and so resourcists'\* neutrality about the use of resources is not as fair as they believe it is.
- (Resourcism is defined by its neutrality about what constitutes the good life.)

## Deontological and Duty-based Ethics

- Duty-based ethics teaches that some acts are right or wrong because of the sorts of things they are, and people have a duty to act accordingly, regardless of the good or bad consequences that may be produced.
- People have a duty to do the right thing, even if it produces a bad result. So, for example, the philosopher Kant thought that it would be wrong to tell a lie in order to save a friend from a murderer.
- If we compare Deontologists with Consequentialists we can see that Consequentialists begin by considering what things are good, and identify 'right' actions as the ones that produce the maximum of those good things.
- Deontologists appear to do it the other way around; they first consider what actions are 'right' and proceed from there. (Actually this is what they do in practice, but it isn't really the starting point of deontological thinking.)
- So a person is doing something good if they are doing a morally right action.

## Criticism

- Duty-based ethics sets absolute rules. The only way of dealing with cases that don't seem to fit is to build a list of exceptions to the rule.
- Because duty-based ethics is not interested in the results it can lead to courses of action that produce a reduction in the overall happiness of the world.
- Duty-based ethics doesn't deal well with the cases where duties are in conflict.

## Strengths

- Duty-based ethical systems tend to focus on giving equal respect to all human beings.
- This provides a basis for human rights - it forces due regard to be given to the interests of a single person even when those are at odds with the interests of a larger group.
- Kantian duty-based ethics says that some things should never be done, no matter what good consequences they produce. This seems to reflect the way some human beings think.
- Consequentialist ethical theories bring a degree of uncertainty to ethical decision-making, in that no-one can be certain about what consequences will result from a particular action, because the future is unpredictable.
- Duty-based ethics don't suffer from this problem because they are concerned with the action itself - if an action is a right action, then a person should do it, if it's a wrong action they shouldn't do it - and providing there is a clear set of moral rules to follow then a person faced with a moral choice should be able to take decisions with reasonable certainty.
- Consequentialist theories don't pay direct attention to whether an act is carried out with good or bad intentions; most people think these are highly relevant to moral judgements
- If a person didn't intend to do a particular wrong act - it was an accident perhaps - then from a deontological point of view we might think that they hadn't done anything deserving of criticism. This seems to fit with ordinary thinking about ethical issues.

## Kant

- Kant, the German philosopher, lived his life on the lines of Categorical Imperative which he stated. Kant's life was so organized, disciplined, rather mechanical and time bound that people in Konigsberg used to set their watches according to his activities. He remained unmarried and lived his uneventful life within Konigsberg till his death. Kant was the propounder of critical philosophy. He reconciled empiricism and rationalism. Kant always respected 'Good' will and 'Moral Law'.
- Deontological theories place special emphasis on the relationship between duty and the morality of human actions. Acts are inherently good or evil regardless of the consequences of act. The theory of Immanuel Kant is Deontological theory. It gives importance to the performance of duties irrespective of the consequences.

- Kant believes that moral law arises from pure will. It arises from free and rational will which is self-determined and self-legislative. A person is free when he is bound by his own will and not by the will of others.
- Moral law is autonomous as the source and the authority behind the law is the individual's own will. The moral law does not operate through the influence of external factors. Each person's own reason is the authority, the legislator and the executor of the moral law. Morality is autonomous, universal and unconditional.
- For example: An autonomous state is one in which the laws are made by the will of the people in that state. The laws have no legitimate authority when they are imposed by another state as it happened during colonization.
- **Kant regards the moral law imposed by practical reason as Categorical Imperative.** Categorical Imperative is the internal law imposed by conscience upon itself. Kant distinguishes Categorical Imperatives from Hypothetical Imperatives.

A hypothetical imperative is assertorial. It is an assertion of fact. e.g. The psychological law, "All persons act to relieve a feeling of want". It is a statement of fact.	Moral law is an imperative or command which should be necessarily obeyed. It is not an assertion but a statement of standard
A hypothetical imperative is conditional. It is a means to some other end. If we want to enjoy good health, we must observe the laws of hygiene.	Moral law is categorical i.e. it is unconditional. It is not a means to some other goals. It is an end in itself. It admits no questions. It demands unconditional obedience.
A hypothetical imperative is derivative. Natural laws are derived from experience. It depends upon empirical facts for its obedience.	Moral law is a priori. It is not derived from experience. It is known through reason.
A hypothetical imperative can be set aside by more higher laws. If the circumstances change, it may change.	Moral law cannot be set aside by any higher laws. It is the Categorical imperative and ought to be followed in all situations.
A hypothetical imperative is relative and subjective. It applies to different individuals in different forms.	Moral law or categorical imperative is to be obeyed universally. It applies to all persons. It is command to all rational beings.

- **Concept of Good Will:** Kant holds that Good Will is the only good. Kant says "Nothing can possibly be conceived in the world or even out of it, which can be called good without qualification, except a good will." It is the only jewel that shines by its own light.
- A good will is one that habitually wills rightly. The rightness or wrongness of volition depends wholly upon its motive.
- **An action is moral, if its motive is accompanied by good will.** Wealth, talent and power are not good in themselves. If they are associated with bad motive they are not good. When these are accompanied by good will, wealth, talent, power etc. are good.
- Kant says, "**Worth of moral action lies, not in the purpose to be attained by it but in the maxim in accordance with which it is decided upon.**"
- Good will is the rational will. It is autonomous and self-legislative. It lays down its own laws. While obeying the maxim of good will, man follows his own higher self. Thus man is truly free in following good will.
- Good will follows categorical imperative i.e. moral law, laid down by it. Moral law is to be followed out of pure respect for it. It is to be obeyed out of consciousness of duty and not due to emotions, feelings or desires. Moral life is the life of pure reason. Feelings and emotions ought to be completely suppressed. To give way to compassion or love is irrational and thus non-moral. To lead moral life, the will ought to be guided by its own moral law or categorical imperative. Kant says the will is free when it acts solely from the sense of duty. The true rule of life is "Duty for duty's sake."

- According to Kant an action is right or moral when a) it conforms to moral law b) the person performs it out of pure respect for moral law i.e. "duty for duty's sake".
- The moral law, i.e. categorical imperative is a pure form without matter. It cannot tell us what we should do or what we should not do. It simply tells us that actions should conform to a form. Kant does not tell us about the contents of our actions. He maintains that our actions should be in accordance with principles of moral law. Our actions should self-consistent. The moral law or the categorical imperative is a pure form, devoid of content.

### **Principles of Morality**

Kant lays down following rules of conduct to make the moral law i. e. the Categorical Imperative more definite:

#### **1. Act only on that principle which can be a Universal law.**

This principle shows that what is right is universal. Kant says, Act in such a way as you could wish that everyone else should act in same way. Kant gives the example of breaking promises. This act is wrong because it cannot be universalized. If everyone breaks promise, no one can make any promise. So no promises would be made even to break it. If everyone commits suicide in despair no one would be left to commit suicide. According to Kant, this maxim states unity of the form. This is the Formula of Universal Law.

#### **2. Do not use any person including yourself as only means.**

This maxim holds a person as an end in itself and not as a means. Man is essentially a rational being. The rational nature is an end and has absolute value. Thus rationality of human beings ought to be respected. We should respect our own personality and that of others. Personality has an absolute worth. To make a false promise to a creditor is to use him as a means to one's profit and not to respect him as a person. Similarly we should not allow ourselves to be used as means to others. According to Kant, this is the principle of inherent dignity of man. This is the Formula of End- in-itself.

#### **3. Act as a member of Kingdom of ends. (Autonomy of morality)**

A Kingdom of Ends, is an ideal society of rational beings following Moral law. Rationality is universal. So, all persons following the Moral Law should live in perfect harmony with one another. Third maxim holds that, every human being including oneself has intrinsic value. Everyone in this kingdom is sovereign i.e. imposes moral law upon himself and subject at the same time i.e. he obeys the moral law imposed by himself. All rational and self-ruled beings stand on equal grounds. According to Kant, this is synthesis of form and matter.

### **The complete Good: Virtue & Happiness**

- Kant believes that virtue is the supreme Good. However it is not complete good. The complete Good consists in association of virtue with happiness. To lead moral life, a man ought to pursue virtue for its own sake and not for the sake of happiness. The moral end consists in promotion of one's own perfection and the happiness of others.
- Virtue depends upon good will within our control. Happiness depends upon the external circumstances which are beyond our control. Virtue does not include happiness, nor does happiness include virtue. The harmony of virtue and happiness is brought about by the God.

### **Natural-Rights Theory**

- Another important variety of deontological ethics is natural-rights theory. Although the social-contract theories of Hobbes and Locke both presupposed and justified the existence of some natural rights, some later political philosophers took the notion of natural rights as absolute and defined the scope and limits of government power on the basis of this assumption. The leading 20th-century representative of this line of thinking, the American philosopher Robert Nozick (1938–2002), held that the state should have no more than minimal powers—essentially the powers to protect citizens' rights to life and

property—because only a state with those powers could have come about without violating anyone's natural rights.

### **FEMINIST ETHICS : CAROL GILLIGAN**

- Feminist Ethics is an attempt to revise, reformulate or rethink traditional Ethics. Feminists have developed a wide variety of gender-centred approaches to ethics. For ages, ethical thinkers have talked about two great moral imperatives. 'Justice' and 'love'. The concept of 'love' is replaced by the concepts of 'goodness', 'utility' etc. Carol Gilligan, like a few other feminists, has emphasised issues related to women's traits and behaviours, particularly their 'care giving ones'. Gilligan's ethical theory is essentially based on the "communal nature of women." The theory is titled as ethic of care as against typical conventional male oriented ethic of justice.
- According to Gilligan under the ethic of justice, men judge themselves guilty if they do something wrong. Whereas under the ethic of care, women are reluctant even to judge the action. This reluctance to judge itself may be the indicative of the care and concern for others. Thus women not only define themselves in a context of human relationship but also judge themselves in terms of 'care and concern'. As a result of this a woman's judgement, her moral deliberations become very different. Her voice is different. Gilligan, however, hasn't called it a woman's voice, but a different voice, since she doesn't want to make this theory gender biased and wants to suggest that there may be different ways of looking at moral behaviour.
- Gilligan further brings out the distinction between 'ethic of care' and 'ethic of justice'. On her view the quality and quantity of relationships is of great importance in both the systems. Individual rights, equality before law, fair play, a square deal – all these goals can be pursued without personal ties to others. Justice is impersonal. Whereas sensitivity towards others, loyalty, responsibility, self sacrifice and peace – making all these reflect interpersonal involvement. Care comes from connection.

### **The ethic of authenticity: Jean-Paul Sartre**

- Jean-Paul Sartre — hold that a personal and subjective moral core lies or ought to lie at the foundation of individuals' moral acts. In this view public morality reflects social convention, and only **personal, subjective morality expresses true authenticity**.
- In order to bring out the case of existential ethic of human freedom and free self-commitment, Sartre demonstrates the futility of conventional ethic of deontology and consequentialism, which have dominated the world of moral philosophy for the past two centuries.
- With the example of a young man, (who is confronted with the dilemma of whether to join Army or to stay with mother who is totally dependant on him). Sartre shows how both the conventional systems of ethic can't guide him. He further states that even the instincts or sentiments of ethic can't guide him. He further states that even the instincts or sentiments of the young man, about his mother or motherland cannot guide him, beyond a point to take the actual decision. The young boy then realizes how he is condemned to be free and how he has to assume the responsibility of choosing one alternative over the other.
- The ethic of authenticity, is at the very heart of existentialism. It emphasises the absolute character of the free commitment by which every man realizes himself in realizing a type of humanity.
- Sartre compares the moral choice with the construction of a work of art. Does one ever ask what is the picture that he ought to paint? As everyone knows there is no pre-defined picture for him to make; We are in the same creative situation. When we are confronted with a moral choice what action he will choose isn't predetermined, and can never be predetermined.
- Sartre takes this analogy a step further and maintains that as a painting is just one 'episode' in the entire life of the painter, so is the moral action, but one action in the life of the moral agent. **As we can't say before the painting that it is going to be good or bad so we can't say about the action as well.**
- The only caution which Sartre gives in this context is "bad faith". Bad faith is self deception." **To believe that I am not free,' or I am forced to do a particular action,' is nothing but "Self deception," One should not fall in "bad faith".**

## Indian Ethics

- Indian thinkers take a synthetic view of life. For them there are no watertight compartments among the philosophical problems. The Indians have a strong faith in moral order that prevails in this universe. Everyone has to contribute to universal moral order. Every individual has a role to play in this universe. Every role brings with it specified duties and responsibilities.
- In Indian view, the obligation of individual is not confined to human society only. It is extended to the whole of sentient creation. Indian philosophy holds, "Love thy neighbor as thyself and every living being is thy neighbor". Moral philosophy in India is truly speaking the art of living a good and disciplined life.

### **THE FEATURES OF INDIAN ETHICS**

Indian Schools of Philosophy are broadly classified into Orthodox (Astika) and Heterodox (Nastika). Six chief philosophical systems viz. Mimansa, Vedanta, Sankhya, Yoga, Nyaya and Vaisheshika are Orthodox schools of Indian Philosophy. These schools accept the authority of the Vedas. So they are called as Orthodox or Astika schools. Three Chief Philosophical Systems viz. the Charvakas, the Buddha and the Jaina's are Heterodox Schools of Indian Philosophy. These schools do not accept the authority of the Vedas. So they are called as Heterodox or Nastika schools.

All Indian systems of thought whether Orthodox or Heterodox share some common features. The features of Indian Ethics can be stated as below:-

1. Indian ethics is the **oldest moral philosophy** in the history of civilization. The remoteness of Indian ethics is responsible for making it well established in the practical life of the followers. Every school of Indian Philosophy confirms the endurance of ethical ideals which are unshaken even today.
2. Indian thinkers suggest some **practical means** of attaining a life of perfection here in this world. The rules of conduct have been practically followed by the Yoga, the Jain and the Buddhist disciples for thousand years. The aim of Indian moral philosophy is not only to discuss moral ideals but also to follow the path leading to the moral ideals.
3. In Indian Ethics, there is a **synthesis of theory and practice**, of intellectual understanding and direct experience of ultimate reality (Kaivalya, Nirvana etc.) In Indian Ethics, intellectualism and moralism are two wings that help the soul in spiritual flight.
4. Indian ethics is **absolutistic and spiritualistic**. It aims at realization of supreme reality by transcending pleasure and pain; even right and wrong and good and evil. The ideals are attainable by spiritual discipline.
5. Indian Ethics is **humanistic**. It seeks a balance between individual's inner and outer life; individual and social life. Moral laws or code of conduct is prescribed in such a way that individual progress and social welfare will lead to harmonious living. The goal of morality is the wellbeing of humanity.
6. Indian ethical thinkers preach **non-violence, love, compassion and good will** for all living beings. It is not limited to human beings. It includes every living beings, plants, birds, and animals, every visible and invisible form of life.
7. Indian thinkers believe in the **Law of Karma**. Law of Karma means that all our actions good or bad produce their proper consequences into the life of an individual, who acts with a desire for fruits thereof. It is the general moral law which governs the life of all individuals. Law of Karma is the force generated by an action that has the potency of bearing fruit. It is the law of the conservation of moral values. Except Charvakas, all Indian schools accept the Law of Karma.

## THE CONCEPT OF DHARMA WITH REFERENCE TO RTA, RNA & PURUSHARTHA

- The concept of Dharma is the unique and comprehensive concept in Indian philosophy. The Sanskrit word ‘Dharma’ cannot be exactly translated in English language. The word ‘Dharma’ is derived from the Sanskrit root,’dhr’ which means **to sustain, to support or to preserve**. In Indian philosophy the word ‘Dharma’ is used in various ways.
- In Rigveda, the word ‘Dharma’ stands for **natural or cosmic law**. The cosmic law ‘Rta’ reflects in the society as ‘Dharma’. It also stands for moral laws and moral conduct.
- In Chhandogya Upnishad, ‘Dharma’ stands for the **performance of duties** related to the stages of life that is Aashram- Dharma.
- In ‘Eitereya Brahman’ the word ‘Dharma’ stands for **right conduct**. The king is the preserver of ‘Dharma’ that prescribes code of conduct.
- In Mahabharat, the word ‘Dharma’ is defined as ‘dharanat dharayate ityahu’. ‘Dharma’ is that **which holds together the society**.
- In Vaisheshika philosophy, ‘Dharma’ is that which leads to prosperity and **the highest good or spiritual wellbeing**.
- In Mimansa philosophy, the word ‘Dharma’ is a Vedic command which ought to be followed.
- Manu Smruti and Yadnyavalkya Smruti, hold ‘Dharma’ as performance of duties prescribed by individual’s Varna (the class) as well as Aashrama (the stages of life).
- Dr Radhakrishnan wrote, “We may define ‘Dharma’ as the whole duty of man in relation to the fourfold purposes of life [Dharma, Artha, Kama & Moksha] by members of four groups [Chaturvarna] and the four stages [Chaturashrama].”
- Indian ethical view **correlates three strings of morality in human life – subjective, social and spiritual**. Purushartha imply achievement of subjective morality that is individuals own goals. Varnashrama imply social morality. An individual cannot live a solitary life. The concept of Rna implies the sense of gratitude for whatever a person receives from his fellow beings. An individual’s spiritual liberation is possible only through disinterested performance of duties.
- The concept Dharma is depicted in the concept of Rta as a Cosmic Law. It is depicted as a Duty in the concept of Rna in a social sense. The concept of Dharma plays an imp role in the theory of Purushartha. It guides the individual at fundamental level in the pursuit of values in his life. The concepts of Rta (the eternal cosmic order), Rna (the debts) and Purushartha (the Supreme Ends) provide the foundation to the moral life of an individual.

### The Concept of RTA

- The concept of Rta is the fundamental concept in Vedic philosophy. Rta is the eternal, cosmic and moral order. **Rta represents the basic truth, harmony or system of the universe which no one can violate**. Rta is Truth or truths (Satyasya satyam), centre of centres (Kendrasya Kendram). It is the Divine order which is designated as “Vrata” in Vedic literature.
- In the physical sphere Rta represents the eternal and inviolable law of nature. Rotation of Heavenly stars, alteration of day and nights, flow of rivers, oceans, etc. are regulated by Rta. Rta is the unity-in-difference in the cosmic order. It maintains everything in its correct place.
- The principal of Rta is eternal and omnipresent principal. It is imminent in all the creations of Cosmos. Rta is the binding principal of this cosmos, whether physical or moral.
- **In the moral sphere, Rta is righteousness. It is the measure of morality**. Those who follow the path of Rta, follow the path of Good. They are called Vratani. The path of Rta (Vrata) is consistent with natural cosmic order. The path of Rta leads a man to harmonious, prosperous and contented life.
- **Anrta is opposite of Rta. Anrta represents complete disorder and confusion**. The path of Anrta goes against the natural laws. It leads a man towards disease and death.
- Vedic Gods are Guardians of Rta. [Rtasya Gopa]. However, Gods are not superior to the cosmic and moral order. Gods themselves are subject to Rta.
- Gods are angry when path of Rta is not followed. Thus Rta is responsible for the apportionment of reward and punishment. For Gods, Rta has metaphysical relevance and for human beings Rta has ethical relevance.

- Life of reason leads to righteous behavior that confirms the solidarity and sovereignty of cosmic and moral order consequently human beings are rewarded by Gods.
- Life of passions (Anrita) leads to chaotic behavior that harms the solidarity and sovereignty of cosmic and moral order. Consequently human beings are punished by Gods.
- The concept of the eternal, inviolable cosmic and moral order gradually shapes itself into the Law of Karma, the peculiar characteristic of Indian philosophy.

### Concept of RNA

- Indian ethics has a special characteristic of **Ashram system**. Every individual by nature passes through various stages of life. Indian thinkers correlate the stages of individual to the society.
- Indian thinkers prescribed duties to every stages of life. The prescribed duties contribute to the social welfare and social stability. Ashram system has four stages. Every individual passes through the stages of a Brahmacharin (a student), a Grihastha (a house holder), a Vanaprastha (retired) and a Sanyasin (a wandering monk.)
- The stage of a householder is very important for the stability of the society. The individual enters into the first unit of society i.e family, by entering Grihastha Ashrama. A householder enjoys the pleasures of life. At the same time, he has many responsibilities. He has to take care of his family, the guests and other society members.
- The concept of Rna implies obligation and responsibility. Man is a social animal. His development is possible, because many other fellow beings have, in some or other way, contributed to his progress. The individual is under obligation of many members of his society.
- The individual is born with 3 Rnas namely Rishi Rna (debt of sages / teachers), Pitru Rna (debt of the ancestors) and Deva Rna (Divine debt)
- By repaying three Rnas the individual reaches the stage of 'Annrunya' which means freedom from all Rnas. Only after reaching the stage of Annrunya, an individual can prepare himself for the highest purushartha- Moksha
- The concept of Rna-traya [3 debts] is a commonly known concept. However, "Shataphath Brahman" refers to fourth debt Viz. Manushya Rna. It is obligation towards humanity. By helping other human beings an individual becomes free from debt towards humanity.

### Concept of Purushartha

- The Indian thinkers were not only interested in knowing the Ultimate Reality but in realizing the Ultimate Reality. Philosophy is an art living good life. They prescribed Four Supreme Ends that is Purusharthas. The term 'Purushartha' means the goal or the End that every human being (man or woman) ought to seek. The Purusharthavada is a comprehensive Indian theory of human values. Man is a rational, social, moral and spiritual being. His needs are to be satisfied. Good life consists in the pursuit of four Supreme Ends, namely Dharma (Virtue), Artha (Wealth), Kama (Desire) and Moksha (Liberation). Artha satisfies material needs of individual, Kama satisfies psychological needs and Moksha aims at spiritual satisfaction. Dharma accompanies throughout the life.
- Initially only three Purusharthas i.e. Dharma, Artha and Kama were recognized as the supreme ends. These three supreme ends were named as 'Trivarga'. Later on Moksha (Liberation) as the supreme end was introduced. These four Purusharthas are classified into two groups. Artha and Kama are considered as lower and material values. Dharma and Moksha are considered as higher and spiritual values.
- Among the four Purusharthas, Dharma is always mentioned first. It is given priority over others because all human pursuits have to be compatible with moral values and principles. Dharma is said to be the special characteristic of human beings. All living organisms are indulged in eating, sleeping, tearing, and sex. Dharma is the distinguishing characteristic of Human beings. *Dharma indicates moral and reflective awareness*. Man is essentially a rational and spiritual being. He is not satisfied with the mere satisfaction of biological needs of hunger, sex and safety. He has higher needs – psychological, moral and spiritual.
- Dharma is as 'duty' is classified into Sadharana Dharma that is General virtues and duties and

Vishesha Dharma that is Special virtues and duties.

- **Sadharana Dharma** includes the actions which are indicative of the general virtues like non-violence in thought, word and deed, truthfulness, non-stealing, purity, knowledge, veracity, patience, gentleness, forbearance, honesty, self-control, charity, moderation, compassion, respect for others' property and contentment. Such virtues and duties are obligatory on **all** human beings irrespective of their class or creed. These virtues and duties are useful for self-development. They are self-regarding as well as other-regarding virtues
- **Vishesha Dharma** is related to one's class in society and to the particular stage of life. Vishesha Dharma is classified into two Varna Dharma and Ashrama Dharma.
- Prof Shah and Dr. Sunder Rajan believe that the theory of Purusharthavada is the perfect moral theory. All human problems can be solved by Purushartavada. The four Supreme Ends form one complete whole. One Purushartha is meaningless without another. These Supreme Ends can coordinate individual and social ideals at any time. They define the very human nature in terms of goals.
- Four Purusharthas are intimately connected with one another. Dharma leads to Artha, Artha leads to Kama, Kama leads to Moksha. There is integrity among Four Purusharthas. Every Supreme End (Purushartha) forms foundation for next Supreme End. Dharma accompanies Artha. Artha is means to Kama and Kama leads to Moksha. Dharma without Moksha leads to mere rituals. Artha without Dharma is greediness. Kama without Artha will be lust. Moksha without other Purusharthas will be hollow and abstract.

### **THE IDEA OF NISHKAMA KARMA IN THE BHAGWAD GITA**

- A common man always hopes for the reward of his actions. Desires bind a man. The performance of duties has dual attachment. 1. Feelings of an agent 2. Interest in the fruits of the action.
- Every action results in reaction and thus the chain of actions continue. This chain i.e. the **bondage can be stopped by detachment**.
- The detachment is twofold. Firstly one has to realize that true agent of all activities is prakriti and not the individual. Secondly the interest and desire regarding the fruits of action should be given up.
- The Gita preaches the path of Nishkam Karma. **Our duties must be performed without selfish motive**. We have to offer the fruits of our actions to the Divine. We have a right to the performance of our duties but we do not have any right to the rewards of our actions. Actions are our sphere, fruits are not our concern.
- The ideal of the Gita is performance of duties in a detached spirit. The Gita teaching stands, not for renunciation of action but for renunciation in action. The Gita does not preach to renounce everything but to renounce the selfish desires and the fruits of one's actions. The individual should give up any expectation for the rewards. His actions should be the performance of his prescribed duties.
- **The Gita ethics is neither hedonistic nor ascetic**. It condemns the wild pursuit of pleasures, as well as suppression of desires. The Gita prescribes controlled satisfaction of humanly desires.
- Some thinkers **equate Nishkam Karma of Geeta to Kantian concept of duty** but some other believe that Nishkam Karma is not deontological but **teleological** because here the aim of nishkam karma is **moksha**.

### **Buddhist Ethics**

(Note: It is assumed that you have read basics of Buddhism and Jainism as part of history and art and culture)

- Essentially, according to Buddhist teachings, the ethical and moral principles are governed by examining whether a certain action, whether connected to body or speech is likely to be harmful to one's self or to others and thereby avoiding any actions which are likely to be harmful. In Buddhism, there is much talk of a skilled mind. A mind that is skilful avoids actions that are likely to cause suffering or remorse.

- The two most important systems of moral discipline in Buddhism are the Five Precepts, which apply to lay people, and the Vows of Individual Liberation (Skt. prātimokṣa) which apply to monks and nuns. Accepting these commitments is a crucial part of what defines someone as a Buddhist lay person or as a Buddhist monastic. The Five Precepts are quite similar to basic lists of prohibitions in other great world religions: those who take them make a commitment to **refrain from killing, stealing, sexual misconduct, lying, and drunkenness**. The Vows of Individual Liberation are stricter, ruling out all forms of sexual activity and laying down detailed regulations for monastic etiquette and deportment.

Lord Buddha's teaching to lead the path beyond evil is known as Four Noble truths (Chatvari Aryasatyani) . The Fourth noble truth in Buddhism is about the path to reach a state free from misery i.e Nirvana. This noble path is eightfold. This is essentially a filled with moral percepts. The Arya Ashtanga Marg of Buddha is as follows-

### **1. Right Views [Samyak Drishti]**

Right view is defined as the correct knowledge about the Four Noble Truths. Such knowledge helps moral reformation and leads us to Nirvana. Ignorance is the main link of the chain of 12 causes. So when ignorance, the root course is removed by Right Views, the whole chain can be broken.

### **2. Right Resolve [Samyak Sankalpa]**

Right resolve is the firm determination to reform life, in the light of truth. The aspirant has to renounce the worldliness, to give up ill feelings towards others and to desist from doing any harm to them.

### **3. Right Speech [ Samyak Vacha ]**

Right speech is the control of speech. Speech is the reflection of individual's character. So speech of the individual indicates that right resolve has become part of the self. Right speech consists in abstention from lying, slander, harsh words and frivolous talk.

### **4. Right conduct [ Samyak Karmanta]**

Right conduct is unselfish action. It is the outcome of right knowledge, right resolve and right speech. Right conduct includes five vows viz. "Panchashila".

'Panchshila' is similar to Vrata's of Jainism. These are the rules of conduct to be followed by the aspirant. These vows consist in restraining oneself from killing, stealing, sensuality, lying and intoxication.

### **5. Right Livelihood [Samyak Ajivika ]**

Right livelihood is maintaining one's life by honest means. In every action, at every moment, the aspirant's righteous character must be reflected. No forbidden means to be adopted to maintain one's life.

Right livelihood is the indication of the transmutation or sublimation of the character of the aspirant. It is the conversion of the whole personality from the gross, ignoble life of indulgence to the pure, noble life.

### **6. Right Effort [Samyak Vyayama ]**

Right Effort is constant Endeavour to maintain moral progress. There is always a risk of deviation from righteous path. The moral progress can be maintained by ruling out old evil thoughts and preventing evil thoughts from arising a new. The empty mind should be filled up with good ideas and retaining these good ideas.

### **7. Right Mindfulness [ Samyak Smruti]**

Right Mindfulness is the constant contemplation over the perishable nature of things. The constant

remembrance of the true nature of worldly objects including one's body, helps the aspirant to remain free from attachment and consequently from the misery.

### 8. Right Concentration [Samyak Samadhi]

Right Concentration is deeper and deeper stage of meditation to attain Nirvana. Right Concentration has four stages of meditation

1. First stage of concentration involves reasoning and investigation regarding Truths. The First stage brings joy and delight.
2. Second stage of concentration involves rising above the reasoning of Truths. The second stage brings internal joy and calmness.
3. In the Third stage of concentration all passions and views disappear. The Third stage brings indifference to joy but the feeling of a physical relaxation persists.
4. Fourth stage of concentration involves detachment from physical relaxation too. It is state of Nirvana, a state of perfect peace and self-possession.

The stage of Right concentration is a gradual march towards universality. Such march can be facilitated by constantly cherishing Four Sublime moods (Brahmavihara) viz.

Love (Maitri), Compassion (Karuna), Cheerfulness (Mudita) and Impartiality (Upeksha)

The aspirant who attains Nirvana is called Arhat i.e. a venerable person.

In the old books of Buddhism, the Noble Eightfold path is summarized into Three-fold path namely Right Knowledge, Right Conduct and Right Concentration. Right Knowledge includes right views and right resolve, Right Conduct includes right speech, right conduct, right livelihood and right effort. Right concentration includes right mindfulness and right concentration.

## Jainas

The Jainas believe that ignorance is the root cause of bondage. The Jainas prescribe the threefold path of right faith, right knowledge and right conduct for liberation. Right conduct is essentially related to morality.

### Vratas - The principles of morality

The essential stage of Right conduct is to take five vows (Vratas). These vows are the basic rules of the conduct viz. Non- injury (Ahimsa), Truthfulness (Sunruta), Non-stealing (Asteyam), Celibacy (Brahmacharya) and Non-possession (Aparigraha). The purpose of five vows is building a strong character, self-purification and self-realization.

There is only one fundamental Five fold spiritual discipline in Jainism. In the case of the monk, it is extremely strict, rigid and puritanical. The vows prescribed for the ascetic are called as Mahavratas (the great vows). The great vows lead the monk towards absolute renunciation.

The five fold spiritual discipline in the case of the layman or the house holder is modified and diluted. The Vows prescribed for the layman are called as Anuvratas (the atomic or lesser vows). The first three vrataas viz. Ahimsa, Sunruta and Asteyam are same for the layman. The last two vows are modified. Brahmacharya is restricted to chastity and Aparigraha is restricted to contentment. The adoption of Anuvrata is the training for the layman to rise to the level of the monk. The code of conduct for the layman and the monk is the same differing only in the degree.

## The Charvaka Hedonism

- Indian thinkers advocated four Supreme Ends (Purusharthas) viz. Dharma (Virtue), Artha (Wealth), Kama (Desire) and Moksha (Liberation). The Charvakas accept reality of this empirical world and the physical body as the soul. Hence the Charvakas deny Dharma and Moksha as the supreme ends. They accept Kama as the primary goal of life.
- The Charvakas deny moral and spiritual values [Dharma and Moksha] and recognize only material [Artha and Kama] values. The economic values (Artha) are accepted as means to derive individual pleasures[Kama]. Artha is subordinate to Kama as wealth is means to sensuous enjoyment. The Charvakas advocate Hedonism for they accept satisfaction of desires - pleasure as the Supreme End of life. [kama eva ek pu\$Yaa)a-:] The Charvaka school is the only school in Indian tradition that advocates hedonistic ethics.
- The Charvakas believe that human existence is confined to the physical body and to this life. So the physical pleasure is the only good thing one can obtain. The goal of human life is to obtain the maximum amount of pleasure and to avoid pain, in this life. Thus, the Charvakas advocate Gross Egoistic Hedonism.
- Individual existence in the material body is bound up with pleasure as well as pain. According to the Charvakas, pleasure is always associated with pain. There is no state such as Absolute Happiness. Pleasure, though mixed up with pain is the only possible good. One can try to minimize the pain as much as possible; the existence of pain can not be eradicated. 'No wise man will give up eating fish because there are bones in the fish'. 'No one will give up sowing rice because there is a fear of its destruction by animals'. Wisdom lies in adopting pleasures and eschewing pains.
- One should always seek the pleasures of present life and give up the futile hope of future pleasures. 'Rather a pigeon today than a peacock tomorrow'. 'A bird in hand is worth two in the bush'. Thus the Charvakas advocate immediate satisfaction of one's desires. All pleasures are equal. There is no qualitative or quantitative difference among pleasures. The satisfaction of desires is the ideal of life. The immediate pleasures are preferred to remote pleasures.
- The past is dead and the future is uncertain. The present alone is in the possession of individuals. So the present pleasures cannot be sacrificed. The Charvakas preached, "So long as one lives, pursue happiness, enjoy all sensuous pleasures, once the body becomes ashes, how can it ever return here?
  - "yavat jivet sukham jivet rinam kritvā dhritam pibet bhasmi- bhutasya dehasya punarāgamanam kutah."
- 'Personal Pleasure' in this life, is the sole aim of every individual. Pleasure is the criterion of morality. A good action is one which brings more pleasure than pain and a bad action is that which brings more pain than pleasure. The Charvakas seek morality in individual pleasure. In the act of seeking pleasures, the Charvakas advocate equal freedom to women. It shows their liberal attitude towards women. They reject Vedic authority and hence oppose all religious and Vedic ceremonies and rites.
- The Charvakes preach an egoistic ideal i.e the pursuit of individual sensuous pleasure by fair means. It was argued that one should earn wealth by agriculture, commerce, royal service, etc.
- The Charvakas pursuit of individual pleasures was severely criticized by other Indian Schools of philosophy. Later on, some wise Charvakas like Vatsyayan, refined their views, regarding the nature of pleasures and the means for seeking pleasures.

## Ethics in Arthashastra

Kautilya's Arthashastra is one of the most widely known treatises of ancient India. Arthashastra which was written primarily as a book of codes for efficient administration by the monarch also includes issues pertaining to foreign relations, social order, wealth creation both for sovereign and his subjects, taxation principles, international trade issues, labour theory of value, etc.

Many thinkers undermine the ethical importance of Arthashastra because a number of immoral and unethical practices such as conspiracies, black magic, violence etc. find place in Arthashastra. However, here are few points, which emphasize the ethical importance of Arthashastra.

1. Kautilya recommended cruel/unethical measures only against enemies and traitors that too in emergencies. International ethics is still facing the same dilemma.
2. Concept of Welfare state (Yogakshema) and good governance, Duties of King and officials as enshrined in Arthashastra are very relevant for an effective, efficient and ethical administration.  
Prajasukhe Sukham Rajnah Prajanam cha Hite Hitam | Naatmapriyam Hitam Rajnah Prajanaam tu Priyam Hitam || (In the happiness of the subjects lies the happiness of the king; in their welfare his welfare. The king shall not consider what pleases himself as good; whatever pleases his subjects is only good for him.)
3. The social contract in Kautilya's Arthashastra gives the ethical basis of governance.
4. The term artha used by Kautilya has a broader meaning beyond personal wealth. Unlike the modern capitalist system where individual is the prime focus, Kautilya regards society above the individual interest. Kautilya's Arthashastra identifies a crucial role for state/government for the material well-being of the nation and its people. He regards money as valuable only to the extent it serves as a means to acquire goods. It is not desirable for its own sake. And thus the Arthashastra guides individuals to mould their lives for ethical wealth generation. In modern times, corporate scandals like Enron, Tyco and Satyam have time and again brought forth the importance of ethics in economic and corporate affairs.
5. The Arthashastra lays down for each individual, to whichever varna and asrama he may belong, the duties of ahimsa (refraining from injury), satya (truthfulness), sauca (purity), anasuya (freedom from malice), anrsamsya (compassion) and kshama (forgiveness). These ideals of conduct are meant for individuals. The Arthashastra regards them as obligatory, though the conduct of public life shall not be guided by rules of individual morality.
6. The Sastra lays down that the ruler is required to safe-guard the social order based on the varna and the asrama system. This order is believed to have been prescribed in the Veda and, as such, divinely ordained. Therefore, it is considered immutable. The state had no role in its creation. So, it does not have any role to try to modify it. The duty of the state is only to preserve this order and not to allow it to be disturbed in any way. In this respect, the Arthashastra shares the same view of the Dharmashastra.

## Modern Indian Thinkers

### Swami Vivekananda(1863-1902): New Principle of Morality and Ethics

- The prevalent morality, in both individual life and social life, is mostly based on fear – fear of the police, fear of public ridicule, fear of God's punishment, fear of Karma, and so on. The current theories of ethics also do not explain why a person should be moral and be good to others. Vivekananda has given a new theory of ethics and new principle of morality based on the intrinsic purity and oneness of the Atman. We should be pure because purity is our real nature, our true divine Self or Atman. Similarly, we should love and serve our neighbours because we are all one in the Supreme Spirit known as Paramatman or Brahman.

- Further, Swami Vivekananda said Ethics always say ‘not I but thou’, which is the background of all ethical codes. It implies the recognition of non-individuality – that you are part of me and I of you; the recognition that in hurting you I hurt myself and in helping you I help myself. It is this which helps in shaping certain attitudes which an individual develops while working in a group or an organization. These attitudes lead to moral excellence in all spheres of life.

### **Selected Moral Teachings of Swami Vivekananda:**

- Education is the manifestation of the perfection already in man.
- We want that education by which character is formed, strength of mind is increased, the intellect is expanded, and by which one can stand on one's own feet.
- So long as the millions live in hunger and ignorance, I hold every man a traitor who, having been educated at their expense, pays not the least heed to them.
- Whatever you think, that you will be. If you think yourselves weak, weak you will be; if you think yourselves strong, strong you will be.
- Strength, strength it is that we want so much in this life, for what we call sin and sorrow have all one cause, and that is our weakness. With weakness comes ignorance, and with ignorance comes misery.
- Purity, patience, and perseverance are the three essentials to success, and above all, love.
- Religion is the manifestation of the Divinity already in man.
- Teach yourselves, teach everyone his real nature, call upon the sleeping soul and see how it awakes. Power will come, glory will come, goodness will come, purity will come, and everything that is excellent will come when this sleeping soul is roused to self-conscious activity.
- They alone live who live for others, the rest are more dead than alive.
- This is the gist of all worship – to be pure and to do good to others.
- It is love and love alone that I preach, and I base my teaching on the great Vedantic truth of the sameness and omnipresence of the Soul of the Universe.

### **Mahatma Gandhi**

- For Gandhi there is no watertight compartment between personal/private/social ethics. For Gandhi, dharma is everything. His ethics is guided by what Lord Krishna in Bhagavad Gita [Chapter III, Verse 201 enunciated several thousand years ago i.e. “Loka samgrahamevapi sampasyankar tumarhasi”. Gandhi set an example of self-sacrifice, demonstrated the highest standards of personal integrity, honesty, pristine purity, transparent public and private life, fairness and justice which are the basic ingredients of Gandhi’s ethics. Dharma, in the Indian tradition, commands morality in the sense of righteous conduct. Mahatma Gandhi has raised dharma to a higher pedestal, signifying a quality through which we know “our duty in human life and our relation with otherselves”.
- According to Gandhi, moral degeneration is the root cause of all evils including conflicts . So he recommends acquisition of moral value such as truthfulness, non-violence or love. self-control, forgiveness, non-enmity or friendliness, compassion, mercy etc.
- Here is the list of some of the ideas of Gandhi

Problem	Solutions
Moral Crisis	Non-violence Ashram, Anasakta Karma
Religious Fundamentalism	Sarva Dharma Sambhava, Tolerance, Respect towards all Religions
Educational Reform	Nai-Talim Adult Education
Social Disturbance	Removal of Untouchability, Communal Unity, Sarvodaya, Upliftment of Women, Prohibition, Service of Backward Classes, Village Sanitation
Political Conflicts	Swaraj, Decentralisation of Power. Democracy of Enlightened Majority
Economic Problem	Trusteeship, Swadeshi, Bread Labour, Khadi and Village Industries, Decentralisation of Wealth

### Theory of trusteeship

- Gandhi gave the **theory of trusteeship**. Gandhi had a view that all material property was a social trust. The owner therefore was not required to take more than what was needed for a moderately comfortable life. The other members of society who were associated with the property were jointly responsible with the owner for its management and were to provide welfare schemes for all.

### Concept of Truth and God

- For Gandhi ji God is Truth and Love; God is ethics and morality; God is fearlessness. According to Gandhi ji it is more correct to say that Truth is God than to say God is truth. Truth is not a theory for Gandhi ji but **an ideal of human conduct**. Devotion to this Truth is the sole justification for our existence. All our activities should be centered in Truth. Truth should be the very breath of our life.

### Concept of Sarva Dharma Sambhav

- To prevent conflicts caused by religious bigotry, Gandhi suggested "Sarva Dharma Sambhav". According to him all religions are true and man can not live without religion so he recommends attitude of respect and tolerance towards all religions.

### Criticism of modern state

- Gandhi criticised modern state because of its coercive aspect and its anti-human thrust. Gandhian perspective on the theory of State can be best reasoned on the basis of a model that he aspired for independent India. This polity, the model polity, was embedded in '**Swaraj**'. Self-governance or self-rule at a general level carried the meaning of 'Swaraj'.

### Selected Moral Teaching of Gandhi

- "Seven Deadly Sins (1) Wealth without work (2) Pleasure without conscience (3) Science without humanity (4) Knowledge without character(5)Politics without principle (6) Commerce without morality(7)Worship without sacrifice."
- "The greatness of a nation and its moral progress can be judged by the way its animals are treated."
- "True morality consists not in following the beaten track, but in finding the true path for ourselves, and fearlessly following it."

## Chinese Ethics

### Confucius /Confucianism

- A primary ethical concept in Confucianism is *Li*, broadly translated as appropriate behavioural norms. The concept refers to a set of normative practices in Chinese society that were a central part of social interactions such as bowing to one's superior, adhering to the requirements of the three-year mourning period for one's parents' and, more broadly, gestures that were appropriate to one's social and kinship status. The concept presents much difficulty for modern interpreters of Confucianism because there is a sense of a traditional, backward pull in their dictates.
- Confucianism goal is making not only the man virtuous, but also making him the man of learning and of good manners. The perfect man must combine the qualities of a saint, scholar, and gentleman.

### Mohism

The first response to Confucianism was given by the Mohist school, which countered the Confucian ritual focus with a focus on the notion of human welfare, or "the beneficial. Mohist philosophy closely resembles Western "utilitarianism," which resolves issues of doubt by asking which alternatives of action, belief, or moral disposition will produce the greatest net benefit to the human race. Mohist utilitarianism poses such questions about behavioral norms: which standards of values will maximize human welfare? Mohist doctrine consists of the

answers to that question. (Mohists do not advocate that individuals weigh action alternatives according to their effect on human welfare, but rather that individuals act according to constant standards determined on a utilitarian basis.)

## Global Ethics

- Issues of globalization have sparked great controversy since the 1980s. Globalization, broadly construed, is manifested in various forms of social activity including economic, political and cultural life. Practicing global ethics entails moral reasoning across borders. Borders can entail culture, religion, ethnicity, gender, race, class, sexuality, global location, historical experience, environment, species and nations. Ethicists ask how we best address issues of globalization—that is, how we begin to address conflicts that arise when vastly different cultural norms, values, and practices collide.
- There have been two broad philosophical approaches to address cross-border moral disagreement and conflict. The dominant approach aims to develop moral theories that are not committed to a single metaphysical world-view or religious foundation, but are compatible with various perspectives. In other words, it is a goal to develop a theory that is both ‘thick’ (that is, it has a robust conception of the good embedded within a particular context, and respects local traditions) and ‘thin’ (that is, it embraces a set of universal norms). These universalists include human rights theorists, Onora O’Neill’s deontology, Seyla Benhabib’s discourse ethics and Martha Nussbaum’s capabilities approach. They tend to be associated with constructing ‘thin’ theories of morality. The other approach, most notably advocated by Michael Walzer, is communitarianism. Communitarians deny the possibility of developing a single universal standard of flourishing that is both thick enough to be useful and thin enough to support reasonable pluralism.
- The debate between these two approaches to global ethics has reached an impasse. Since communitarians hold that moral norms are always local and valid internal to a particular community, universalists charge the communitarians with relativism. Moreover, universalists argue that communitarians fail to provide useful methods for addressing cross-border moral conflict. However, the communitarians charge the universalists with either positing theories that are too thin to be useful or advancing theories that are substantive but covertly build in premises that are not universally shared, and so risk cultural imperialism.
- Martha Nussbaum believes her capabilities theory resolves the impasse and offers a viable approach to global ethics that provides a universal measure of human flourishing while also respecting religious and cultural differences. The capabilities approach, she argues, is universal, but ‘of a particular type.’ That is, it is a thick (or substantive) theory of morality that accommodates pluralism. Thus, she argues that her theory avoids criticisms applied to other universalists and communitarians.

## Applied ethics

- Applied ethics, as the name implies, is the branch of ethics consisting of the application of normative ethical theories to practical problems. Some of the most compelling issues in contemporary applied ethics have arisen in the fields of medicine and the life sciences, where continual technological advances have created new ethical dilemmas for doctors, patients, and researchers(**BIOETHICS**). Another set of problems has been raised by the concern among growing numbers of people in the West about the morality of traditional ways in which humans use animals (e.g., for food, clothing, entertainment, and scientific research)( **ANIMAL RIGHTS**). The environmental movement since the 1970s, especially the

emergence of global environmental issues such as ozone depletion and climate change in the late 20<sup>th</sup> century, has led to renewed speculation among philosophers about whether insentient things, or the natural environment as a whole, have moral value, and if so whether inherently or by virtue of their close relation to other morally valuable things (such as future generations of humans)(**ENVIRONMENTAL ETHICS**). Finally, traditional questions regarding the morality of war and the value of peace have been especially prominent in general political discourse these days due to Iraq war, Libyan War, Syrian war etc(**PACIFISM**). **Ethics in international sphere**, including terrorism, war on terrorism is also a prominent issue of applied ethics these days.

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## **Supplementary Material**

### **Ambedkar**

- Ambedkar was against any kind of religious morality especially Hindu morality. He once said, "Every religion preaches morality but morality is not the root of religion. It is a wagon attached to it. It is attached and detached, as the occasion requires. The action of morality in the functioning of religion is therefore, casual and occasional".
- Ambedkar believed that Hindu morality is caste morality. The effect of caste on the ethics of the Hindus is simply deplorable. Caste has killed public spirit. Caste has destroyed the sense of public charity. Caste has made public opinion impossible. A Hindu's public is his caste. His responsibility is only to his caste. His loyalty is restricted only to his caste. Virtue has become caste-ridden and morality has become, caste-bound. There is no sympathy to the deserving. There is no appreciation of the meritorious. There is no charity to the needy. Suffering as such calls for no response. There is charity but it begins with the caste and ends with the caste. There is sympathy but not for men of other caste.
- Ambedkar was in favour of idea of **constitutional morality** formulated by British historian George Grote. By constitutional morality, Grote meant... a paramount reverence for the forms of the constitution, enforcing obedience to authority and acting under and within these forms, yet combined with the habit of open speech, of action subject only to definite legal control, and unrestrained censure of those very authorities as to all their public acts combined, too with a perfect confidence in the bosom of every citizen amidst the bitterness of party contest that the forms of constitution will not be less sacred in the eyes of his opponents than his own.

### **Kabir/Kabir Panth**

- Kabir Panth's moral and ethical teaching requires the followers to give up pride, ego, covetousness and anger and to lead a saintly life. They are required to lead a life full of truthfulness and high moral standards. Accordingly, those who are in full compliance to the required standards of morality and ethics are referred to as Gurumukhi. Kabir ethical standards constitute truth, non-violence, charity, love,

forgiveness and contentment. Desire, anger, pride, ego and greed eschew mankind away from the virtues of preferred good society management.

### Socrates

- Socrates equated knowledge with virtue, which ultimately leads to ethical conduct. He believed that the only life worth living was one that was rigorously examined. He looked for principles and actions that were worth living by, creating an ethical base upon which decisions should be made. Socrates firmly believed that knowledge and understanding of virtue, or "the good," was sufficient for someone to be happy. To him, knowledge of the good was almost akin to an enlightened state.
- He believed that no person could willingly choose to do something harmful or negative. (**Moral Intellectualism**). If we believe it's right to help a drowning child, then it would be fairly shocking to decide not to do so—and it would less surprising when we decide to help the child.

### Stoics

- Stoicism is the Greek philosophical system founded by Zeno of Citium c.300 BC and developed by him and his successors into the most influential philosophy of the Hellenistic age.
- Although the Stoics succeed Aristotle in the history of ethics but in key ways, their legacy amounts to a rigorous re-working of the early ('Socratic') Plato.
- Stoicism Philosophy is primarily concerned with ethics. The end or purpose of life is **arete (excellence)** or virtue which is roughly identified with "happiness."
- "Live life according to nature"—Our actions should agree with the laws of nature
- Since we are rational, we can know the laws of nature and can consciously follow them—rather than seek to overcome them or wish the laws were different.
- No act is evil in itself; moral evil pertains to the intention, the moral condition from which the acts proceeds.

### Thomas Aquinas

- Thomas Aquinas, (1225 –1274) was an Italian Dominican friar and **priest** and an immensely influential philosopher and theologian.
- Aquinas follows Aristotle's privileging of the contemplative over the practical life, even if his Christian conception of contemplatio differs from Aristotle's thèôria. He also follows Aristotle in understanding the cognitive and desiderative aspects of human rationality as inextricably intertwined. **Against the Stoics, therefore, Aquinas insists that passions can be rational, and that rational passions inform fully engaged human action.** Indeed, although reason should exercise a 'constitutional' rule over the passions, its rule should never, on his view, be despotic, since our nature is 'graced' by our emotive capacities. What, then, of the role of virtue, which is just as vital for Aquinas as it is for Aristotle? According to Aquinas, virtue is a disposition ('habitus'), **which is developed by the habituation of our passions in line with the requirements of reason.** These requirements are, he stresses, never fundamentally in tension with our nature, but actually fulfil it – because they are what he calls '**connatural**' with it. And this conception of the virtues as fulfilling our nature underlies Aquinas' celebrated 'natural law' theory: human nature, he holds, is inclined to virtuous ends, and human reason is capable of discerning these ends without any direct divine assistance.

### Hume

- Hume's moral theory appears in Book 3 of the Treatise and in An Enquiry Concerning the Principles of Morals (1751). He opens his discussion in the Treatise by telling us what moral approval is not: it is not a rational judgment about either conceptual relations or empirical facts. To make his case he criticizes Samuel Clarke's rationalistic account of morality, which is that we rationally judge the fitness or unfitness of our actions in reference to eternal laws of righteousness, that are self-evidently known to all humans, just as is our knowledge of mathematical relations. Hume presents several arguments against

Clarke's view, one of which is an analogy from arboreal parricide: a young tree that overgrows and kills its parent exhibits the same alleged relations as a human child killing his parent. "Is not the one tree the cause of the other's existence; and the latter the cause of the destruction of the former, in the same manner as when a child murders his parent?". If morality is a question of relations, then the young tree is immoral, which is absurd.

- For Hume, all actions of a moral agent are motivated by character traits, specifically either virtuous or vicious character traits. For example, if you donate money to a charity, then your action is motivated by a virtuous character trait. Hume argues that some virtuous character traits are instinctive or natural, such as benevolence, and others are acquired or artificial, such as justice. As an agent, your action will have an effect on a receiver. For example, if you as the agent give food to a starving person, then the receiver will experience an immediately agreeable feeling from your act. Also, the receiver may see the usefulness of your food donation, insofar as eating food will improve his health. When considering the usefulness of your food donation, then, the receiver will receive another agreeable feeling from your act. Finally, I, as a spectator, observe these agreeable feelings that the receiver experiences. I, then, will sympathetically experience agreeable feelings along with the receiver. These sympathetic feelings of pleasure constitute my moral approval of the original act of charity that you, the agent, perform. By sympathetically experiencing this pleasure, I thereby pronounce your motivating character trait to be a virtue, as opposed to a vice. Suppose, on the other hand, that you as an agent did something to hurt the receiver, such as steal his car. I as the spectator would then sympathetically experience the receiver's pain and thereby pronounce your motivating character trait to be a vice, as opposed to a virtue.

### Hegel

- Hegel was opposed to Kantian morality.
- Hegel's view on ethics is concentrated on the idea that our moral integrity as individuals is based more on our social community, than some universal set of rules.
- The formulation of morals comes from the influences that surround a particular persons upbringing. Every person has an idealized set of morals based on his/her background. He says, "the locus of morals not in the universal and necessary laws of reason, but in the particular rules and dictates of the family".

### Ethics and Marxism

- The issue of morality in Marxism is a complex question. **Marxists believe that end justifies the means.** Many thinker consider Marxists as immoral because they recommend violence and killing but many others believe that it Marxism possess different kind of morality.
- Marxists believe that "old morality"—the morality of the reigning capitalist class—exploits the working class. According to this view, old religious moral codes must be abandoned. For Karl Marx and Frederick Engels "Thou shalt not steal" establishes a society in which some have property and some do not; such an establishment is the root of the problem.
- When pursuing Marxist ethics, revolution is the most efficient means for creating a society without class distinctions. According to Marxists, revolution is unavoidable and it is the only way to overthrow the bourgeoisie and lift up the proletariat.
- The obligation to work toward the overthrow of the bourgeoisie may very well include the duty to kill.

### Morality and Religion

- From the time civilization took birth on this planet, the man has been debating the right way of living and how they should conduct themselves in society and deal with other human beings, be they are children, relatives, friends or business associates. Various religions have attempted to provide moral code for the human beings. Basically the problem facing man is the conflict between divine and un-divine in him. The stream of mind flows in two different directions, the one leading to virtue the other to vice. To overcome the conflict and integrate the personality is the aim of all religions. For all practical purposes all the religions carry the same message, emphasizing the basic harmony of all religions. All religions propound moral codes not only to carry general obligation and admonition, they also capture a vision of excellence, of what individual and societies should be striving for. Bharat Ratna Bhagwan Das

says, Commandments of all great religions, on the subject of Ethics, injunctions and prohibitions, do's and don'ts, ...are identical for all practical purposes. For common man's understandings basic religious teachings in all the religions have been reduced to a set of few principal virtues and teachings.

- Moses five Commandments are: 1) Thou shall not kill, 2) Not bear false witness, 3) Not steal, 4) Not commit adultery, 5) Not covet anything that is thy neighbour's. The crux of Jesus Christ's teaching is , 'to love your neighbour as thyself', which means selfless service.
- The duty of man according to Manu, the lawgiver for Hinduism is *Ahimsa, Satyam, Asteyam, Shaucham, Indriya-nigrahah, Ekam Samiskam Dharmam, Chatur-varne abravit Manuh*. Harmlessness, truth, honesty, cleanliness, restrain of the senses from all erring ways,- this is the duty of man in brief.
- Mohammad commands : 1) Slay none, God has forbidden it, except Justice require it, 2) Avoid false words, 3) Woman and man who steals shall loose their hand, 4) Intoxicant's are Satan's own device, 5) They who avoid unlawfulness in sex, they only win success. Similar virtues are preached by other religions such as Buddhism, Confucianism and Jainism.
- Buddha's five virtues are: 1) Do not kill, 2) Be truthful, do not slander nor lie, 3) Take form non by greed or force or fraud, what is his own, 4) Have a clear mind, clean body, shun drinks, and drugs, 5) Touch not thy neighbour's wife, neither commit the sins of flesh.
- The five ethical commandments of Confucius are : 1) *jen*, service of or doing good to others, 2) *yi*, truthfulness, 3) *li*, propriety, proper conduct, correct behaviour, 4) *chih*, knowledge, wisdom, 5) *hsian*, trustworthiness.

### Glossary of Ethical Terms

#### **Metaphysics**

- It is a branch of philosophy. Traditionally it covered theories regarding God, Soul, World etc.

#### **Epistemology**

- It is a branch of philosophy. It is the study of theories of knowledge or ways of knowing etc.

#### **Cultural Relativism (sociological relativism):**

- the descriptive view that different groups of people have different moral standards for evaluating acts as right or wrong.

#### **Ethical Relativism:**

- the prescriptive view that (1) different groups of people ought to have different ethical standards for evaluating acts as right or wrong, (2) these different beliefs are true in their respective societies, and (3) these different beliefs are not instances of a basic moral principle.

#### **Ethical Absolutism:**

- the prescriptive view that there are basic or fundamental ethical principles which are true without qualification or exception as to time, condition, or circumstance.

#### **Ethical Nihilism:**

- the view that ethical terms such as "right" and "wrong" have no meaning or are nonsense.

#### **Ethical Skepticism:**

- the view that ethical terms such as "right" and "wrong" might have meaning but their meaning cannot be established.

## Ethics

- Ethics refers to standards of conduct that indicate how one should behave based on reasoned ethical principles and core or universal values. Ethical principles are the rules of conduct that are derived from ethical values. For example, "honesty" is a value that leads to a series of principles such as: tell the truth, don't deceive, be honest, don't cheat. In this way, values give rise to many principles in the form of specific "dos" and "don'ts."
- Ethics entails action; it is not just a topic to discuss. In other words ethics is about thinking ethically and being ethical.

## Ethics, Morals and Mores

- The terms "morals" and "mores" describe beliefs, customs and traditions that are reflected in personal convictions about right and wrong. Morals tend to be associated with a personal concept of values, especially concerning matters of religion, sex, drinking, gambling, lifestyle and so forth.
- Most people have convictions about what is right and wrong based on religious beliefs, cultural roots, family background, personal experiences, laws, organizational values, professional norms and political habits. These are not the best values to make ethical decisions by — not because they are unimportant, but because they are not universal.

## Moral Duty

- Moral duties establish the minimal standards of ethical conduct. Moral duty obliges us to act in certain ways (e.g., honestly, fairly and accountably), as well as to not act in other ways (cruelly, disrespectfully, etc.).

## Moral Virtue

- Moral virtue goes beyond moral duty. It refers to moral excellence, characteristics or conduct (say, generosity or valor) worthy of praise or admiration because it advances moral principle. Moral virtue is an ideal - we ought to be charitable, temperate, humble and compassionate; however, it is not unethical if we are not so long as we do not harm others.

## Universal Values

- Universal values are core beliefs or desires that guide or motivate most peoples' attitudes and actions. They also define the things we value and prize the most, and, therefore, provide the basis for ranking the things we want in a way that elevates some values over others.

## Ethical Values

- Ethical values directly relate to beliefs concerning what is right and proper (as opposed to what is correct, effective or desirable). Some ethical values are trustworthiness, respect, responsibility, fairness, caring and citizenship.

## Non-ethical Values

- Most of what we value is not concerned with our sense of ethics but rather with things we like, desire or find personally important. Wealth, status, happiness, fulfillment, pleasure, personal freedom, being liked and being respected fall into this category. We call them non-ethical values because they are ethically neutral. The pursuit of non-ethical objectives is normal and appropriate so long as ethical values are not sacrificed in the process.

## Conflicting Values

- Our values often conflict. For example, the desire for personal independence may run counter to our desire for intimacy and relationships of interdependency. Similarly, in particular situations, our

commitment to be honest and truthful may clash with the desire for wealth, status, a job or even the desire to be kind to others. When values conflict, choices must be made by ranking our values. The values we consistently rank higher than others are our core values, which define character and personality.

### The Stakeholder Concept

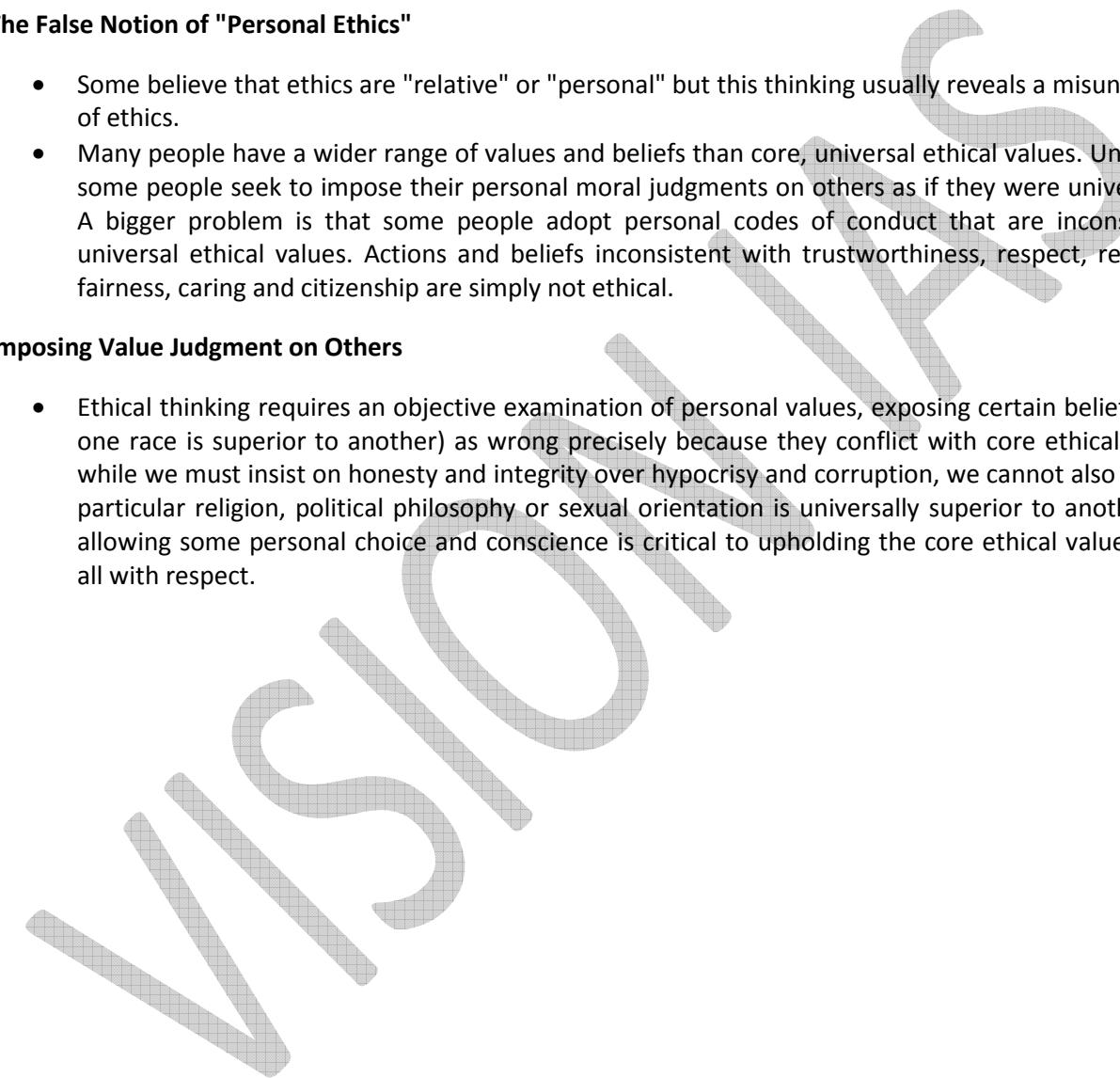
- A person concerned with being ethical has a moral obligation to consider the ethical implications of all decisions. Each person, group or institution likely to be affected by a decision is a "stakeholder". The stakeholder concept reinforces our obligation to make all reasonable efforts to foresee possible consequences and take reasonable steps to avoid unjustified harm to others.

### The False Notion of "Personal Ethics"

- Some believe that ethics are "relative" or "personal" but this thinking usually reveals a misunderstanding of ethics.
- Many people have a wider range of values and beliefs than core, universal ethical values. Unfortunately, some people seek to impose their personal moral judgments on others as if they were universal values. A bigger problem is that some people adopt personal codes of conduct that are inconsistent with universal ethical values. Actions and beliefs inconsistent with trustworthiness, respect, responsibility, fairness, caring and citizenship are simply not ethical.

### Imposing Value Judgment on Others

- Ethical thinking requires an objective examination of personal values, exposing certain beliefs (e.g., that one race is superior to another) as wrong precisely because they conflict with core ethical values. But while we must insist on honesty and integrity over hypocrisy and corruption, we cannot also claim that a particular religion, political philosophy or sexual orientation is universally superior to another. Indeed, allowing some personal choice and conscience is critical to upholding the core ethical value of treating all with respect.



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## **G. S. PAPER IV**

### **Public/Civil Service Values and Ethics in Public Administration**

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## Public/Civil Service Values and Ethics in Public Administration

### Ethics and Values in Public Services

- Ethics is concerned not only with distinguishing right from wrong and good from bad but also with a commitment to do what is right and good.
- The concept of ethics is inextricably linked to that of values, that is, enduring beliefs that influence the choices we make from among available means and ends.
- Many values (for example, wealth, success etc.) have relatively little direct connection with ethics; but many other values (for example, fairness, honesty) are in essence concerned with what is right or good and can be described as ethical values.
- The critical link between ethics and values is that ethical standards and principles can be applied to the resolution of value conflicts or dilemmas.
- The term public service ethics or administrative ethics refers here to principles and standards of right conduct in the administrative sphere of government.
- Since public servants are actively involved in politics, in the broad sense of the authoritative allocation of values for society, the values, which they bring to their decisions, are centrally important in the development, implementation and evaluation of public policy.
- There is an enormous range of values by which public servants' attitudes and actions are influenced. These include social, political, personal and administrative (or organisational) values.
- Consider the challenge of applying ethical principles to the reconciliation of such administrative values as efficiency, effectiveness, accountability, neutrality and responsiveness. For example, public servants may seek to resolve a clash between the values of accountability to political superiors and responsiveness to the public by reference to such ethical principles as truth telling or promise keeping.
- Public servants have traditionally been advised that responsible administrative behaviour requires that they adhere to a number of generally worded rules or commandments.
- These commandments include such commandments as:
  - Act in the public interest
  - Be politically neutral
  - Do not disclose confidential information
  - Protect the privacy of citizens and employees
  - Provide efficient, effective and fair service to the public
  - Avoid conflicts of interest
  - Be accountable
- In contemporary governments, several difficulties arise from these commandments:
  - First, it is not easily apparent to public servants-or indeed to anyone else - precisely what these general rules mean in practice.
  - Second, even when the meaning of the rules is clear, there is disagreement as to whether the rules themselves are appropriate. For example, there is much difference of opinion as to what benefits public servants should accept from persons with whom they conduct official business.
  - Third, the rules sometimes clash with one another. A public servant cannot, for example, always be both accountable and efficient. There is a need to provide structures and processes to clarify and interpret the current meaning of the traditional rules.
  - There is a need also for mechanisms to ensure vigorous and continuing dialogue among public servants as to the ethical principles and standards to be applied in the face of competing values.

### Need of Ethics for Public Administrators

- Compared to the political, legal, technical and financial dimensions of public administration, the ethical dimension has been sorely neglected in Indian Administration.
- Moreover, much of the recent public and media concern about public service ethics has centred on

conflict of interests and, to a lesser extent, on issues of political partisanship, public comment and confidentiality.

- Over the past two decades, governments have responded to public concern about these issues unleashing an unprecedented torrent of statutes, regulations and guidelines bearing on ethical conduct.
- However, these high-profile issues constitute only a small proportion of the total field of ethical problems.
- Many other ethical issues of enormous importance receive comparatively little public and scholarly attention.
- These are issues, which relate less to the use of public office for private, personal, or partisan gain and more to ethical and value conflicts and dilemmas that arise in the performance of administrative duties.

## Human Rights

- According to Article 1 of the United Nations Universal Declaration of Human Rights, "All human beings are born free and equal in dignity and rights."
- They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood" Human Rights" can be understood as a set of acknowledged principles of international law as well as a broader set of endorsed values whose implications remain contested or ambiguous.
- The field of human rights involves an evolving transnational project to define an ethical baseline for the governance of human society.
- As modern moral philosophy is increasingly revolving around claims-based and rights-based ethics, human rights come in as a most fundamental principle.
- When these rights-based theories argue that people have a claim to certain freedoms and rights, and that people have claims against somebody, it is important to identify what claims people have and who has an obligation to secure these rights.

## Humanity

Humanity is another central ethical principle that denotes that one ought to be particularly observant and sympathetic towards persons in a vulnerable and difficult situation. We then see others as fellow beings that we shall meet with empathy, sensitivity and compassion

## Determinants of Ethics in Public Administration

- The major determinants of administrative conduct in the public sector include:
  - 1) The political construct, of which public administrators are a part
  - 2) The legal framework
  - 3) The administrators and public employees who are responsible for the provision of public services
  - 4) The citizens and users of public service that are part of the civil society.
- First, the determinants of ethics in public administration with regard to the individual attributes of public/civil servants include ethical decision-making skills, mental attitude, virtues, and professional values.
- Secondly, the organizational structure dimension is explained by clear accountability, collaborative arrangements, dissent channels, and participation procedures.
- Third, the political organizational culture includes artefacts, beliefs and values, and assumptions. Leadership is important in the development, maintenance, and adaptation of organizational culture.
- Ethical behaviour is encouraged when organizations have a climate where personal standards and employee education are emphasized, where supervisors stress the truth, and where employees regularly come together to discuss ethical problems.
- Finally, societal expectation includes public participation, laws, and policies.

- The advanced set of fundamental principles or criteria that integrate the process of dealing with ethical dilemmas in public administration are:
  - 1) Democratic accountability of administration,
  - 2) The rule of law and the principle of legality,
  - 3) Professional integrity; and
  - 4) Responsiveness to civil society.

This can be described as the ALIR model of imperatives of ethical reasoning in public administration.

## **Public/Civil Service Values**

- A key element of sound administration is the development, issuance and acceptance of a comprehensive Code of Ethics and Conduct, which sets out, in very practical and clear terms, the standards of behaviour expected of all public servants.

## **Purpose of Code of Ethics and Conduct**

- The Code of Ethics and Conduct describes, in very practical and clear terms, the minimum standards of behaviour required of all civil servants. These standards serve as a guide when making decisions and taking actions.

## **Key Elements**

- The 11 key elements of the Code of Ethics and Conduct are:
  1. Personal Responsibility
  2. Compliance with the Law
  3. Relations with the Public
  4. Limitations on the Acceptance of Gifts, Rewards, Hospitality and Discounts
  5. Avoiding Conflicts of Interest
  6. Limitations on Political Activities
  7. Conduct in Money Matters
  8. Confidentiality and use of Official Information
  9. Use of Official Property and Services
  10. Private Purchases of Government Property by Employees
  11. Work Environment

## **Ethics in Public Administration**

- Professional ethics of a public administrator is the science about morality
  - as the totality of human ideals and values
  - ideas how to make things right
  - ethical principle
  - behaviour rules reflecting sense of public administration; and
  - securing adequate relations between people.
- Ethics in public administration is the process of finding the most effective way to solve problems and misunderstandings between public servants and stakeholders – the citizens.
- The object of Ethics in public administration represents professional morality, while the subject is the system of those ethical relations, ethical awareness and ethical values appearing in the process of public service performance.
- The aim of ethics in public administration is to secure and maintain a sense of professional activity; the

task – normative regulation of inter-behavioural relations and actions of certain representatives of the professional group, their professional unions, the forming of adequate ethical consciousness of public administrators.

- The highest measure of public servant morality has to be welfare of the client and society in general. By making ethical assessment of desired goals, the public servant takes responsibility for planning concrete actions to solve the problem of client.
- If the public servant assesses the results of his possible actions as negative for his client so he should not launch any administrative process for this purpose achievement, or should change this purpose with relevant arguments providing for the client.
- *The activity of a public administrator should include specific moral motives of his professional activity: respect of law, striving to make good things only, providing help for those in need, willingness to achieve ideals of his state, realization of value orientation approach.* All these are induced by the internal motivation. But, unfortunately, in the Indian practice the external motivation factors are above those of internal ones.
- Thus, many people choose public service because of the opportunity to obtain some material welfare (pension of a public servant, stable salary, gifts, bribes as well), appropriate hours of work, long term of annual vacation, low level of personal responsibility.

### **Current status of Ethical Standards in India and Other Countries/Organisations**

Ethics and morality have been the hallmark of public life in India since ancient times. This ethical and moral legacy was inherited by its national leaders, who demonstrated a high degree of probity and honesty in public life during the freedom struggle led by Mahatma Gandhi. They not only preached morality in public life but also practiced it. Gandhiji believed that politics without morality is a thing to be avoided.

### **Central Civil Services (Conduct) Rules 1964**

While the Central Government has issued conduct rules for government employees known as Central Civil Services (Conduct) Rules 1964, it does not lay down the values, which civil servants should follow or a code of ethics. The rules are more in the nature of “do’s” and “don’ts”. The Conduct Rules cover matters such as property transactions, acceptance of gifts, joining non-political organizations and a host of other issues covering almost every activity, which a normal individual undertakes. The rules are highly restrictive, seriously curtailing freedom of operation of a government employee, couched in vague language and sometimes impractical to follow.

### **First Initiative for Code of Ethics- May 1997**

The Department of Administrative Reforms of the Government of India had prepared a Code of Ethics for public services, as part of an Action Plan for an Effective and Responsive Government, which was presented in a conference of Chief Ministers presided by the Prime Minister held in May 1997. The objective of the Code was to prescribe standards of integrity and conduct that are to apply to public services. The salient features of the code are as follows:

- 1) The public services should assist the government in formulating and implementing policies and administering public services in the most effective way.
- 2) Employees in public services should uphold the rule of law and respect for human rights, and act solely in public interest. They must maintain the highest standards of probity and integrity.
- 3) They should conduct themselves in such manner that the public feels that the decisions taken or recommendations made by them are objective and transparent and are not calculated to promote improper gains for the political party in power, for themselves, or for any third party.
- 4) They should not seek to frustrate or undermine the policies, decisions and action taken in public interest by Government by declining or abstaining from action.
- 5) Where an employee in public service has reasonable grounds to believe that he or she is being required by superior authority to act in a manner, which is illegal or against prescribed rules and regulations, he

- should decline to implement the instructions. He will have the right to bring the fact to the notice of superior authority.
- 6) Conflict of Interest: Employees in public service should refrain from decisions; i) which are calculated to benefit any particular person or party at the expense of the public interest; ii) shall disclose any clash of interest when there is conflict between public interest and private interest.
  - 7) They should maintain their independence and dignity and impartiality by not approaching politicians and outsiders in respect of service matters or private benefits, and exercise peer pressure to dissuade those within their own cadre who do so and to set in motion disciplinary proceedings against such persons.
  - 8) Accountability to Citizens: i) Employees in public services should be accessible to the people and practice accountability to them in terms of quality of service, timeliness, courtesy, people orientation, and readiness to encourage participation and form partnership with citizen groups for responsive government ii) they should be consistent, equitable and honest in their treatment of the members of the public iii) they should accept obligation to recognize and enforce citizen's right for speedy redressal of their grievance.
  - 9) They should have concern for public assets and funds, avoid wastage and extravagance and ensure effective and efficient use of public money within their control.
  - 10) Non- abuse of official position: Employees in public services have a responsibility to take decisions on merits, as they are in a position of trust, they must not use their official position to influence any person to enter into financial or other arrangements with them or anyone else.

The code also deals with issues such as: public comment, release of official information, integrative role of public services and continuous improvement through professionalism and team work.

### **Second Initiative for Public Service Values - Public Service Bill 2006**

In 2006 the Department Of Personnel drafted a Public Service Bill which enumerated fundamental values of Public Services, a Code of Ethics, a Management Code etc. with the object of developing public services as a professional, politically neutral, merit based and accountable civil service. The main values by which the Public Servants shall be guided are as follows:

- a) Allegiance to the Constitution and the law, democracy, nationalism, sovereignty, integrity of India and the security of the nation;
- b) Function in apolitical manner;
- c) Act objectively, impartially, honestly, equitably, and in a fair and just manner;
- d) Act with integrity and in a courteous and just manner;
- e) Establish high standards, and ensure quality service, effective working and prompt decision making;
- f) Be accountable for the decisions;
- g) Establish merit as the fundamental principle in employment, promotion and placements;
- h) Discharge functions with due regard to diversity of the nation/community and religion but without discrimination of caste, community, religion, gender or class and duly protecting the interest of poor, underprivileged and weaker sections;
- i) Provide honest, impartial and frank advice to political executive;
- j) Ensure that public money is used with utmost economy and care;

The Public Service Bill has not made any headway and seems to have gone in cold storage. One problem with the draft bill was that it intended to fulfill too many objectives. Apart from values and ethics, the Bill envisaged laying down principles of management of public services, principles which should govern appointment to public services, performance indicators for public services etc. With such wide ranging and diverse coverage of matters relating to service matters, it is difficult to reach consensus and secure legislative approval.

## UNITED KINGDOM

### Standards of Public Life- Lord Nolan Committee

In Britain a committee to lay down standards for holders of public office was appointed under the chairmanship of Lord Nolan (1995) to ensure the highest standards of probity in public life. The committee laid down seven principles:

**Selflessness:** holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other obligation to outside individuals or other material benefits to themselves, their family or friends.

**Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

**Objectivity:** In carrying out public business, including making appointments, awarding contracts or recommending individuals for reward and benefits, holders of public office should make choice on merit.

**Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness:** holders of public office should be as open as possible about all decisions and actions that they take; they should give reasons for their decisions and restrict information only when wider public interest clearly demands.

**Honesty:** Holders of public office have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protects public interest.

**Leadership:** Holders of public office should promote and support these principles by leadership and example.

## Civil Service Values-UK

The Civil Service Values (2006) states that the Civil servants are expected to carry out their role with dedication and a commitment to civil services values: integrity, honesty, objectivity and impartiality.

- Integrity is putting the obligations of public services above your own personal interests;
- Honesty is being truthful and open;
- Objectivity is basing your advice and decisions on rigorous analysis of the evidence;
- Impartiality is acting solely according to the merits of the case and serving equally well Governments of different political persuasions

## OECD (ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT)

The OECD Council adopted a Recommendation on Improving Ethical Conduct in the Public Services in April 1998. It laid down following principles for managing ethics:

- Ethical standards for public service should be clear. A code of conduct, can accomplish this by creating a shared understanding across government and within the broader community.
- Ethical standards should be reflected in the legal framework. Laws and regulations should state the fundamental values of public service and provide the framework for guidance, investigation, disciplinary action and prosecution.
- Ethical Guidance should be available to public servants. Training facilitates ethics awareness and can develop essential skill for ethical analysis and moral judgement.
- Public servants should know their rights and obligations when exposing wrong doing.

- Political commitment to ethics should reinforce the ethical conduct of public servants.
- The decision making process should be transparent and open to scrutiny.
- There should be clear guidance for interaction between public and private sector.
- Managers should demonstrate and promote ethical conduct.
- Management policies, procedures and practices should promote ethical conduct.
- Public service conditions and management of human conditions should promote ethical conduct.
- Adequate accountability mechanism should be in place within the public services.
- Appropriate procedures and sanctions should exist to deal with misconduct

## **UNITED NATIONS**

The United Nations concerned about the problem of corruption adopted an International code of Conduct for Public Officials in December 1996. Its salient features are as follows:

### **General Principles**

A public office, as defined by national law, is a position of trust, implying a duty to act in the public interest. Therefore, the ultimate loyalty of public officials shall be to the public interests of their country as expressed through the democratic institutions of government.

Public officials shall ensure that they perform their duties and functions efficiently, effectively and with integrity, in accordance with laws or administrative policies. They shall at all times seek to ensure that public resources for which they are responsible are administered in the most effective and efficient manner.

Public officials shall be attentive, fair and impartial in the performance of their functions and, in particular, in their relations with the public. They shall at no time afford any undue preferential treatment to any group or individual or improperly discriminate against any group or individual, or otherwise abuse the power and authority vested in them.

## **The Problems due to declining ethical standards among public servants**

- **Abuse of personal authority or rank position:** Intentionally, public official uses his authority out of public service interests and these actions bring him elements of private benefit. It appears when: (a) performing un-objective administrative actions; (b) use of public technical means, cars, communications, premises in a public official's private interests; (c) inactivity causing damages for community.
- **Excess of personal authority or rank position:** Intentionally, officials make actions that are out of their position responsibilities and rights that, finally makes damage to the interests of state or a certain citizens.
- **Negligence:** A public official don't perform (perform in a bad manner) his professional responsibilities causing damage to the state or community. As rule, this conditioned by the law level of interest in official duty performance or lack of personal and professional characteristics to do it.
- **Bribes:** As it was mentioned above the process of bribes giving charges in criminal responsibility on the person-receiving bribe, person giving bribes and intermediates.
- **Official forgery:** Often, for private interest's achievement, public servants put well known to them incorrect data in official documents, make counterfeits.
- Public authorities must keep in secret information about the customers and their needs.
- Some public officials discredit prestige of public service by not knowing business ethics well enough.

## **Problems in ensuring high ethical standards**

**Anticipating specific threats to ethics standards and integrity in the public sector:** Attention needs to be paid to systemic threats that could weaken adherence to core public sector ethics values, and commitment to good governance, and to preparing the necessary political and management responses.

**Strengthening the ethical competence of civil servants, and strengthening mechanisms to support "professional ethics":** New techniques need to be undertaken to institutionalise ethically competent decision

making, disinterested advice to Government, and, ultimately, an 'ethical culture' which supports professional responsibility, self-discipline, and support for the rule of law;

**Developing administrative practices and processes which promote ethical values and integrity:** New and proposed pro-ethics laws require effective implementation through, effective performance management techniques which support the entrenchment of the ethical values set out in Civil Service Codes of Ethics.

**Specific strategies which should be considered include:**

- Effective laws, which require civil servants to give reasons for their official decisions.
- Management approaches, which encourage all public officials and civil servants to deal positively with corruption and unethical practice when encountered.
- 'Whistle-blower' protection law to protect appropriate 'public interest disclosures' of wrongdoing by officials.
- Ethics audits to identify risks to the integrity of the most important processes.
- New Human Resource Management strategies (which link, for example, ethical performance with entry and advancement, and ethical 'under-performance' with disciplinary processes), merit based promotion and recruitment, anti-discrimination protections.
- Training and development in the content and rationale of Ethics Codes, the application of ethical management principles, the proper use of official power, and the requirements of professional responsibility.
- Effective external and internal complaint and redress procedures.

## **ETHICAL CONCERN AND DILEMMAS IN GOVERNMENT AND PRIVATE INSTITUTIONS;**

### **Ethical concerns and dilemmas: Meaning and significance**

- Viewing ethics in this light indicates that people are faced with choices requiring them to make decisions enabling them to lead an ethical life within the context of their relationships with others. This suggests that people can be placed in ethical dilemmas.
- An ethical dilemma arises from a situation that necessitates a choice between competing sets of principles.
- An ethical dilemma can be described as a circumstance that requires a choice between competing sets of principles in a given, usually undesirable or perplexing, situation.
- Conflicts of interest are possibly the most obvious example that could place public sector leaders in an ethical dilemma.

### **Other types of ethical dilemmas**

Public servants find themselves in dilemmas that include conflict between: the values of public administration; justifications for the institutions; aspects of the code of conduct; personal values and supervisor or governmental directive; professional ethics and supervisor or governmental directive; personal values and professional ethics versus governmental directive; blurred or competing accountabilities; and the dimensions of ethical conduct.

### **Ethical concerns and dilemmas in Government (Public Sector)**

Some of the most common ethical dilemmas with which public servants are confronted, revolve around aspects such as:

- Administrative discretion
- Corruption
- Nepotism
- Administrative secrecy
- Information leaks

- o Public accountability
- o Policy dilemmas

## **Administrative Discretion**

Public officials are not merely executors of public policy. They make decisions pertaining to the lives of people. The promotion of general welfare depends to a large extent on the use or abuse of administrative discretion.

It is true that within the rules and regulations laid down by legislation and within the prescribed procedures, there is ample opportunity for the public official to use his discretion. The problem is that the selection of one path of action from among several alternatives is often made on the basis of personal preference, political or other affiliations, or even personal aggrandizement, thereby disregarding known facts and thus the possibility of rational decision-making. It could well be that all the prescribed rules, regulations and procedures are adhered to but that the discretionary choice may be viewed as unethical or even corrupt.

## **Corruption**

A majority of officials uphold the high standards required by public office and are devoted to promoting general welfare. The ethical standards of public officials are, however, directly related to society as a whole. If the public accepts that in order to secure an expeditious response from a public official some pecuniary or other incentive is necessary, and the official accepts the incentive, then the standards of ethical conduct of officials and the public are in fact in harmony from the point of view of the public.

The ethical dilemma that faces the public servant with regard to corrupt practices as result of private interests primarily concerns his reaction to the situation.

## **Administrative Secrecy**

An area, which lends itself to the creation of situations and actions, which could prove to be major ethical dilemmas, is the secret conduct of public business. This is especially so because secrecy can provide an opportunity to cover up unethical conduct. Secrecy is an ally of corruption and corruption is always practiced in secrecy.

## **Nepotism**

The practice of nepotism (the appointment of relations and/or friends to public positions, thereby ignoring the merit principle), may lead to the downgrading of the quality of the public service. This disrupts the esprit de corps and trust and results in corrupt administration, owing to the ability of a select few to impair control measures on account of their personal relationship with the policy-maker, and by reason of their not being easily dismissed or replaced by others.

## **Information Leaks**

Official information is usually of sensitive nature and disclosure of such information can lead to chaos, corrupt practices or, for some individuals, improper monetary gains. Leaking official information at a date prior to the public announcement thereof is a violation of procedural prescriptions and can be an ethical dilemma.

## **Public Accountability**

Since public officials are the implementers of public policies, they ought to be accountable for their official actions to their superiors, the courts and the public. It is nevertheless, possible for them to hide behind prescribed procedures, the cloak of professionalism and even political office-bearers.

## Policy Dilemmas

Policy makers are often confronted by conflicting responsibilities. They have specific loyalties to their superiors, but also to society. They have freedom to act on behalf and in the interest of others, but they must also be answerable to others - their superiors and society – for their actions.

## Other Problem Areas

Apart from the areas of possible conflict referred to above, other problem areas from which ethical dilemmas may arise can be identified as:

- The political activity of public servants resulting in divided loyalty on the part of those officials who sympathize with the views of a specific political party;
- Other more subtle ethical problems, such as the abuse of sick leave privileges, extended tea breaks and the violation of office rules in general.

## Ethical concerns and Dilemmas in Private Business Institutions

Code of conduct is a name given to a set of principles and rules that govern the way social institutions should behave toward their stakeholders and the way stakeholders (especially employees) should conduct themselves towards the institution and each other.

A code is just one of the many sets of directives to which organizations and individuals are subject. Companies are subject to legislation that prescribes conduct.

In terms of content, codes are usually statements about ethical conduct such as acting with integrity and respecting the rights of others, but they also can prescribe behaviour that is more procedural in nature such as the way a dispute resolution mechanism will operate when someone is accused of a violation of the code. Sometimes a distinction is drawn between codes of ethics and moral codes. The former are said to relate to organizational life whereas the latter applies more to society, culture and religion. This is not a particularly useful distinction because the line between them is frequently crossed. For example, multinational corporations often need to address cultural norms when prescribing appropriate behaviour in foreign cultures. Finally, the entities that adopt codes vary greatly. Businesses establish codes, but so do organizations in the public sector. Professions such as engineering, accounting, medicine and law have codes.

## Ethical Issues of Employees

- Making long phone calls at the company's cost. Some organizations provide a refund for the phone bills of the employees, especially if the employee is dealing with a job, which involves using the telephone. Taking advantage of the fact and making personal phone calls is unethical.
- Taking home the company's assets. Some employees pocket tools and stationery such as staplers, pins, papers etc. to use them at home.
- Taking excessive leaves beyond the allowed number is a breach of ethical code. It not only leads to losses for the company but also brings you a bad name.
- Improper usage of machineries. Some employees make use of office computer and printers for personal uses such as taking lengthy print outs, heavy downloading and even unnecessary net surfing etc.
- Taking advantage of the travel benefit. These are applicable to employees who have to constantly be on the move such as the marketing personnel. More than ethical codes, common sense can tell you not to use this for personal benefits!
- Breach of rules and regulations of the company. Accepting terms and conditions are usually done as a part of joining procedure. Violating any of these rules may lead to undesirable issues between the company and you. Failing to maintain the privacy policy of the company is another sort of breaking of rules. Each company has its own privacy policy. An employee is entitled not to give out the company's data and other particulars to another company/competitor.

- Offensive communications. Employees are not allowed to use offensive language in the office. But anything that goes on beyond company walls cannot be taken into consideration.
- Working for multiple organizations. An employee cannot work in more than one place simultaneously – literally and ethically.

### **Ethical Issue of Employers**

- Favouritism: This means that the employer may favour a particular person with regard to promotions and bonuses and evidently neglect other eligible employees. This conduct is considered highly unethical on the part of the employer.
- Sexual harassment is not legal/ethical/moral whether in the workplace or out of it. Harassing an employee sexually, or refraining from taking action against those who are involved in such offences, is strictly forbidden.
- Terminating an employee without any notice. In some cases, for reasons like budget management, companies opt for mass retrenchment to reduce the number of employees. Such steps should be undertaken after prior indications and notice of at least a month or two, so that the person can find another job. Notice periods must be served to avoid confusion.
- Unnecessary delay in paying employee's provident fund and gratuity after leaving the organization is a breach of professional ethics.

### **Conducting Personal Business on Company Time**

- Because employees tend to spend so much of their weekday hours on the job, they often are tempted to conduct personal business on company time. This can include setting up doctor's appointments on company phone lines, making vacation reservations using their employer's computers and Internet connections or even making phone calls for a freelance side business while on company time.

### **Taking Credit for Others' Work**

- Employees often work in teams to create marketing campaigns, develop new products or fine-tune services; yet rarely does everyone in a group contribute equally to the final product. If employees single out their co-workers in a negative light, it could foment resentment. The same thing could happen, however, if all employees accept equal praise even though only a select few did the real work. The best way to resolve this ethical dilemma is to not let it happen. Team members should insist that all employees perform specific tasks to help complete a project.

### **Harassing Behaviour**

- Employees often don't know what to do if they see one of their co-workers harassing another employee either mentally, sexually or physically. Employees may worry for their jobs if they attempt to report a superior for harassment. They may fret that they'll be labelled a troublemaker if they report co-workers who display inappropriate behaviour toward other employees.
- The best way to resolve this ethical dilemma rests with the staff members who develop the company's employee handbook. It is their job to include specific language that spells out that an employee won't be punished for reporting the harassing behaviour or inappropriate actions of their co-workers.

### **Case 1**

- A freak accident occurs at a chemical factory with a previously exemplary safety record, and a man dies. An investigation into the causes of the accident recommends measures to prevent similar accidents happening in the future. However these changes would be prohibitively expensive to implement. The CEO faces the choice of closing down the plant with the loss of hundreds of jobs, or allowing the plant to continue with changes in procedure which reduce the risk but do not eliminate it entirely.
- The above case is an example of incommensurable outcomes. We are asked to determine the value of eliminating a small but significant risk of injury or death versus the value of continuing to provide

employment. A dogmatic response would be to say that no value, however great, could be put on a man's life. However, if that principle were to be put literally into practice, daily life would grind to a halt. Even if only one person a year died in a car accident, all private transport would be banned. So, while we pay lip service to the belief that a human life is beyond measure, in practice decisions are made which are inconsistent with that belief.

### **Case 2**

- An investigative reporter gets whiff of a story about corruption in a blue chip corporation concerning a board member who accepted a free holiday from a company negotiating a multi-million Rupee land deal. The Chairman has already spoken to the board member concerned, who immediately offered his resignation. Luckily, the deal has not been finalised and no harm has been done. On the telephone the reporter asks the Chairman if there is any truth in the rumour. An admission will send share prices tumbling. The chairman can admit the truth, or give an innocuous explanation designed to throw the reporter off the scent – a 'white lie'.
- Case 2 is an example of a clash between principles and consequences. As a matter of moral principle, it is always wrong to tell a lie. However, in real life there comes a point where the price of telling the truth is one that we are not prepared to pay. The classic example is the one of the axe-carrying murderer who asks, 'Which way did he go?' Any response other than the literal truth is a lie. One's moral duty is to tell the truth, irrespective of the consequences. However, few would embrace that extreme conclusion.

### **Case 3**

- A human resources manager at a laboratory equipment manufacturer is faced with a difficult decision regarding one of the more senior members of the workforce. Only two years away from retirement, the man works with great care and dedication but his work rate has declined to the point where other workers are beginning to complain. Loyalty to the company dictates that the manager makes the best decision in the company's interests, and let the man go. An alternative, more humane course of action would be to move him to a section where his lack of productivity will be less likely to be noticed.
- Case 3 is an example of a dilemma, which arises as a result of a conflict of roles. A manager, just as much as a doctor accepts certain duties and obligations as definitive of one's role. No one is forced to be any of these things. We freely take up our vocation and identify ourselves with what we do. But a human being is more than just a role. The manager is also a responsible citizen, a loyal spouse and caring parent, a decent human being. These roles carry particular obligations, which have the potential to clash. The dogmatic response, 'Loyalty to one's company overrides all other obligations in all circumstances,' is simply unacceptable.

For each person facing such a decision, there is a unique cut-off point but no one can say in advance exactly where this is. We have to make a choice, and so we act. We can offer reasons for our decision, but in the face of the impossibility of making a meaningful comparison between the alternatives any decision is ultimately made 'without reason'.

### **Case 4**

An employer X has been running a consulting business for a long time and needs to hire a person to help her manage it. She does several interviews and finally employs a candidate Y for the job who is asked to start work from the following week. In the meantime, X gets a call from her friend who recommends her Z – an extremely talented and deserving person for the job. Although X refuses, her friend insists. Z comes in with the perfect resume and is liked by the employer. Now, what? Dilemma lies in choosing someone who is best for the business or someone who ethically has the first say.

### **Solution:**

The solution to the above issue can be handled by referring to the three basic questions of ethical dilemmas in business.

- Is it legal? There are two ways to look at this. If Y has already resigned from her previous job, it makes it legal for the company to hire her and because she has already been made the offer, the company is actually legally bound to make good the offer. If Y is still a part of her old job, then there is ambiguity on her employment by X.
- Is it balanced? Yes. It is technically right for Y to start working but it might not necessarily be a win-win situation for both since Z can bring better business for the company compared to Y.
- Is it right? It is right to employ Y as the word has already been given about her joining date and hiring her can make the employer X feel that she's doing the correct thing.

## **Case 5**

A new technology is being launched which is good for the company as well as the clients. But, if this is brought into use, a lesser man-power is required for the organization. The entrepreneur is now in an ethical dilemma whether he wants to better his clients with good services or be loyal to his employees who have helped the company grow. The unpleasantness of the situation arises when neither the clients nor the employees deserve to suffer and it is the entrepreneur's call to take.

### **Solution:**

The three questions are again brought into the picture here

- Is it legal? This decision needs to be crosschecked with the company seniors and policies. Both can be legally correct, depending upon the agreement that the firm has with its employee union.
- Is it balanced? A win-win situation is attainable if the new technology adopted by the entrepreneur benefits the clients and business. After all, what matters in the end are profits and customer satisfaction?
- Is it right? Desperate times call for desperate decisions. There is nothing wrong about growing and automating your firm. Technological backwardness cannot lead you anywhere hence adopting the technology here will not be a wrong choice. However, the employer must take steps to mobilize his human resources and transfer them to other areas to maintain his/her reputation – the company's goodwill might suffer a major setback in the job market owing to the mass retrenchment.

These two examples are typical business ethical dilemmas. Some decisions in business, as in life, are extremely difficult to take but remember – you've got to do what you've got to do – there's no indecisive way out of such dilemmas!

## **LAWS, RULES, REGULATIONS AND CONSCIENCE AS SOURCES OF ETHICAL GUIDANCE**

Laws and conscience are the two sources of guidance by which human beings can judge the morality of their actions. These sources are particularly important to public administrators in offering a clear and practical guidance. While law is outside the actor; conscience lies within the actor. These two impose an obligation to be moral—that is, to do good and avoid evil.

### **The Notion of Law**

Law as used in ethics is different from the notion of law in physics, which implies a common or constant way of action. In ethics, law has a moral connotation. For instance, it has been defined as "an ordinance of reason for the common good, promulgated by him who has care of the community." (St. Thomas Aquinas).

The word *lex* (Latin for "law") comes from the Latin word *ligare*, which means, "to bind." It induces people to act or restrains them from acting. It also imposes an obligation. Further it sets up a course of action that must be

followed. Moreover, law must conform to human nature and it must be physically and morally possible to obey the laws. It must not only be just, but also burdens equally. Also, it is for common, not private, good.

However, before anyone can be expected to obey a law, the legislator must promulgate it or make it known to the community. If the legislator does not promulgate or publicize the existence of a law, citizens will be ignorant of its existence and the legislator cannot expect obedience.

St. Thomas Aquinas provided a famous description of the various kinds of law. He distinguished between eternal law derived from theodicy, which shows God as the ruler of the universe, and eternal law, with temporal law or laws passed in time. Two kinds of law exist in time—natural law and positive law. Natural law developed with time or with the coming of human beings. It is based on human nature, and human reason can discover it. Positive law also developed with time. It consists of laws that depend on the free will of the legislators and are promulgated by some external sign. There are two kinds of positive laws—divine and human. If the author of the positive laws is God, they are divine positive laws. If the immediate source of a positive law is human, it is a human positive law.

Although law is an ordinance or a rule resulting from human reason, it is not the same as a regulation or ordinary rule. Regulations often help clarify laws, although sometimes they do not achieve that objective.

Regulations focus on the individual good, whereas the purpose of a law is to promote the common good. On the basis of source, the authority to enact a law belongs to those with jurisdiction or those who are lawfully in charge of the community. The source of a regulation is any private authority, such as an organization, a superior or a head of household. On the basis of extent a law does not ordinarily bind outside the territory of the legislator. Indian laws do not bind in Europe, whereas a regulation may bind a person wherever he or she goes. An interesting example from a US Presidential primary will help make the distinction clearer. In the presidential primary of 1992, candidate Bill Clinton was asked if he ever used drugs. He said that he never broke any laws of the United States by using drugs. Later, when asked if he broke any laws anywhere by using drugs, he admitted to having used marijuana once as a student at Oxford University in England. He was thereby claiming that the laws of the United States do not bind a U.S. citizen in England.

In spite of this distinction, consider an interesting development that occurred in Ireland during the spring of 1992. A fourteen-year-old Irish girl became pregnant as a result of an alleged rape. She and her parents went to England to procure an abortion, which the Irish Constitution prohibits in Ireland. The Irish attorney general brought the matter before the High Court in Dublin. The Court decided that the Irish Constitution barred the fourteen-year-old from having an abortion elsewhere in England. The Supreme Court of Ireland reviewed this decision on appeal; however, it did not rule that the young woman had the constitutional right to travel to England to have an abortion. Rather, it ruled that she could obtain an abortion on the grounds that she was threatening suicide. Her right to life took precedence over the right to life of the fetus.

Unlike laws, individuals, organizations or groups can make rules. Rules need not be for the common good; they can be for the private good and they usually bind persons wherever they go. But rules, too, must not violate natural law. Rules or regulations should declare or clarify civil laws, just as civil laws declare or clarify natural law. Rules and regulations can be extra guidance to public administrators as to what is right and wrong. The presumption is that rule makers have not violated natural law or civil laws, but sometimes they circumvent what the civil law clearly states. While a superior can punish a subordinate for violating the rules, if the rule is contrary to civil or natural law, the violator may have acted ethically. As with laws, a person has no obligation to obey an immoral rule.

However, there are so many laws, rules and regulations that govern human behavior that it is virtually impossible for any human being to know all of them. Perhaps that is where the teleologist is correct in saying that we do not need standards to govern human behavior; the human intellect alone is capable of knowing and judging what is right and what is wrong. Information, reflection, judgment, decision and action are the criteria for determining morality. This approach makes sense and is a valid response to the fact that knowledge of all laws and rules is virtually impossible.

While deontologists are content with focusing on laws and rules as the principal guidance for public administrators on morality, even they recognize that laws and regulations are insufficient. Without conscience to apply those laws and rules to particular actions, public administrators are missing a critical element. So, now we examine conscience as a mechanism for deciding what is right and what is wrong.

## **Conscience**

While law focuses on principles of morality outside human beings, conscience is something within human beings that determines the morality of human actions. Conscience is a special act of the mind that comes into being when the intellect passes judgment on the goodness or badness of a particular act. It is a practical judgment on particular, concrete, human actions.

From a deontological perspective, conscience is a judgment—an act of the intellect. It is not a feeling or an emotion, but, rather, an intellectual decision. It is also a decision with a view to a particular action. Conscience can make a practical judgment on the morality of either a past action or an action about to occur.

Conscience is different from law. Law states a general rule concerning actions; conscience lays down a practical rule for specific action. Conscience applies the law or rule to specific actions, therefore it is wider than law. Some have said that conscience is to law as a brush is to paint.

From a teleological viewpoint, conscience is quite similar to completion of the ego identity, whereby "every ego is in some sense a code of ethics. If ego and conscience are similar or identical, people have the capacity of determining the meaning of a particular action, past or present, and at the same time assess the morality of that action. Both approaches involve reflection, assessing both meaning and morality. The deontologist uses conscience to apply the law to a particular action. The teleologist may not admit application of a particular law to give meaning or morality to an action; this process involves application of "a set of value commitments" developed by all human beings from childhood. In practice, both schools use the same process but with different tools. The moral decisions may be different, but since both approaches involve the same human reason, moral judgments frequently will be the same.

## **Types of Conscience**

Human beings can have different kinds of conscience. The first is a true conscience, which means that judgment is in accordance with fact. The judgment is a correct or accurate application of law to the action. A conscience is erroneous when the judgment is false—the practical judgment incorrectly applies law to the action. The erroneous judgment can be vincibly or invincibly false.

Conscience may be certain, doubtful or probable. A conscience is certain when the judgment on the morality of an action is without prudent fear of error. Prudent fear of error does not involve metaphysical certainty, but generally any normal person has no doubts about the judgment. That certainty can apply to both a correct and an erroneous conscience. A conscience is doubtful when the judgment does not exclude all prudent fear of error. The person is aware of some doubts about the practical judgment to be made. A conscience can be both doubtful and erroneous at the same time. A conscience is probable when the judgment "almost" excludes all prudent fear of error. A normal person is almost certain the judgment is correct, even though it may be erroneous.

## **Ethical Principles Governing Conscience**

The discussion of conscience leads to the following principles governing conscience:

1. A person must take reasonable care to ensure a correct conscience.
2. A person is bound to follow a certain conscience even if that conscience is false. For example, if I am certain that it is morally right to lie to save another's life, I am bound to lie.
3. It is never ethically correct to act on a doubtful conscience. Vincible ignorance does not excuse—the person must make some effort to resolve the doubt. If efforts to resolve the doubt fail, the principle

Iexdubianon obligat ("a doubtful law does not bind") comes into play.

When is a law doubtful? There are four principles that apply and the actor is at liberty to follow the principle that appeals most.

1. A law is doubtful and does not bind when there is more probable evidence on the side of liberty than against it. This is probabilism. For example, a person in doubt about what day it is observes four calendars. Three indicate it is one day and the fourth indicates that it is a different day. The person may follow the date indicated by or deduced from the three calendars if that ensures more liberty.
2. A second version of probabilism states that the person may follow an option in favor of liberty, provided the evidence in favor of liberty is solidly probable, even though the evidence against liberty is more probable. In the same example, the person may follow the time indicated by the fourth calendar even though the other three numerically appear to offer more probable evidence.
3. Another version of probabilism, equiprobabilism states that the person may follow an opinion in favor of liberty if the evidence on both sides is equally balanced. In the above example, if two calendars show that it is one day and the other two indicate that it is a different day, the person may follow either option.
4. Compensationalism says that the person should consider the evidence not only favoring and opposing liberty but also the gravity of the law, the reason for acting against the law, the inconvenience arising from following the strict interpretation of the law and the justness of the cause for selecting the option offering most liberty.

Some laws may be doubtful and provide options for people. These serve as additional guidelines to the principles of conscience. But one final question on conscience remains: Is there an additional obligation for people according to their state in life or educational status to have correct consciences? Framed in public administration terminology, the question is: Are public administrators bound to educate their consciences according to the responsibilities they have? In other contexts, management involves getting things done with the help of other people. That assumes that management means getting things done right. Here, the argument is that getting things done right is only one side of the coin. Management also involves getting the right thing done. What is the right thing? What is the ethical thing to do?

If public managers must not only do things right but also do what is right, they have an obligation to educate their consciences according to their state in life. This includes not only management theory and practice but also ethical theory and practice. If managers do not do both, they run the risk of not only being outdated but also of neglecting true managerial responsibility. If managers are educators and teachers, surely they must learn both aspects of the job if they are to fulfill their role of teaching and coaching others.

In educating and updating the conscience, there are two extremes to be avoided. One is not caring about conscience at all—making no effort to learn what is right or what is wrong, or perhaps showing no interest in right and wrong. Some public managers exhibit this characteristic. The other extreme is the person unable to distinguish serious actions from those that are not, whether getting things done right or doing the right thing. There are some public managers who fit this description. Neither extreme is in accord with the concept of conscience, which involves a practical judgment on the morality of human action.

## **Conclusion**

Besides reliance on the nature of an action, its consequences and purpose, laws, rules and conscience provide guidance in determining what is right and what is wrong. However, in spite of the help that laws, rules and conscience may be to a public administrator, they do not guarantee infallible judgment. While laws and rules would seem to be a deontologically sound frame of reference in making ethical decisions, there are many flaws. The teleological approach acknowledges that there are too many civil laws, rules, regulations, court decisions and opinions governing almost everything, including ethical decisions. It is virtually impossible for a public administrator to know all the laws or rules.

In considering what is right and wrong, public administrators have at their disposal information on the nature of  
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the action performed or about to be performed, the circumstances surrounding the action and the purpose of the action. In addition, laws, rules and regulations provide additional guidance. Everyone has a conscience that can apply those laws, rules and other criteria of morality to specific actions. Except for what religion and theology have to offer, and they have much, that is all public administrators have to make discretionary administrative decisions. Ethics may indeed shortchange them. But if it does, it shortchanges people in all walks of life. The foregoing is the best that human reason can offer as a theoretical framework for assessing morality.

## **ACCOUNTABILITY AND ETHICAL GOVERNANCE;**

### **Accountability: Meaning, Nature, Scope and Significance**

Accountability is one of the cornerstones of good governance. It ensures actions and decisions taken by public officials are subject to oversight so as to guarantee that government initiatives meet their stated objectives and respond to the needs of the community they are meant to be benefiting, thereby contributing to better governance and poverty reduction.

The concept of accountability involves two distinct stages: answerability and enforcement.

**Answerability** refers to the obligation of the government, its agencies and public officials to provide information about their decisions and actions and to justify them to the public and those institutions of accountability tasked with providing oversight.

**Enforcement** suggests that the public or the institution responsible for accountability can sanction the offending party or remedy the contravening behaviour

### **Types of accountability**

The concept of accountability can be classified according to the type of accountability exercised and/ or the person, group or institution the public official answers to

#### **Horizontal vs. Vertical Accountability**

Horizontal accountability is the capacity of state institutions to check abuses by other public agencies and branches of government, or the requirement for agencies to report sideways. Alternatively, vertical accountability is the means through which citizens, mass media and civil society seek to enforce standards of good performance on officials. While parliament is typically considered as a key institution in constructs of horizontal accountability, it is also important in vertical accountability.

#### **Political versus Legal Accountability**

Parliament and the judiciary act as horizontal constitutional checks on the power of the executive. The role of these two institutions can be further delineated in that parliament holds the executive politically accountable, whilst the judiciary holds the executive legally accountable. These classifications stem from the fact parliament is a political institution, while the judiciary can only adjudicate on legal issues.

Together, they provide on-going oversight in order to keep the government accountable throughout its term in office.

#### **Social Accountability**

The prevailing view of social accountability is that it is an approach towards building accountability that relies on civic engagement, namely a situation whereby ordinary citizens and/or civil society organizations participate

directly or indirectly in exacting accountability. Such accountability is also referred as society driven horizontal accountability.

### Methods of ensuring accountability

The main methods of enforcing accountability over are:

- Legislative control
- Ministerial/Government Control
- Audit Control

These methods ensure flexibility, initiative, efficiency, performance and adequate control and accountability over the governance of the country.

### Steps should be taken to ensure accountability following ethical principals

- Law should be enacted on the lines of Karnataka Transparency Act to ensure accountability and transparency.
- The regulatory body should be an independent body and appointments should be made in consultation with the presiding officer of the legislature(s) and leader(s) of opposition. There should also be an adjudicatory body as an appellate and supervisory body for this regulatory body. The decisions of the appellate body should be made challengeable only in Supreme Court of India.
- All members of statutory professional bodies should be brought under the definition of public servant for the purpose of PCA, IPC and Lokayukta Act. Similarly, all cooperative societies and societies under Societies Registration Act as notified by the government for this purpose should also be included.

### NEEDED AN EFFECTIVE ETHICS STRUCTURE

Public Services constitute an essential part of democratic framework for implementing government's policy. It is necessary that they are honest, efficient and citizen friendly. The non-elected public servants exercise significant discretionary power in their everyday work: in their stewardship of public resources, at the interface with citizens, and in the context of policy making. Ethical standards are a key check and balance against arbitrary use of that public power. As such they are a key factor in the quality of governance. Without some "ethics barometer" it is difficult, if not impossible, to measure changes in levels of corruption or misconduct in the public service. The following suggestions are made:

1. **There is need to lay down a statutory Code of Ethics for Civil Services.** It should be couched in simple language, easily understandable and lay down fundamental values which should govern the conduct of public servants. The British Civil Services Code can act as a model.
2. **Violation and breaches of Code of Ethics should invite sanction and punishment under the disciplinary rules.**
3. **The ethical framework should provide for prevention and guidance, investigation, disciplinary action and prosecution.**
4. **Ethical Guidance should include training in ethics awareness and development of essential skill for ethical analysis and moral judgement.**
5. **There is need to create an independent office of Ethics Commissioner, on the US pattern who should provide leadership in ethics and values.** The Ethics Commissioner should issue and interpret rules which govern standards of conduct and conflict of interest.

A Code of Ethics will help giving a public servant a vision, a purpose and an ideal to strive for while carrying on his public duties. This helps manifesting his full potential and lead a fulfilling, satisfying and happy life which is the goal of every human endeavour.

## Enhancing the moral standard in Public Administration.

After identifying some of the common ethical dilemmas faced by public officials in the exercise of discretion, the following principals can be used to enhance the moral standards in Public administration: (1) the exercise of discretion should serve the public interest, (2) public officials should push back bounds on rationality so that deliberation may take place, (3) public officials should provide truthfulness in the discharge of official responsibilities, (4) public officials should demonstrate procedural respect, and (5) public officials should exercise restraints on the means chosen to accomplish organizational ends.

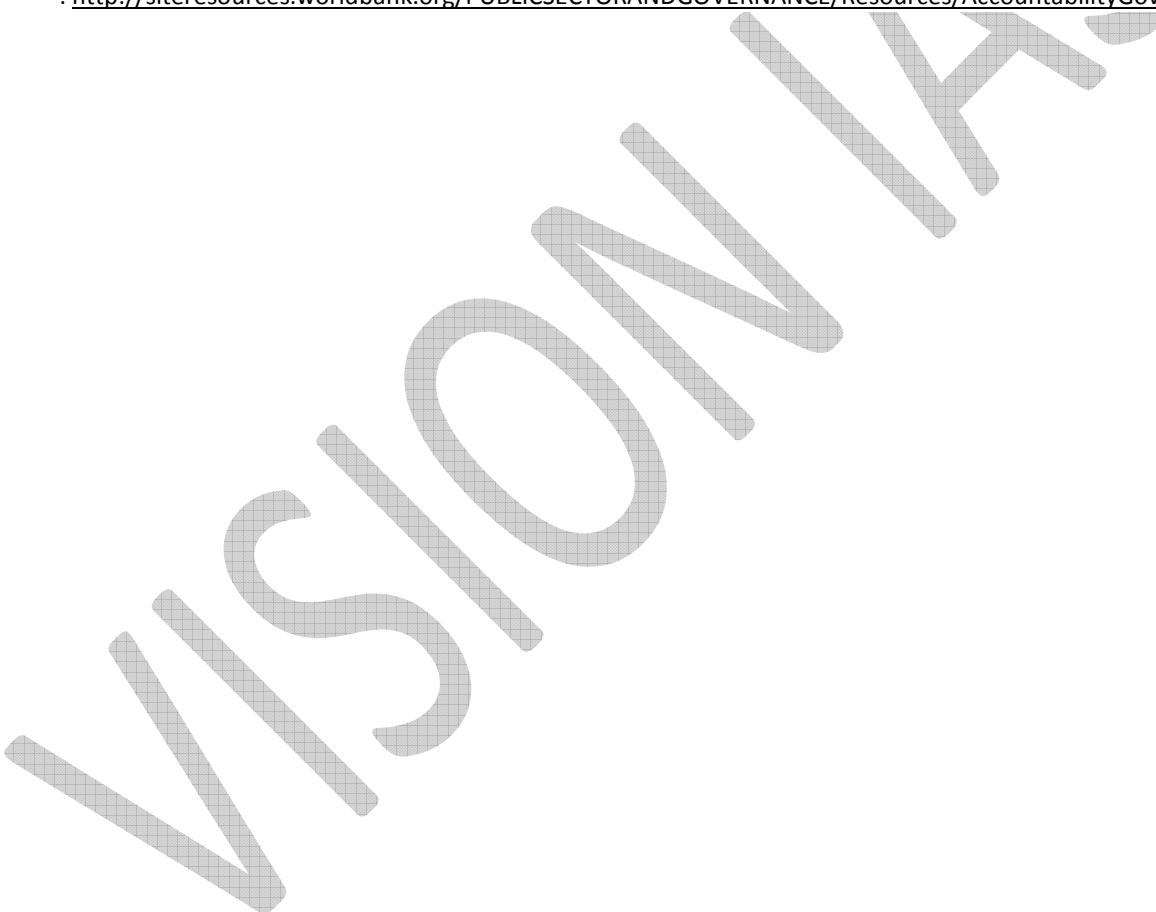
- All Codes should incorporate the seven elements of ethics which are: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.
- There should be separate Code of Conduct for Ministers, members of legislature and other elected representatives.
- The Code of Conduct for civil servants should be amplified. It should prohibit them from associating with NGOs and hold elected office even in any club or social organization.
- Lokpal/Lokayukta Bills should be passed. These institutions should be empowered to entertain complaints against Ministers, MPs and MLAs and even to permit their investigation and prosecution.
- In respect of appointments, empanelment, promotions, transfers and disciplinary action in respect of civil servants of the rank of Joint Secretary and above, an independent Civil Service Commission should be created. This Commission should be appointed by a Committee consisting of Prime Minister/CM, Leader of Opposition, Chief Justice and should be headed by a judge of Supreme Court/High Court.
- In respect of professional bodies, even though Codes of Conduct exist, they are not implemented which should change.

## Second ARC (Report 4) on Ethics

- The Second Administrative Reforms Commission in its 4th report (2007), covered the issue of ethics and observes, “The crux of ethical behaviour does not lie in bold words and expressions enshrined as standards, but in their adoption in action, in sanction against violations, in putting in place competent disciplinary bodies to investigate allegations of violations and to impose sanctions quickly and in promoting a culture of integrity”.
- In Its wide ranging recommendations, it has suggested partial state funding of elections; tightening of anti-defection law and code of ethics for ministers, legislatures, judiciary and civil servants.
- In order to check corruption it has proposed tightening the provision of Prevention of Corruption Act, making corrupt public servants liable for paying damages, confiscation of property illegally acquired and speedy trials.
- Its recommendations include creation of Lok Pal/ Ombudsman at national, State and local level with powers to look into charges of complaints against high public functionaries including ministers, chief ministers, MPs and MLAs.
- While recommending a Code of Ethics for Civil Servants the Second ARC has observed:” Civil Service Values which all public servants should aspire, should be defined and made applicable to all tiers of government and parastatal organizations.
  - Any transgression of these values should be treated as misconduct, inviting punishment”
  - In order to create a regime under which quick disciplinary action can be taken against delinquent Government servants, the ARC has recommended deletion of Article 311 of the Constitution, with a proviso that legislation under article 309 be made to protect public servants against arbitrary action.
  - The Commission has also suggested certain measures to protect honest Civil Servants against malicious complaints.
  - The ARC in its 10th Report on Personnel Administration has re-emphasized the need for prescribing Civil Service Values and laying down a Code of Ethics.
  - The Code of Ethics should include: integrity, impartiality, commitment to public service, open accountability, devotion to duty and exemplary behaviour.

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## G. S. IV – Ethics, Integrity and Aptitude

### Ethical Issues in International Relations and Funding

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## International Ethics: Meaning, Scope and Significance

Complicated by questions of empire, power, scarcity, freedom and honour, the *Athenians* justified their conquest of *Melos* and the slaughter and enslavement of its inhabitants on the grounds of necessity, stating that ‘the strong do what they have the power to do and the weak accept what they have to accept’. This conflict between *Athens* and *Sparta* depicted by *Thucydides* in the *History of the Peloponnesian War* presents an example of the dilemmas surrounding the role and demands of morality in international affairs.

The *Melian dialogue*, in particular, focuses on the central issue of whether justice or self-interest ought to guide relations between different political communities. Interestingly, the Athenian justification did not eschew morality *in toto* but defined it according to a natural relativism; the ‘standard of justice’, they claimed, ‘depends upon the equality of power to compel’.

In Aristotelian terms, the *Melians* advocated formal justice in international affairs, while the Athenians insisted upon proportional justice: different political communities are owed reasonably unequal treatment on the basis of their relative ‘power to compel’. In these terms it is only fair or right for the stronger to rule the weaker, and for the weaker to submit to the stronger. This poses one of the most fundamental questions of international ethics: should ‘strangers’ be treated according to the same ethical principles or standards that we apply to members of our own community?

Though the pervasiveness of ‘the moral problem in international relations’ has been apparent since time immemorial, the expression ‘international ethics’ came into use relatively late in the twentieth century. This happened when it became clear that the standoff of the first ‘great debate’ in IR – the intellectual struggle between so-called realists and idealists in the 1920s and 1930s over the nature of international politics and thus over the role of ethical principles therein – was not sufficient to meet the challenges confronting the world after the Second World War. Strictly speaking, it was also not possible to refer in a formal sense to a subject called ‘ethics and international relations’ prior to the modern formation of an international system composed of sovereign states.

Thus, the contemporary field of international ethics is preceded by a long history of moral and political thought, which explores the many ethical and philosophical issues arising from the attempt to sort out how people should live their lives in a reflective and responsible way. Central to this argument is the recognition of our social embeddedness, the fact that we are inescapably related to others and therefore that our moral beliefs and political decisions impact upon the lives and decisions of others. We can also find many important examples of normative thinking about the types of issues that permeate contemporary international affairs in the history of moral and political theory. In other words, thinking about the ethics of politics – and the politics of ethics – has been a characteristic feature of the negotiation of political life in pre-national as well as international contexts, and will continue to be so in the possibly post-national era.

Referring to the previous case of *Athens-Sparta* conflict once again, one can safely argue that the position adopted by the Athenian delegation to Melos typifies a form of relative partiality in the sense of insisting on a narrow scope of moral concern. On this view, it is not only permissible but even mandatory to favour one’s own community when it comes to making decisions about whom to aid and whom to harm. Ethical partiality resonates with ‘commonsense’ morality; of course, in as much as many people recognize the requirements we owe to those with whom we have personal relationships or special ties as normatively significant. Whether it be the relation of parent to child, spouse to spouse, friend to friend, or fellow citizen to fellow citizen, it is widely thought that one normally owes more by way of moral concern towards ‘one’s own’, but less to mere acquaintances and least of all to strangers.

Partiality in moral decision-making is a familiar though often controversial dimension of international ethics – particularly as consideration of which persons fall ‘inside’ or ‘outside’ the scope of moral concern came to be defined increasingly in terms of the territorially delimited boundaries of the nation-state. One prominent attempt to overcome the parochialism implied by moral partiality can be found in the cosmopolitan tradition. It embodies a wide scope of moral concern as it maintains that this scope should be universal, extending to all

human beings. According to this perspective, the common human capacities for reasoning provide the grounds for fellowship in a world community; if all humans as rational beings are equal, then all humans together form a single community. It is both desirable and possible for individuals to consider themselves citizens of their local communities as well as citizens of the world.

A further step in addressing these issues was taken by Immanuel Kant. The various formulations Kant's conception of international ethics express the universalizability of the principle that all human beings possess intrinsic worth or dignity. This principle, Kant argues, is valid for all persons anywhere, and provides a basis for justifying the universal obligation to respect the dignity of others via the institutional mediation of a system of individual rights. Kant's argument goes even further in that he regards the republican form of government as providing for the 'rightful condition' of justice. Morality or right, in other words, demands that states adopt a system of public law that provides one of the necessary conditions for the realization of individual rights. He sets out the architecture of international justice in terms of three overlapping components of public law: municipal or civil law (*ius civitatis*), international law or the law of nations (*ius gentium*), and cosmopolitan law (*ius cosmopoliticum*). Cosmopolitan law is intended to guarantee the right of 'hospitality', a 'universal right of humanity' to all individuals. He believed that developing an ethical international order on the principle of human dignity would lead us to the point 'where a violation of rights in *one* part of the world is felt *everywhere*'.

The power of Kant's vision has reached the point where almost everyone now recognizes human rights – or at least speaks the language of human rights – and the notion of universal human rights has become integral to, yet contested within, the theoretical and empirical development of international ethics. Another significant dimension of Kant's formulation of international rights points towards the central question of war and whether there are some relevant principles of normative ethics attached either to the justification or to the condemnation of war. For example, Kant's conception of a confederation of republican states that would make lasting peace possible not only challenges the realist belief in the enduring conditions of anarchy and insecurity, it also draws attention to the way that the behaviour of states at the international level is strongly influenced by properties of their domestic political structure (or 'regime type'). Kant therefore favoured a republican constitution because it both best protects the rights of individuals and provides a mechanism for keeping peace between states that are similarly structured.

Kant suggests that as states with a republican form of government become more numerous, international conflict will decrease. In linking the belligerent or pacific behaviour of states to their specific political institutions, decision-making procedures and culture (as reflected, for instance, in a commitment to tolerance, conflict resolution and public debate), rather than to the exigencies of an anarchical international system, Kant laid the intellectual foundation for the democratic peace thesis. The democratic peace thesis refers to two propositions. One is that 'mature' or stable democracies can be expected to keep the peace between themselves, but not necessarily with other non-democratic states, and the other is that democracies are more likely than other states to be more pacific in their relations overall, including with non-democracies. While there is substantial debate about the strength of the empirical evidence used to support the thesis, it also has been said that it 'comes as close as anything we have to an empirical law in international relations'.

The changing contours of the international political landscape and rapidly evolving technological developments have proved conducive to a rapid rise in 'new normative approaches' to international relations and world politics: decolonization led to the transformation of colonial territories into sovereign, independent states; human rights and norms proscribing genocide became institutionalized within the UN system and assorted international regimes; nuclear, chemical and biological weapons proliferated alongside the emergence of 'high-tech' warfare; states became increasingly interdependent economically and processes of globalization accelerated; social movements, interest groups and NGOs dramatically multiplied across more porous state borders; humanitarian crises or emergencies arising from drought, famine, armed conflict and forced migration led to calls for (and against) military intervention in distant lands; the gap between rich and poor both within and between states widened inexorably; democratic transitions from repressive regimes spread; and global environmental problems such as climate change, air and water pollution, and food and resource scarcity continued to mount.

## Theoretical Approaches/Traditions/Paradigms/Schools of Thought

Normative theorizing at an international level reflects a wide range of competing yet cross-cutting approaches. This implies that it is important to resist treating theoretical traditions as running parallel into infinity; rather they influence and cross-fertilize one another. Some of these theoretical approaches include Realism, Liberalism, Marxism, Utilitarianism, Cosmopolitanism, and Social Contract among others.

### Realism

The central tenets that are associated with realism typically include the following claims: *that the sovereign state is the most important actor in international politics; that state behaviour can be explained rationally; that states are unitary actors; that there is a sharp distinction between domestic and international politics; that states pursue power in an anarchical self-help setting; and that the issues of war and peace are paramount.*

There will be more clarity regarding this position if we return to the instance of the Athens-Sparta conflict cited at the beginning of the document. Among the passages of the *History of the Peloponnesian War* that have particularly attracted the attention of realists, the Melian dialogue stands out. During the speech to the Melian governing body, the Athenian representatives advocated the time-honoured view that justice depends on quality of power and that among parties that are unequal, the strong does what he can and the weak endures what he must. In another dialogue the Athenians are reported by *Thucydides* to have justified their expansionist policy thus: ‘We were forced to advance our dominion to what it is, out of the nature of the thing itself; as chiefly for fear, next for honour, and lastly for profit’

Others like *Niccolo Machiavelli* and *Thomas Hobbes* have taken the realist position further in works like *The Prince*, *The Discourses on the First Decade of Livy*, *The Art of War* and *Leviathan*. *Immanuel Kant* while interpreting Hobbes’s concept of sovereignty accepts the Hobbesian principle that the function of the sovereign state is to provide protection in exchange for obedience, but he expands the list of rights that the state is supposed to protect.

Moreover, it would be simplistic to say that realists prefer or recommend an amoral politics of power and interest; rather they insist on the relevance, even centrality of, considerations of justice, decency and common good.

### Prescriptive Realism:

Oppenheim’s 1987 Argument (Practical Necessity):

- Morality implies choice – to say that a state *should* take Action A instead of Action B is to imply that it does indeed have a choice.
- Practical necessity makes morality irrelevant – Even if a state *has a choice* between Actions A and B, if it *faces extinction* if it pursues Action B, then it is practically necessary for it to pursue Action A
- National interest is necessary goal – States that fail to pursue the national interest get eaten by those that do critical step: does this happen?
- It is not rational to oppose something that is practically necessary, since no genuine choice exists.

*When goal is compatible with national interest?*

- Only one effective means available: Support redundant, opposition irrational.
- Several effective means available: Morality comes into play.
- Some means more effective than others: irrational to oppose the more effective means and redundant to oppose the less effective means. (If something is necessary, then it must be pursued using the best means at hand.)

- o Several equally effective means available: Moral choice exists

### Oppenheim's 2002 Argument: Primary Goods

- o National interest defined as a list of goods which are needed to pursue any other national goals
- o Since pursuing any goal means acquiring primary goods, states must pursue primary goods
- o Argument shifts to satisficing of primary goods, not maximizing them (because maximizing might cause undesirable side-effects)

### Problems with Prescriptive Realism

- o Normative basis of self-interested rationality not defended. Selfish rationality assumed to be valuable for its own sake.
- o National Interest can be incoherent: Arrow's Theorem implies that if different people have different long-term interests, there may not be a policy that makes all better off than the alternative
- o Vagueness: National interest is defined as what is objectively best, rather than subjective preference

### Liberalism

John Gray has summed up the four basic elements always found in the conventional definitions of liberalism, in the following words:

"Liberalism is individualist, in that it asserts the moral primacy of the person against the claims of any other social collectivity; egalitarian inasmuch as it confers on all humans the same moral status and denies the relevance to legal or political order of differences in moral worth among human beings; universalist, affirming the moral unity of the human species and according secondary importance to specific historical associations and cultural forms; and meliorist in its affirmation of the corrigibility and improvability of all social institutions and political arrangements".

It has been widely accepted that liberalism embodies a generalized philosophical acceptance of the principles of 'equality, liberty, individuality and rationality'; a social commitment to notions of 'liberal individualism'; a 'general concern with protecting each individual's ability to pursue his or her own conception of the good'; and politically, 'a strict distinction of state and civil society, as well as a commitment to the rule of law and parliamentarism'.

Further, liberalism, an ideology with a clear idea of the 'good', has inevitable cross-border ramifications. When the record of liberalism is applied to the international sphere and the perceived need to intervene to 'keep the peace', prop up a 'failed state' or deal with a 'humanitarian disaster', this statement comes to life even more strongly. Liberalism has been the most active player on the international stage of all other ideologies. Not even Soviet Marxism, and certainly not National Socialism, can be said to have had such a lasting and global impact. Liberalism has claimed the need for global solutions based on the language of rights and the search for the 'good'.

Kant is the liberal philosopher most associated with a society of states that would be based on republics, even a proto-world government based on liberal and 'cosmopolitan' principles. The way he and his brethren, saw such an international system would be one that would sweep aside the old obscurantism of religion and intolerance and bring us into a new era of emancipation and 'Perpetual Peace'. This is a cry that one has heard many times since, in Marxism, other forms of socialism and endlessly for all sorts of supporters and deniers of liberalism. The United Nations is a clear beneficiary of such thinking, for example.

But as a result of the mixing of liberal ideas, power and influence, even the most sacrosanct of liberal icons can now be assailed. Liberal states, and especially the hegemonic 'Anglo-Americans' have seen themselves pilloried for excessive zeal in their desire to spread their self-defined 'morality' or 'ethics' and democracy by force over

the last two hundred years. The latest version of this liberal ‘proselytizing’ can be found in the wrongly named ‘neoconservatism’ or, perhaps more rightly, ‘militant liberal Wilsonianism’ and actions against ‘Islamofascism’ in Afghanistan and Iraq. Maybe one reason for this zeal is that liberals put so much Kantian emphasis on ‘reason’ and a duty to find the ‘moral’ course to take that they forget that others do not reason or moralize in the same way as they do.

## Cosmopolitanism

Recent years have seen a burgeoning interest in cosmopolitanism in the fields of political theory and international relations. Increasingly, arguments have been advanced that international politics should be seen in terms of universal principles that challenge the presumed moral supremacy of territorial boundaries and which favour instead the well-being of humanity generally. According to cosmopolitanism international politics should focus first on the interests, rights or welfare of persons wherever they may reside rather than on the interests of states as such.

What is cosmopolitanism? Though answers to this question vary, but we can define cosmopolitanism as the belief that all human beings have equal moral standing within and belong to a single world community. More specifically we can distinguish two fundamental strands of cosmopolitanism: moral cosmopolitanism and legal (or institutional) cosmopolitanism. Moral cosmopolitanism holds that all persons stand in certain moral relations with one another by virtue of the fact that they are all members of a universal community. All persons possess equal moral worth deserving of our respect, and certain obligations of justice with regard to other persons place constraints on our conduct. Legal cosmopolitanism contends that a global political order ought to be constructed, grounded on the equal legal rights and duties of all individuals. The emphasis here is on creating or transforming institutional schemes so as to provide concrete procedural and organizational mechanisms dedicated to securing and protecting the human rights of all persons.

Despite this basic distinction, moral and legal cosmopolitanism share a commitment to at least three fundamental tenets: (1) individualism, in that individual human beings are the ultimate units of concern; (2) universality, in that all human beings possess equal moral status; and (3) generality, in that persons are subjects of concern for everyone, that is, human status (or dignity) has global scope. Consequently moral and legal cosmopolitanism are compatible and may be combined in mutually complementary fashion so as to give weight to the ideal of ‘world citizenship’.

Cosmopolitanism is best understood as both an ethical and a political project. As an ethical project it seeks to establish the extent and content of, and justification for moral obligations concerning the well-being of every individual person. As a political project it is intimately connected with debates about the appropriate form of political community, schemes for legal institutions and procedures, and practices of humanitarian assistance on a global scale.

Cosmopolitanism in its modern form is the systematic articulation of three basic premises. The first is that individual human beings are the ultimate units of moral and political concern. Other entities such as collective groups may also be the subjects of our concern of course, but ultimately it is the individual person who deserves our most basic consideration as a moral being. The second premise, whose modern theoretical articulation is known as universalism, is that all human beings possess equal moral status. Not only are individual persons the ultimate unit of concern, but also no morally relevant distinctions can be made between persons as moral beings. All persons everywhere are equally entitled to the same human status. The third premise is that persons are subjects of concern for everyone; that is, human status has global scope. In other words no one can exempt themselves from their obligations to respect the equal moral status of all other human beings. These three thoughts yield the idea that we owe duties of justice to all the persons of the world, and thus that political morality and practice should focus most fundamentally on the interests or welfare of persons as such.

Recent years have witnessed a worldwide call for democratic reform of international organizations and greater inclusiveness in global governance, partly driven by the alternative globalization movement that has occupied public attention since the 1999 World Trade Organization (WTO) meeting in Seattle. Participation in the creation of government policy that some citizens enjoy in the internal affairs of their respective countries and the

accountability provided by democratic elections do not extend similarly to international affairs, leading to widespread concerns about what is referred to as the ‘democratic deficit’ of global governance. There is widespread agreement that the existing system of global governance is deficient in many fundamental respects, however there is less consensus as to whether a more legitimate system of governance is possible and as to what normative principles should have an effect on its institutional design.

The theory of cosmopolitan democracy outlines a project for multiple layers of democratized governance (from the local to the global) that, among other goals, attempts to resolve the shortcomings of global governance, in particular the perceived deficit of democratic legitimacy. Daniele Archibugi, an advocate of what he calls ‘cosmopolitan democracy’, explains:

*“Above all, what distinguishes cosmopolitan democracy from other such projects is its attempt to create institutions which enable the voice of individuals to be heard in global affairs, irrespective of their resonance at home. Democracy as a form of global governance thus needs to be realized on three different, interconnected levels: within states, between states and at a world level”.*

For cosmopolitan democrats, global civil society is a central feature of the emergent world society. Global civil society is thought to be an empirical reality on the basis of the tens of thousands of non-state actors engaged in transnational civic activism, including numerous high-profile human rights and environmental NGOs such as Amnesty International and Greenpeace, as well as individuals and activist groups involved in the alternative globalization movement. Global civil society plays several distinct roles and makes a variety of contributions to developing social and political expectations. Global civil society actors may participate in deliberative and consultative forums, such as international meetings designed to facilitate the formation of international legal regimes and conventions. These global civil society actors may be thought of as representing or defending the views and interests of world society, in contrast to the narrow interests of nation-states and corporations. It might also be argued that global civil society actors contribute a democratic or democratizing impulse to world politics, analogous to the role played by domestic civil society actors within specific countries. For cosmopolitan democrats, the political importance of the new forms of transnational activism and mobilization associated with global civil society is vital to understanding the emancipatory potentials of globalization.

The cosmopolitan model of democracy seeks to expand the levels of participatory politics and means of accountability through an adaptive ‘system of diverse and overlapping power centres, shaped and delimited by democratic law’. The ‘cosmopolitan project’ is an attempt to connect the cosmopolitan vision to cosmopolitan institution building. Here, the first step towards making the cosmopolitan model of democracy real would be to develop the UN system to live up to its Charter, entailing, among other things, implementing ‘key elements of the UN Rights Conventions, enforcing the prohibition of the discretionary right to use force, and activating the collective security system envisaged in the Charter itself’. More generally the priority is to establish components of what is called ‘cosmopolitan democratic law’ which is ‘a democratic public law entrenched within and across borders’. The normative foundation of cosmopolitan democratic law is what Held refers to as the ‘principle of autonomy’. This principle requires that all individuals have the ability to participate in political decisions that directly impact upon them.

The impact of globalization means that the state model no longer suffices to safeguard the autonomy of each individual and, by implication, the functioning of democracy itself. If democracy is to function effectively there needs to be an entrenchment of democratic autonomy and institutions at all levels that impact on the civil, political and social rights of individuals. This entrenchment involves significant restructuring of the state system insofar as the state is not the only site of power affecting the citizen and therefore should not be the only democratically organized institution. Rather there are seven ‘sites of power’ – the body, welfare, culture, civic associations, economy, coercive relations and organized violence, and legal and regulatory institutions – within and across political communities that ‘mould and circumscribe’ people’s life chances and their ability to participate and ‘share in public decision-making’. It is imperative that these sites of power, in addition to the state itself, be democratically based, which would require the implementation of democratic procedures and institutions at a number of interconnected levels, from that of the workplace to that of global governance. As a result cosmopolitan democratic law entails a transnational, common political structure founded on the principle

of autonomy. This common political structure would incorporate not only existing international law (suitably revised) but also a system of cosmopolitan law which focuses on facilitating and consolidating individual autonomy and not simply interstate relations; both of which would parallel the growth of a global or transnational civil society capable of holding political authority to account and galvanizing social change.

### Implications of Cosmopolitanism

- Negotiate international laws and follow them once negotiated – law is morally binding because we want others to follow it
- Two wrongs don't make a right – noncompliance by others does not end the moral force of law
- Do the right thing even when no law exists: Orend's example: Follow precepts of "Just War Theory" because goal should be a more just state of affairs (no aggression, no targeting civilians, seek a peace more just than the antebellum status quo)

### Problems with Cosmopolitanism

- Objections to law-as-morality
  - New state dilemma – Why obey rules to which the state never consented?
  - Changing state dilemma – Stronger states want to revoke consent to rules that protect the weak
  - Legal indeterminacy – Law frequently contradicts itself
- Theory requires detachment from self – is this even possible?
  - Notion of states as moral actors – does responsibility lie with "peoples" or governments? Each wants to pass the buck.

### Critical Theory and International Ethics

*(Here we discuss only the relevance of these theories in IR)*

'Critical theory' was first coined in 1937 by the Frankfurt Institute of Social Research or the 'Frankfurt School'. It represents a rich synthesis of social and liberal theory (Kant, Hegel, Marx and Weber) and today encompasses a wide range of contemporary radical perspectives.

Critical theory focuses on the possibilities of political transformation and the concrete practices of authoritarian structures. In recent years, it has evolved into a pliable and pluralistic approach in international relations theory, one that has allowed IR theorists to understand the transformative possibilities of globalization and global society. But such anticipated success also comes with a caveat: that more interest in critical theory will generate increasing pressure to develop a pragmatic, concrete set of parameters that can compete with other paradigmatic social theory approaches

### Feminist Ethics in World Politics

Feminist international ethics has engaged in debates which characterize international ethics more broadly. Indeed, feminists, like other critical theorists in the field, have reacted strongly against the idea of 'ethics' as a systematic set of principles that can be applied to issues or dilemmas in international relations in order to render the latter, say, less driven by power and interests and more inclined to 'moral' behaviour. Many feminists within the field are committed to non-traditional or post-positivist methodologies, and are hence suspicious of the idea that any theory could be non-normative or value-free. Of course, from this perspective, it becomes very difficult to distinguish feminist international *ethics* from other kinds of feminist theory and research in the field. The

apparently normative nature of all feminist thought may be tied to the very nature of feminism, as both a set of ideas – alternative lenses through which to view the social world, and a set of practices – including a broad and diverse social movement aimed at challenging the oppression and exclusion generated by gendered rules, norms, institutions and structures.

Moreover, there has been dissent within feminism regarding ethics in the context of world politics. The different ‘waves’ of feminism, and the debates among them, are largely reproduced in most readings of feminist ethics. In particular, the tension between liberal feminists and ‘cultural’ feminists – often referred to as ‘first’ and ‘second’ wave feminists, becomes a debate in feminist international ethics between approaches emphasizing equality, rights and justice and those stressing difference and care. Moreover, so called ‘third wave’ feminists – post-colonial and, especially in the context of IR theory, postmodern feminists – seek to propel the debate in ethics beyond equality/justice and difference/care towards a recognition of multiple and shifting identity positions and power relations – particularly in terms of race in the context of neo-colonial relations of power in the global political economy. This third perspective is often set against the first and second, giving rise to the debate between the epistemological standpoint of ‘universal sisterhood’ and the inherently unstable subjectivities of difference.

### **International Ethics and Feminist Ethics**

While critical theorists have propelled the debate on international ethics forward by challenging the ‘fact/value’ distinction, it has been argued by feminists that their neglect of the gender dimensions of injustice is a demonstrable weakness for the practical application of their theories. As a result, much feminist research in the field of international ethics has sought to build upon the insights of critical theory, but has foregrounded the role of gender as a constitutive feature of global power relations. Thus, feminist international ethics is engaged in investigating the role of gender in the construction and maintenance of dominant moral discourses, and the ‘particular patterns of costs and benefits associated with this’. In this way, feminist international ethics may be seen as part of a wider literature on feminist ethics more broadly, which seeks to ‘enter claims of and on behalf of women as full moral agents’; while there may be many ways of doing this, all approaches to feminist ethics must interrogate the root causes of this exclusion by asking ‘Where the moral terms set for our common life come from, and what authority, and whose experiences, do they represent?’

In addition, most feminists agree that feminist intellectual enquiry cannot be separated from the goals of feminism as a social and political movement. Thus the discussion of feminist ethics grows out of a commitment to feminism, and thus must start with two basic assumptions: (1) women and their values are of profound moral significance in and of themselves; and (2) social institutions and practices have encouraged discrimination against women and the suppression of their moral views. This suggests two further features of feminist ethics: first, that it cannot abstract away from the social processes and institutions in which claims about ethics are necessarily embedded by asserting that these are not the ‘stuff’ of moral theory; and second, that feminists engage in moral analysis not for its own sake, but because they are seeking to transform existing norms and social conditions. In the context of global politics, moreover, this entails an interrogation of gendered values, institutions and structures in contemporary global governance. However, IR feminists are not only interested in the ‘global’ level; on the contrary, they are concerned with the ways in which gender relations are woven together in a variety of different contexts and at a many different ‘levels’—including household, neighbourhoods, communities and states.

### **Ethics in Foreign Policy:**

Today there is a consensus that the foreign policy of leading Western powers cannot be understood through considering nation states as egoistic actors pursuing narrow self-interest. Since the end of the Cold War, major states have increasingly stressed the importance of ethics and values in the shaping of international goals and have intervened internationally on the basis of ethical foreign policy concerns such as human rights and international justice.

Many commentators have understood this shift to 'value-led' or 'ethical' foreign policy through an 'outside/in' approach to the question, viewing this value shift as a response to international pressures of globalisation and the creation of new cosmopolitan constituencies and new national identities. However, one can also employ an 'inside/out' approach which suggests that the shift away from the articulation of national interests and the drive to defend ethical 'values' through international intervention can be understood as products of and responses to the crisis of national identity highlighted by the domestic political malaise at the heart of Western politics, often referred to in the US as an outcome of the 'Culture Wars', the response to the loss of coherent national values and shared goals resulting in 'the loss of respect for authorities and institutions'.

The interest here is not so much the cultural struggle itself, rather the consequences of this well documented concern that 'there is no common purpose or common faith'. The drive behind ethical foreign policy is located in the attempt to resolve the political crisis of Western national identity, reflecting the lack of a shared framework of meaning and sense of socio-political purpose connecting Western states and their citizens. The inability to establish a shared socio-political vision of what 'the nation' stands for the lack of a strong 'idea of the state' in Buzanian terms has meant that Western powers find it difficult to formulate a clear foreign policy or to legitimise the projection of power abroad in terms of national interest.

## **Immoral Inside Moral Outside**

Today the key actor in international relations, the nation state, appears to have lost the capacity or will to pursue its self-interest defined in terms of power. Commentators from a variety of theoretical perspectives argue that the most developed nation states increasingly see themselves as having moral obligations to international society.

The key theoretical framework for understanding the international sphere, that of state interest, not only central to realism but also to the rational choice perspective of neoliberal frameworks of international co-operation, appears to have lost its explanatory power. Rather than states and national interests shaping the direction of policy it appears that there is a new agenda set by non-state actors, whether it is the normative values and transnational concerns of the 'principled-issue' campaigners of global civil society or the threats to security from terrorist networks such as Al-Qaeda.

The Constructivist approach rejects the 'outside/in' approach of understanding national interests as structured through the logic of anarchy, suggesting that national interests and identities are contingent and socially constructed. Nevertheless, these interests are still constructed in the international sphere itself, even if states do have the potential to make and to act on alternative identity 'choices'. While the domestic political framework and institutional structures play an important role it is generally held to be a secondary one. It is transnationally operating non-state actors which are the active agents of change, diffusing 'principled ideas' and 'international norms' related to human rights and transnational justice. It is in response to this changed international context that states are generally understood to have been driven to reshape or redefine their national identities. The largely instrumental use of 'principled ideas' during the Cold War is held to have given way to the institutionalization of new practices in the international sphere, sustained by the pressure of transnational human rights networks 'from above' and supported by civil society pressure 'from below'.

Liberal internationalists argue that power is not exercised in the old way. Influential US liberal theorist Joseph Nye, for example, argues that the traditional distinction 'between a foreign policy based on values and a foreign policy based on interests' should be rejected. Nye writes that the challenges of the 'global information age' have required the redefinition of national interest.

*The Responsibility to Protect* report, from the high-level International Commission on Intervention and State Sovereignty, asserts the consensus view that nation states are not forced 'by systemic or structural factors' to pursue narrow interests, but are free to make moral choices. It appears that critical theorists like Andrew Linklater and Ken Booth have successfully pre-empted developments in international relations theorising with their focus on a 'bolder moral standpoint' and desire to move away 'from accumulating knowledge about

'relations between states' (what might be called the 'dismal science' of Cold War international relations) to thinking about ethics on a global scale'.

This view of the end of traditional national interests has attained a broad consensus from radical postmodernists and left-leaning academics to senior British diplomats. Michael Hardt and Antonio Negri, for example, argue that Vietnam was the last attempt the US made to play an imperial role, pursuing its national interests 'with all the violence, brutality and barbarity befitting any European imperialist power'. But the defeat in Vietnam marked a passage to a new regime of genuine internationalism. For these radical critics, the 1991 Gulf War illustrated that the US had now become 'the only power able to manage international justice, *not as a function of its own national motives but in the name of global right*' .

Sussex professor, Martin Shaw, argues that rather than the imperialism of national interest, the projection of Western power since the Cold War has been 'post-imperial' a moral response to crises provoked by non-Western powers which still seek to pursue territorial claims and the narrow interests of power.

Leading European Union and British government policy-advisor Robert Cooper writes that we now live in a 'postmodern world, *raison d'état* and the amorality of Machiavelli's theories of statecraft, which defined international relations in the modern era, have been replaced by a moral consciousness'. If there is a 'national' interest that is seen as respectable today it is the 'national interest in being, and being seen to be, a good international citizen & regularly willing to pitch into international tasks for motives that appear to be relatively selfless'.

In the face of the current consensus that national interests and national identities do not operate in the old way to shape international policy-making, one response has been to defend a traditional 'realist' or rationalist approach. However, today it would appear that the few defenders of national interests or narrow rational instrumentality as a guide to understanding the international sphere are marginal critics from the Left. Alex Callinicos, for example, argues that the US is still an imperialist power pursuing national interests and that international co-operation stems from the need to contain and structure the conflict and competition inherent in international capital. Peter Gowan similarly asserts that behind the drive for economic globalisation lies traditional US imperialism.

For Noam Chomsky: "the new interventionism" is replaying an old record. It is an updated variant of traditional practices that were impeded in a bipolar world system that allowed some space for nonalignment& with the Soviet deterrent gone, the Cold War victors are more free to exercise their will under the cloak of good intentions but in pursuit of interests that have a very familiar ring outside the realm of enlightenment.

The majority of commentators adopting a liberal or constructivist framework today tend to reproduce the 'outside/in' approach of structural realism in attributing the shift away from national interests to changes in the international sphere. In place of the external structure of anarchy imposing a uniformity of decision-making it is asserted that the external development of 'principled-issue' constituencies and a globalised cosmopolitan consciousness compels nation states to adapt to a new international environment.

Kant's essay on *Perpetual Peace*, considers the impact of domestic political institutions and national identity in shaping the projection of power internationally.

Ethical concerns, such as the human rights of others, seemed to provide a moral framework which could project a sphere of agreement and consensus and point beyond the cultural relativism and pessimism of 'postmodern' times. The moral dualism of 'us' as upholders of human rights and 'them' as perpetrators of human wrongs has been the leitmotif of the post-Cold War shift to ethical foreign policy-making.

## Ethics of Humanitarian Intervention

The concept of humanitarian intervention could not win long-term international legitimacy because it failed to convince the majority of the world's governments, who feared that their sovereignty was threatened, and provoked resistance from European allies concerned that their international standing would be undermined by US unilateralism. The view that human rights could 'trump' sovereignty was resisted by the majority of non-Western states, concerned about their own sovereign rights.

The war over Kosovo revealed that the UN Security Council was split, with Russia and China resisting, but more telling was the fact that the US and Britain were reluctant to take the issue to the UN General Assembly for fear that the necessary majority, under the 'Uniting for Peace' procedure, would not be forthcoming. While the US could build 'coalitions of the willing' in support of a particular intervention, the principle of humanitarian intervention itself could not win wider acceptance. There was no international consensus on any new international framework or amendment to the UN Charter restrictions on the use of force because both Western and non-Western states recognised that the blurring of domestic and international responsibilities could be fundamentally destabilising.

The doctrine of humanitarian intervention enabled the US to project its power internationally, but did not operate as a source of meaning. The dualism of 'human rights and human wrongs' had a strong negative pole but no positive substance. The prevention of conflict and the protection of victims of human rights abuses became an end in itself rather than part of a broader political or ideological project.

The project of exercising power abroad through 'humanitarian intervention' was shot through with contradictions. As Rieff suggests, the project of 'ethical' foreign policy was a fallacy; it was impossible to develop a coherent political strategy based purely on prevention. No matter how many countries were intervened against, there could be no victory or lasting success. The logic of a consistent ethical foreign policy would be an untenable 'war without end' and the breakdown of the mechanisms holding together international society. The ideal of preventing human rights abuse or conflict, like preventing domestic crime, cannot be achieved by policing and punishment.

While the US and British establishments talked a good 'war against terrorism', they found it much more difficult to fight one. The war in Afghanistan illustrated the problem. Because the 'war against terrorism' was driven largely by a desire to reap domestic rewards through a show of strength there was a lack of political and military strategy on the ground. The aims of the war were not clear, and like the Kosovo war, appeared to shift with every new media deadline. Initially the aim was to capture bin Laden, then to remove the Taliban regime, but despite the fire power, the daisy-cutters and the cluster bombs there was little sense of achievement.

Constructivist and liberal commentators argue that nation states can no longer pursue national interests because of the pressures of international civil society, which has forced morality and cosmopolitan ethics on to the agenda and in doing so has transformed the national identity of states. However, rather than focusing analysis from the 'outside/in', explaining Western government policy-making as a response to new international pressures from non-state actors, it seems highly likely that the projection of national interests in the international sphere has been undermined by domestic rather than international change.

There is a general consensus that western government policy-makers have, in the last decade, explicitly taken on board normative and ethical concerns, shifting away from a 'realist' approach in which a more narrowly conceived national interest was the basis of policymaking. This policy shift has meant that the declarations of 'ethical foreign policy' emanating from the governments of leading world powers are often uncritically taken at face value and assumed to be 'simply the right thing to do'. The drive to act in the interests of others, rather than in purely national interests, can be seen in the justifications for a host of new policy initiatives including major international involvement in Afghanistan, Iraq, Somalia, former Yugoslavia, East Timor and Sierra Leone in recent years.

For many commentators, the new, ethical nature of international foreign policy was given clearest expression in the international community's support for military intervention in the 1999 Kosovo war of Afghanistan' (Bush 13

2001). The US defence secretary, Donald Rumsfeld, argued that the military action was in line with previous US-led interventions in Kuwait, Northern Iraq, Somalia, Bosnia and Kosovo 'for the purpose of denying hostile regimes the opportunity to oppress their own people and other people', adding that: 'We stand with those Afghans who are being repressed by a regime that abuses the very people it purports to lead' (Rumsfeld 2001)

To explain the importance of interventionist 'ethical' foreign policy in the 1990s, two broad approaches often stand out.

- The first approach is a gradualist one, which argues that the shift to prioritising the interests of those in other countries is part of a slow evolution of universal human rights concerns since 1945.
- The second approach argues that there has been a radical break in recent years and explains this through a focus on qualitative changes in international society.

## Ethical concerns in IR:

Ethical issues involved at international landscape are as tabulated:

Issue	Ethical Issue
Terrorism	Deprivation; clash of civilizations; identity; moral superiority; tolerance; injustice, Inequality.
Climate Change	Exploitation of resources; luxury vs survival; differentiated responsibility; Sustainable development.
Poverty	Socio-economic inequalities, insensitivity.
Financial Instability	Greed
Disarmament	Morality of nuclear weapons, non-violence
Organised crime, drugs, human trafficking	Greed, utter insensibility
Competition over resources	Selfishness, greed

## Terrorism

It is suggested that most of the global threats we face today are rooted in the deeper issues of ethics and values in international politics. These threats concern the well being of an individual whose identity is rooted in different socio-economic and cultural backgrounds. The solutions to today's global security problems have to take into account an individual's cultural and socio-economic background.

(Examples can be taken: Islamic Fundamentalism; France Burqa Ban or other current events on religion based conflicts such as Uighurs in China or Muslims in Myanmar etc)

The following suggestions can be considered to handle the fundamentalism based on conservative ethical values:

1. Adopt a multicultural approach
2. Extract universal ethics from the world's religions; traditional knowledge; folk culture and see whether a common minimum can be evolved.

3. Promote inter-faith dialogue; dialogue among civilizations.
4. Emphasize secular but spiritual values like peace, truth, tolerance, honesty, non-violence, charity, justice, harmony, parsimony, mutual respect, philanthropy, right conduct, human rights, compassion, self-restraint, rectitude, forbearance etc.
5. Inculcate the above values in the youth through family values.
6. Bring the study of world religions and spirituality in social sciences, particularly, international relations theory, politics and economics.
7. Encourage multi-disciplinary research to promote mutual understanding.

The issue of ethics and values in international relations should be debated in international organizations such as UN fora extensively. The UN should set up a fund to raise awareness.

## Torture and Human Rights

Human rights developed during the early Modern period, alongside the European secularization of **Judeo-Christian ethics**. The most commonly held view is that concept of **human rights evolved in the West** and earlier cultures had important ethical concepts but they generally lacked a concept of human rights. International law is designed to promote and protect human rights at the **international, regional and domestic levels**.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (**United Nations Convention against Torture**) is an international human rights instrument, under the review of the United Nations that aims to prevent torture and cruel, inhuman degrading treatment or punishment around the world. The Convention requires states to take effective measures to prevent torture within their borders, and forbids states to transport people to any country where there is reason to believe they will be tortured.

In practice, many human rights are difficult to enforce legally, due to the absence of consensus on the application of certain rights, the lack of relevant national legislation or of bodies empowered to take legal action to enforce them.

*(Examples of current situation in Syria; nationwide arrests of activists in China; US drone strikes in Pakistan etc can be used.)*

### Monitoring, implementation and enforcement

- There is currently no international court to administer international human rights law, but quasi-judicial bodies exist under some UN treaties. The International Criminal Court (ICC) has jurisdiction over the crime of genocide, war crimes and crimes against humanity. The European Court of Human Rights and the Inter-American Court of Human Rights enforce regional human rights law.
- The United Nations human rights bodies do have some quasi-legal enforcement mechanisms. These include the treaty bodies attached to the seven currently active treaties, and the United Nations Human Rights Council complaints procedures, with Universal Periodic Review and **United Nations Special Rapporteur (known as the 1235 and 1503 mechanisms respectively)**.
- The enforcement of international human rights law is the responsibility of the nation state; it is the primary responsibility of the State to make the human rights of its citizens a reality.

In over 110 countries, national human rights institutions (NHRIs) have been set up to protect, promote or monitor human rights with jurisdiction in a given country. Although not all NHRIs are compliant with the **Paris Principles**, the number and effect of these institutions is increasing.

**The Paris Principles** were defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights in Paris from in 1991, and adopted by UN Human Rights Commission Resolution 1992/54 of 1992 and General Assembly Resolution 48/134 of 1993. The Paris Principles list a number of responsibilities for national institutions.

## Responsibility to Protect

The responsibility to protect (R2P) is a United Nations initiative established in 2005. It consists of an emerging intended norm, or set of principles, based on the claim that sovereignty is not a right, but a responsibility. R2P focuses on preventing and halting four crimes: **genocide, war crimes, crimes against humanity, and ethnic cleansing**, which it places under the generic umbrella term of mass atrocity crimes. The R2P has three "pillars":

1. A state has a responsibility to protect its population from genocide, war crimes, crimes against humanity, and ethnic cleansing.
2. The international community has a responsibility to assist the state to fulfill its primary responsibility.
3. If the state manifestly fails to protect its citizens from the four above mass atrocities and peaceful measures have failed, the international community has the responsibility to intervene through coercive measures such as economic sanctions. Military intervention is considered the last resort.

In the international community R2P is a norm, **not a law**, however it is grounded in international law. R2P provides a framework for using tools that already exist, i.e. mediation, early warning mechanisms, economic sanctioning, and chapter VII powers, to prevent mass atrocities. Civil society organizations, States, regional organizations, and international institutions all have a role to play in the R2P process. The authority to employ the last resort and intervene militarily rests solely with **United Nations Security Council**.

*(Current examples to explain: Libya; Syria and failed states in Africa etc.)*

### Criticism

1. One of the main concerns surrounding R2P is that it **infringes upon national sovereignty**. This concern is rebutted by the Secretary General Ban Ki-moon in the report implementing the Responsibility to Protect.
2. According to the first pillar of R2P, the state has the responsibility to protect its populations from mass atrocities and ethnic cleansing, and according to the second pillar the international community has the responsibility to help states fulfill their responsibility.
3. Advocates of R2P claim that the only occasions where the international community will intervene in a state without its consent is when the state is either allowing mass atrocities to occur, or is committing them, in which case the state is no longer upholding its responsibilities as a sovereign. In this sense, R2P can be understood as **reinforcing sovereignty**.
4. However it is not clear who makes this decision on behalf of the 'international community'.

## Global Commons

Global commons is a term typically used to describe international, supranational, and **global resource domains** in which common-pool resources are found. Global commons include the **earth's shared natural resources**, such as the deep oceans, the atmosphere, outer space and the Northern and Southern Polar Regions, the Antarctic in particular. Cyberspace may also meet the definition of a global commons.

### Management of the global commons

Management of the global commons requires **pluralistic legal entities**, usually international and supranational, public and private, structured to match the diversity of interests and the type of resource to be managed, and stringent enough with adequate incentives to ensure compliance through gamut of international laws.

For example, in case of global warming several, environmental protocols have been established as **international law**. An intergovernmental document intended as legally binding with a primary stated purpose of preventing or managing human impacts on natural resources.

(Examples to be explained: Resources in the seabed-Polymetallic Nodules etc.; global warming; outer space; oil and gas reserves in Antarctica.)

### Challenges in the management of global commons:

- The key challenge of the global commons is the design of governance structures and management systems capable of addressing the complexity of multiple public and private interests, subject to often unpredictable changes, ranging from the local to the global level.
- There are several key differences in management of resources in the global commons from those of the commons, in general. There are obvious **differences in scale** of both the resources and the number of users at the local versus the global level.
- There are **differences in the shared culture and expectations** of resource users; more localized commons users tend to be more homogeneous and global users more heterogeneous. This contributes to differences in the possibility and time it takes for new learning about resource usage to occur at the different levels.
- Moreover, global resource pools are less likely to be relatively stable and the dynamics are less easily understood. Many of the global commons are non-renewable on human time scales. Thus, resource degradation is more likely to be the result of **unintended consequences that are unforeseen**, not immediately observable, or not easily understood.

## Doctrine of International Community

Former British Prime Minister Tony Blair propounded doctrine of international community in a speech in Chicago in 1999 as an intervention of the world leaders, international organizations and community in general in the intriguing world affairs.

At the instance of NATO's attack on Serbia over Kosovo, he wondered whether international law should not be developed to avoid situations where a regime can systematically brutalize and oppress its people and there is nothing anyone can do, when dialogue, diplomacy and even sanctions fail, unless it comes within the definition of a humanitarian catastrophe.

### Six principles for a doctrine of international community and its institutions:

1. reform of the system of international financial regulation;
2. a new push on free trade in the WTO;
3. a reconsideration of the workings of the UN;
4. a critical examination of NATO;
5. greater cooperation on meeting the targets of Kyoto;
6. scrutiny into the issue of third world debt.

### Examples:

- Nato's attack on Serbia over Kosovo in 1999 established the rule of a humanitarian intervention. It followed the worldwide guilt felt at the failure by the UN, or anyone else, to intervene in Rwanda.
- Killing of Saddam

Five rules for intervention of international community outlined by the former British PM were:

- be sure of your case,
- exhaust all other options first,
- ask if military operations can be "sensibly" undertaken,
- prepare for the long-term
- identify if your interests are involved.

## **Just War Theory**

The just war theory is a largely **Christian philosophy** that attempts to reconcile three things:

- taking human life is seriously wrong;
- states have a duty to defend their citizens,
- defend justice protecting innocent human life and defending important moral values sometimes requires willingness to use force and violence

The theory specifies conditions for judging if it is just to go to war, and conditions for how the war should be fought. Although it was extensively developed by Christian theologians, it can be used by people of every faith and none.

### **Purpose**

The aim of Just War Theory is to provide a guide to the right way for states to act in potential conflict situations. It only applies to states, and not to individuals (although an individual can use the theory to help them decide whether it is morally right to take part in a particular war). Just War Theory provides a useful framework for individuals and political groups to use for their discussions of possible wars.

The theory is not intended to justify wars but to prevent them, by showing that going to war except in certain limited circumstances is wrong, and thus motivate states to find other ways of resolving conflicts.

### **Origins**

The principles of a Just War originated with classical Greek and Roman philosophers like **Plato and Cicero** and were added to by Christian theologians like **Augustine and Thomas Aquinas**.

**Elements:** There are three parts to Just War theory, both with Latin names:

- **Jus ad bellum:** the conditions under which the use of military force is justified.
- **Jus in bello:** how to conduct a war in an ethical manner.
- **Jus post bellum** concerns justice after a war, including peace treaties, reconstruction, war crimes trials, and war reparations.

A war is only a Just War if it is both justified, and carried out in the right way. Some wars fought for noble causes have been rendered unjust because of the way in which they were fought. Just wars that violate Just Wars principles effectively constitute a branch of **Realism**.

### **Global Justice**

Global justice is an issue in political philosophy arising from the concern that **the world at large is unjust**. The broader philosophical context of the global justice debate, in both its contemporary and historical forms, is **the issue of impartiality**.

In order to achieve global justice, **eight minimum criteria** must be met. These are: 1) dialogue, 2) effective and representative multilateral institutions, 3) representative decision-making structures, 4) fair treatment, 5) empathy, 6) accountability, 7) transparency, and 8) adherence to international law.

Global justice is **the paramount to global security**, because injustice can lead to feelings of anger, humiliation, and alienation, which can undermine human dignity. Humans are primarily driven by emotional self-interest and those protecting humans' emotional needs are fundamental to human well-being and human dignity. When people feel that they have been the victim of unjust decisions, they may try and seek justice by less conventional means such as violence. This, in turn, can promote insecurity. Therefore, justice and not just military power, is essential to maintaining global security.

Calls for greater global justice are thus likely to continue from disadvantaged societies because they often feel that they are unjustly subjected to the rules set by more powerful players. However, dominant states that benefit from the current status quo are unlikely to want to alter established institutions or governance structures.

Diplomacy must be based on openness to hearing and acknowledging the concerns and positions of others. Empathy and an acknowledgement of the grievances and past pains of others are crucial, as is giving all stakeholders a voice in the decision-making process. All states, no matter how powerful, must be bound by international law and its obligations.

### Central questions

- concerning the **scope of justice**,
- justice in the **distribution of wealth** and other goods,
- the **institutions responsible for justice**, are central to the problem of global justice.

### Arguments over Global Justice

- Realists argue that states that pursue utopian moral visions through intervention and humanitarian aid, instead of minding their own strategic interests, do their subjects harm and destabilize the international system.
- Particularists object to the destruction of traditional cultures by cultural colonialism, whether under the guise of economic liberalism or defence of human rights.
- Nationalists deplore the fact that so many people are stateless or live under inefficient and tyrannical regimes.
- Advocates of the society of states are concerned about rogue states and about the imperial ambitions of the powerful.
- Cosmopolitans believe that the contemporary world badly fails to live up to their standards, and that doing so would require considerable changes in the actions of wealthy individuals and states.
- It might, for instance, require them to transfer most of their wealth to the poor. It might require the building of international institutions able to limit, or even replace, the self-interested action of powerful states and corporations. It might require each of international community to do much more than most now do.

## International Aid: Neo-Colonialism or Solidarity with the Poor?

Of all the aspects of international politics nothing has aroused more controversy than foreign aid. It has been a much abused technique for exerting influence in international politics. In some cases, it has paid great dividends. In others, it goes in waste. Whether it may go in waste, it does have its impact at least upon the recipient nations. There is as such a great controversy about the role of foreign aid in international politics.

Politically, it is a substitute of Imperialism and is, therefore, looked upon by the non-aligned as an expression of neo-Colonialism (colonialism exercised in a new way). Philosophically, it is prompted by humanitarian considerations which the rich nations have for the poor ones economically, it is simply an investment of surplus capital in the under-developed countries to gain more returns.

From whatever angle it may be looked upon, foreign aid is a very important instrument of promoting foreign policy objectives. Dwight D. Eisenhower described foreign aid as the least understood function of the Government. Late U.S.A. President John F. Kennedy stated that he would gladly discontinue foreign aid if he could. But he found he could not. The purposes of foreign aid are very contradictory. Much of the confusion about foreign aid has arisen because of its purposes.

**Life boat case study for ethical funding:** If we divide the world crudely into rich nations and poor nations, two thirds of them are desperately poor, and only one third comparatively rich, with the United States the wealthiest of all. Metaphorically each rich nation can be seen as a lifeboat full of comparatively rich people. In the ocean outside each lifeboat swim the poor of the world, who would like to get in, or at least to share some of the wealth. What should the lifeboat passengers do?

First, we must recognize the limited capacity of any lifeboat. For example, a nation's land has a limited capacity to support a population and as the current energy crisis has shown us, in some ways we have already exceeded the carrying capacity of our land. So here we sit, say 50 people in our lifeboat. To be generous, let us assume it has room for 10 more, making a total capacity of 60. Suppose the 50 of us in the lifeboat see 100 others swimming in the water outside, begging for admission to our boat or for handouts. We have several options: we may be tempted to try to live by the Christian ideal of being "our brother's keeper," or by the Marxist ideal of "to each according to his needs." Since the needs of all in the water are the same, and since they can all be seen as our "brothers," we could take them all into our boat, making a total of 150 in a boat designed for 60. The boat swamps; everyone drowns. Complete justice, complete catastrophe. Since the boat has an unused excess capacity of 10 more passengers, we could admit just 10 more to it. But which 10 do we let in? How do we choose? Do we pick the best 10, the neediest 10, "first come, first served"? And what do we say to the 90 we exclude? If we do let an extra 10 into our lifeboat, we will have lost our "safety factor," an engineering principle of critical importance. For example, if we don't leave room for excess capacity as a safety factor in our country's agriculture, a new plant disease or a bad change in the weather could have disastrous consequences.

Suppose we decide to preserve our small safety factor and admit no more to the lifeboat. Our survival is then possible, although we shall have to be constantly on guard against boarding parties. While this last solution clearly offers the only means of our survival, it is morally abhorrent to many people. Some say they feel guilty about their good luck. My reply is simple: "Get out and yield your place to others." This may solve the problem of the guilt-ridden person's conscience, but it does not change the ethics of the lifeboat. The needy person to whom the guilt-ridden person yields his place will not himself feel guilty about his good luck. If he did, he would not climb aboard. The net result of conscience-stricken people giving up their unjustly held seats is the elimination of that sort of conscience from the lifeboat.

## International Aid: Defined and Explained

Before we proceed further it will be worthwhile to explain what international or foreign aid means. Foreign aid means transfer of money, goods or technical knowledge, from the developed to the under-developed countries. It is because of these purposes that it has been criticized the most. It is considered to be a modern form of Imperialism and an expression of neo-Colonialism. In fact, the bases advanced for giving foreign aid are clothed in humanitarian words.

The importance of foreign aid grew after the end of the Second World War when America and Soviet Union emerged as the two superpowers. The difference in their socio-economic systems led them to win over a majority of the countries of the world to their side. Foreign aid came to be used as an instrument for strengthening the respective bloc. It was used not only as defensive strategy but also as an offensive one. The end of colonial rule created a strategic and economic vacuum which could not be filled in except by economic and military help from outside. A colonial power like Belgium planned its withdrawal from Congo in a manner that nothing was left in that country in the form of national assets to survive, reconstruct and develop itself. The newly independent countries were really in need of foreign aid for development and stability. The origin of non-alignment lies in this factor. In this way, foreign aid gained importance after the Second World War in two ways. Firstly, it was genuinely needed by the newly independent nations for political development and stability. Secondly, the two super-powers tried to use foreign aid as an instrument to involve the newly independent countries on their side. It is the second objective which makes foreign aid assume the form of neo-Colonialism.

## History of Foreign Aid

Foreign aid has been used in international politics for a long time as an instrument of foreign policy. It has been used as an instrument by a nation to secure political advantage. In the eighteenth century, it was offered as a bribe to get certain job performed. It was given in the eighteenth and nineteenth centuries by Britain to other countries to help them maintain armies.

There has always been economic interdependence between the various countries. But this interdependence has increased very much during the modern age. It would be no exaggeration to hold that the whole world has become one world.

Anything happening in a country has its effect on other countries of the world. That is why it is said that poverty anywhere constitutes a danger to prosperity everywhere else. It explains why the countries aim at the realization of international social justice. For the realization of such an international social justice the under-developed countries need assistance from the developed countries.

It would be worthwhile to remember here that aid programmes are beneficial both for the donors and the recipients. It helps the recipients because money, equipment, skill and knowledge received as aid helps in establishing modern economy, political stability and military security.

It helps the donors in gaining some political or commercial advantage. It is another thing that this advantage may come in the distant future. Sometimes the donors attach certain strings (conditions) to aid.

Even if no strings are added, foreign aid helps in establishing friendly relations. It is that both the United States and the Soviet Union were trying to win friends by offering foreign aid to the non-aligned countries.

Great Britain was the first country in the world to formulate a programme of foreign aid for economic development. It made programme of Colonial Development and Welfare "in early 1930's. This programme was intended as political development and economic development of colonies.

It was aimed against Fascist and Nazi propaganda. It is only during the last century, particularly after the Second World War, that foreign aid programmes have been used extensively, systematically and rather aggressively.

It was only after Second World War that the United States started a programme of foreign aid. This was the European Recovery Programme to enable the European countries to reconstruct their economies destroyed during the War.

This cost the United States nearly 33 billion dollars. It was done to contain the Communist appeal. This foreign aid programme was later on extended to the developing countries as well.

## Arguments for Aid

Indeed, the idea behind foreign aid is always national interest of the donor. It has..still been justified on the following grounds—

### (1) Economic Argument:

Foreign aid is given by a developed nation to a developing country from the economic point of view. The developed country always stands in need of raw-materials which are produced in the developing countries.

If the United States gives aid to developing countries, it is itself in the economic interest of the United States. By giving foreign aid, the raw- materials in the developing countries grew in abundance, which in return strengthen American economy.

### **(2) Instrument in gaining Allies:**

The second argument says that foreign aid helps in gaining allies in a world divided into intra-bloc competition. It is just with this end in view that both the United States and the Soviet Union competed with each other in giving foreign aid. It helped the donor country in enlisting the support of the recipient country.

### **(3) Instrument for political stability and military strength:**

Foreign aid helps in achieving political stability and military strength. It would be no exaggeration to say that in areas like Taiwan, South Korea, the American involvement increased to the extent that it assumed more or less direct responsibility for building up military effectiveness.

### **Foreign Aid is essentially Neo-Colonialism:**

Whatever argument might be advanced in support of foreign aid, it is essentially aimed at neo-Colonialism. It is Imperialism adapted to the modern circumstances. It is used to change policies and even Governments so that the recipient country should always play a second fiddle to the donor country.

Opinion has differed on the implications of foreign aid. There are scholars who regard aid as a relatively disinterested attempt to assist the poor countries in development. On the other hand, there are others who regard foreign aid as an instrument for the furtherance of national interest. It is worthwhile to note here that aid is always clothed in humanitarian arguments, at least the donor country professes to give it that angle.

The public opinion polls and the American Congress debates are always guided by humanitarian arguments. But it cannot be denied that it is always given to further the interests and political objectives of the donor country. Foreign aid is usually cut off as a punishment. For instance, foreign aid to India by the United States was cancelled during the days of Bangladesh crisis.

So it can be said that foreign aid is an instrument used for rewarding, threatening or punishing. It is basically used in wielding influence over the recipient country. It serves a long-term objective also in the sense that the donor country exploits the raw-materials of the recipient countries. It should, however, be remembered that the recipient countries are at present in a position to keep away the strings attached to foreign aid. This has been possible due to the fact that the number of the donor countries has increased. They are competing with one another in giving aid. The recipient countries can thus receive aid which has no strings attached to it.

## **Forms of Foreign Aid**

Different writers have given different forms of foreign aid. Prof. Hans J. Morgenthau has given six forms of foreign aid. They are humanitarian foreign aid, subsistence aid, military aid, bribery, prestige aid and economic development aid.

Chester Bowles classifies foreign aid in terms of countries: nations requesting aid because of mal-distribution of wealth; nations with inadequate G.N.P. willing to mobilise their own resources; nations lacking the competence; organisation and will to use aid; and nations whose situation is not clear.

However, for our purpose, we shall classify foreign aid as under:

- (1) Military aid;
- (2) Technical assistance;
- (3) Capital grants ; and
- (4) Loans.

## 1. Military aid

It is the oldest form of foreign aid. It helps in gaining allies. Both Great Britain and France supplied money and material in gaining allies in the European countries. The recipient countries provided men. The Soviet Union and the United States allocated considerable amounts of money for military aid. The only objective of this kind of aid is to strengthen the military capability of their respective allies.

It is a way to reduce burden of stationing one's own military in another country. This kind of aid makes the recipient completely dependent on the donors for the supply of modern equipments, ammunitions, replacement and maintenance of the equipment supplied.

This enables the donors to exercise almost complete control over the military movements of recipient countries. This policy of arming certain countries by a particular great power against the other country takes the form of cold war. There have been certain areas such as West Asia and Indo-China where this cold war turned into hot war many a time between the countries of region concerned.

In these wars, the smaller countries fight on behalf of the great powers. If North Vietnam was supported and given military assistance by the Communist powers, South Vietnam was supported by the American bloc. In this way, local conflicts arising out of indigenous causes turn into hot bed of super rivalry.

The most interesting fact about military aid is that the supplier country can direct the course of a local conflict by simply replenishing or withholding supply and spare parts, or worse still by threatening to switch her affections to the other side.

Most of the wars now going on in the Third World fought by increased sophisticated weapons can be intensified or brought to a halt at the will of the supplier. If and when the great powers feel that they need a rest from the tensions of such proxy wars, they can do so by reducing the volume of supplies.

In this way, the recipient countries have to dance to the tune of the advanced supplier countries. This means a serious encroachment upon their autonomy.

## 2. Technical assistance:

It is the least expensive among the aid programmes with big benefits. One American writer says: "Relatively inexpensive, technical assistance programmes allow personnel from industrialised countries to attack such practical problems such as fishery development, control of malaria, the construction of roads, educational advancement and so forth, and do so on more of personal level than is generally true with regards to economic development assistance."

It is also a fact that "technical assistance efforts have been a very small portion of total foreign-aid activities since the Second World War."

It aims at providing technical know-how instead of equipment and funds. Experts and specialists from advanced countries go out to render technical advice on different projects such as malaria control, agricultural mechanisation, public management, teaching programme, family planning and population control, habitat programmes, medical and sanitary facilities, development of indigenous resources etc. None can deny that the 'Point Four Programme' and the 'Peace Corps' initiated by the United States for development in the field of administration, agriculture, horticulture and education had nothing to do with the political-economic considerations.

Still, the critics point out that such programmes were aimed at introducing a particular kind of culture in these countries. With regard to the eradication of malaria programmes, it is argued that this was initiated with a view to spending the huge stocks of DDT which were lying in the stores of the advanced countries.

The motives for technical aid became more clear when the developing countries began to ask for it with a view to modernising themselves. But it is a pity that technology sold to them is the technology which the developed countries have since discarded.

After the Second World War, the imperialist powers were faced with a large number of industries that had become unproductive and obsolete. They needed to be scrapped. It is this scrap (Kabad Khana) which is being sold to the developing countries at a high price. It has served the industrialised nations by providing them with the capital raised out of the sale of that technology.

Moreover, the transfer of technology has been limited to a few areas that benefit only the imperialist countries. These include :

- (1) Industries consuming too much energy.
- (2) Industries that pollute atmosphere.
- (3) Mining and extractive industries to get raw-materials for use in the imperialist country,
- (4) Agricultural production industries to get edibles.
- (5) Experimental technology that needs a large scale of trials for development such as electronics, communications, chemicals, drugs and pharmaceuticals.
- (6) Industries which need a large number of labour forces.

Moreover, instead of developing educational and scientific facilities within the developing countries, the imperialist countries encourage higher education in science and other fields in their respective countries.

The trainees from the developing countries, instead of being trained in the area of need of their respective country, are trained in areas for which facilities exist in that country or which serve the needs of the imperialist powers.

The people so trained in Western culture, outlook and aspiration become ineffective in the under developed country. They become alienated from their own country and prefer to settle in the countries where they got training. This results in what we term 'Brain- Drain."

### **3. Capital grant:**

Capital grant means aid given by way of gifts. This kind of aid is not paid back. The European Recovery Programmes and Mutual Security Programmes included a large amount of such no repayable donations. According to Robert Wendzei, "The American policy-makers sought to assist because it was presumed to lead, in turn, namely democratic Government, the development of capitalist economic system and a more open society on the part of the recipient. It was also believed that economic development would lead to stability in the system of the recipient and a peaceful foreign policy. It would avoid them being dependent on foreign powers for security and survival."

It was in pursuance of these objectives that the United States preferred outright transfer of capital goods donations and grants without expecting any repayment. After fifties, most of the new nations opted for non-alignment. The U.S.A. did not want to give grants to those non-committed to U.S. policy. It started giving such grants through international agencies such as the International Bank for Reconstruction and Development.

The Bank was also dominated by the imperialist countries. It was not of any help to the developing countries because of low rate of economic growth and high level of unemployment in these countries.

### **4. Loans:**

Loans are given to be repaid over a long period of time for the development schemes to be run in the developing countries. But these loans also involve exploitation. Loan is given for a particular project approved by the donor countries. They give loan for those projects only which will be useful to them in the long-run. It means development will be made in the direction fixed by the donor country. So, there is no exaggeration in holding

that such aid "comes at a wrong time, goes to a wrong sector and is provided for specified interested purpose." The loans received by the developing countries, instead of being any help, become a burden upon them. It becomes difficult for them to repay the loans. Not to say of loans, it becomes difficult even to pay the interest. Sometimes a loan is taken just to pay the interest due to be paid on the previous amounts of loans received.

**Political Objectives of Foreign Aid** As we have discussed earlier, foreign aid is essentially a part of neo-Colonialism exercised by the capitalist countries. Let us then discuss the political objectives of foreign aid. These are:

- Creation of political stability in the recipient State.
- To change domestic and foreign policy of recipient country,
- Reward for becoming an alliance partner, and
- Help the recipient to achieve its objectives.

**(a) Creation of Political Stability in the Recipient State:**

Foreign aid is sometimes given to secure political stability in the recipient country. Political stability is achieved through the

- creation of modern military force,
- extension of military help to put down internal riots and disorders and the established authority, and
- raising of prestige of the local regime and military elites. The aid given by the USA, USSR, France and Great Britain to their allies and some of the developing countries served this purpose.

United States extended help to Guatemala and other Latin American countries, South Korea, and other countries, and the Soviet aid to East European countries have been given for this purpose. The aid given to Pakistan by the United States and to Egypt by the Soviet Union was aimed at elevating the prestige of the regime. India also helps Nepal with this end in view. Suppression of local disorders has also been one of the major purposes of foreign aid. Military intervention in Afghanistan, in Czechoslovakia in 1968 and in Hungary in 1956 by the Soviet Union and in Lebanon in 1958 by the United States are such examples.

**(b) To change domestic and foreign policy of Recipient Country:**

Aid is also used to influence the domestic and external policy of the recipient country. American aid to Pakistan has been enhanced on many occasions because Pakistan followed American dictates in every sphere.

On the other hand, American aid to India was slashed after the Third Plan period as India did not agree to cut down expenditure on public sector. Aid to India was suddenly stopped when India did not follow US instructions in the Indo-Pak War of 1971.

**(c) Reward for becoming an Alliance Partner:**

Promises of military and economic aid are given to gain allies in the international field. We find that Pakistan has been receiving both the kinds of aid from the United States because she entered into military alliances with the later. Military hardware that was refused to India even against payment, was given to Pakistan free of cost by the USA.

**(d) Helps the Recipient to achieve its objectives:**

Foreign aid is sometimes given to help the recipient to achieve its objectives. Soviet Russia gave military help to Indonesia with a view to helping her to settle problems with Malaysia by demonstration of sheer threat of force.

It is for this very reason that the U.S.A. extended help to Israel and to Egypt also after the Camp David Agreement of 1976.

## From Neo-Colonialism to NGO-Colonialism?

Throughout Africa and the rest of the developing world thousands of Non-Governmental Organizations are engaged in assisting the impoverished, the downtrodden, and the unfortunate. While their specific objectives might vary, their broad goal is to simply “help.” Medicines San Frontiers provides medical care, Save the Children is focused on, well, saving children and the International Rescue Committee is focused on refugee work. Hundreds more are building schools, assisting with agriculture, clean water, good governance, the environment, and the latest trend, gender issues.

Add to the list of these private organizations are a host of United Nations sponsored endeavors – the UN Development Program, the World Food Program, and the UN High Commissioner for Refugees. Governments are involved as well – US Agency for International Development (US AID) and the British Department for International Development (DFID.) The largest, and oldest player in the field is of course the World Bank and its various regional subsidiaries.

Over the past sixty-three years western governments alone have spent \$1.2 trillion seeking economic growth in the developing world. Private NGO's have contributed billions of dollars more. So the question must be asked – has it done any good? Certainly, at the individual human level refugees have been fed and housed, starvation averted, children vaccinated and rape victims counseled. But at a macro level the answer is a resounding no. The net effect of the trillions of dollars and billions of man hours spent helping Africa and the rest of the developing world prosper has been negligible and possibly negative. The road to poverty appears to be paved with aid dollars. No country in the developing world which has received any significant amount of aid has reformed its public policies, or launched itself into sustained economic growth. Taken as a group, it can be argued that a country's economic development is inversely proportional to the amount of aid it receives.

The first reason is that foreign aid, whether in the form of World Bank financing or direct action through various NGOs on the ground, alleviates the host nation of responsibility for that function, whether it be a humanitarian crisis, vaccinating children, building schools, economic development or saving the endangered mountain gorilla or primeval forest. The presence of so many aid workers in a region thus removes the onus of good governance from the people in charge. It is no longer their problem – and thus they become less accountable to the people they are theoretically supposed to serve.

The second reason is that the presence of so many NGO's and UN personnel coupled with their vast budgets creates distorting effects on the economy. The large influx of rich westerners with their fat expat salaries and hardship pay creates an artificial boom economy in the region leading to inflation throughout all sectors of the economy. Food prices rise, rents rise, consumer goods become more expensive. For the local small business owner recruiting and retaining qualified personnel becomes more expensive as the NGO's pay scale doesn't reflect the local reality.

While some would argue that the influx of cash is good for the economy – it's in fact an artificial cash injection which creates a dependency of the host government on the NGO community – a form of NGO colonialism. The artificial economic boom thus relieves any pressure the host government would have had to reform regressive economic policies. Host governments no longer have to reform their stagnant state run economies or liberalize trade or create a competitive business environment; which are painful in the short run but key to long term economic growth. This in turn means governments don't have to address other issues like endemic corruption or the mismanagement of public funds.

All of the economic reforms do come with a cost – a political cost. Reforming state owned companies means layoffs of redundant workers and the end of cronyism. Liberalizing trade means the end of corruption and protection of a few powerful businessmen. Indeed, good economic policy can be threatening to ones political career. If there are large amounts of artificial cash swimming around the country then the exigency to act disappears – and everyone is the worse off for it.

In the end, governments become dependent on the presence and actions of the NGO's in order to maintain the status quo – the lack of political reform, poor public policy and poor economic choices. The NGO's, for all their

good intentions, become complicit in this; at best, shrouding the truth in a bright eyed and bushy-tailed naïveté, and at worse, proselytizing their moral superiority to the world.

But there is a much darker side to this as well. In order to operate and to perpetuate their activities NGO's are dependent upon a continuing stream of donations. In countries in crisis or emerging from crisis, NGO's have a financial incentive to exaggerate the need for aid – which in turn leads them to exaggerate the conditions in the areas in which they operate. The NGO community at large will overestimate deaths from starvation, numbers of refugees, or those killed by conflict. The best example is the work by the International Refugee Committee in its latest study of those killed by the conflict in the Democratic Republic of Congo's volatile eastern region. On a recent survey, the IRC estimated 5.4 million people have been killed as a result of the conflict. This is a staggering figure – on par with the Holocaust. The IRC's analysis is fundamentally flawed however in that they have concluded that virtually all deaths in the region are a result of the conflict – as opposed to simply living in impoverished conditions in sub-Saharan Africa. The IRC fails to demonstrate any credible correlation between these deaths and the conflict itself. It's as if one did an accounting of all deaths in the United States since 2001 and then claimed these were the direct result of the war on terror. Statistical integrity and small details are beside the point, however – the headline grabbing figure of 5.4 million deaths is much better for donations.

What the staffers at the IRC and other NGO's don't realize is that these distortions of the truth, while excellent fundraising mechanisms, are in fact detrimental to the cause they wish to serve. By making outlandish statements and barraging media outlets with horror stories, they are in fact hindering direct foreign investment into the region, investment which would otherwise bring stability, economic growth, jobs and higher standards of living to those people. All of this, is of course, lost on the legions of young, well meaning westerners running around the developing world trying to do their best to help humankind.

## Conclusion

It is thus very clear that aid is always given with strings (on certain conditions). It is always the donor country that exploits the advantage received out of that aid. It is rather immaterial whether the donor is a socialist or a capitalist country. It is the recipient country which stands to lose. Comparatively, however, the aid from a capitalist country is more disadvantageous in terms of consequences. It is seen that the recipient finds it hard to come out of the clutches of the Western donor. The recipients continue to be exploited as ever. It is thus an instrument of domination. Political strings serve as levers of control that restrict the freedom of action of the recipient. It is why the countries of the Third World have been put in relationship of neo-Colonialism by the advanced countries.

## Case Studies

### Syria: Ethics of intervention

US Claim: The United States has an ethical obligation to intervene in the humanitarian crisis plaguing Syria. This obligation is not born from seeking to "spread" western principles of governance, but rather to ensure the sustainability of civilization itself.

In 1948, the Universal Declaration of Human Rights (UDHR) spoke to the concept of universal and inalienable rights that forge the foundation of our human existence. Over the past few years, the Syrian government has demonstrated that it stands in stark contradiction to those very rights to which they claimed to ascribe as signatories to the UDHR.

The use of chemical attacks by the Syrian government against their own citizens cannot be responded to with silence by world leaders, but rather demands a response that is equal to the gravity of the crime against

humanity itself. If we accept silence as a viable response to the crisis in Syria -- as the British Parliament has done then we are guilty of standing idly by while the lives of innocent people are horrifically taken.

The world cannot accept another Rwanda. We cannot merely accept staff meetings and promises of ongoing talks as such merely prolongs the suffering of the innocent. Further, as we have seen in the case of Rwanda, failure to respond to a humanitarian crisis of such a grave nature will only lead to regret in the aftermath of the crisis. This was witnessed by spectators in 1998 when President Clinton visited Rwanda. During his visit, he expressed guilt and admitted "failure" for the absence of the United States in the wake of the 500,000-1,000,000 Rwandans who had been murdered in the 1994 genocide. If there is something we learned from that crisis and failure of diplomacy it is that *ex post facto* admissions of guilt and regret achieve little more than a media splash. What we are in need of is courageous leadership to demand a two-pronged intervention built on a military strike to destabilize the regime of Bashar al-Assad that is followed by an allied effort to sustain peace and security in a post-Assad Syria.

**World's response:** With respect to Syria, there is no direct threat to the United States. On the second and third count, it is not clear how war will fix things. It is easy to believe that the US armed forces could disable the Syrian military, but does that mean that Syria will be a safe from tyranny? Unclear. Does that mean that peace loving democrats will come to power? Unclear. Could there be a situation where we make bad people even more powerful? Like we did in Afghanistan (the first time), or in Afghanistan (the second time)? Or in the many other nations they've intervened in like Haiti or Lebanon, where bad people later came to power? Unclear. Does that mean that there won't be a subsequent government that would threaten our allies? Unclear.

In other words, civilized people have long recognized that the Syrian state is repressive and evil. And their recent behavior supports this view. But that's way different than saying that intervention will very likely lead to a better situation, or that the benefit we create will outweigh the violent death of innocent bystanders. Syria is burning, but there is no magic solution, especially the one dropped from a high altitude aircraft.

## PRISM program of US and Spying on world governments:

How to make surveillance both ethical and effective:

1. There must be sufficient sustainable cause
2. There must be integrity of motive
3. The methods used must be proportionate.
4. There must be right and lawful authority
5. There must be a reasonable prospect of success
6. Recourse to secret intelligence must be a last resort

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## **G. S. PAPER IV**

### **Information Sharing and Transparency in Governance**

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## **Section A: Introduction**

Good governance in modern times means democratization of governance, rather than governance being the monopoly of the elected leaders. It also encompasses the interaction between government & other actors of the social sphere.

*When governance becomes the privilege of a select few, or when people who are governed are kept out of the affairs of governance, it degenerates into misgovernance & makes a mockery of democracy!!!*

Non-transparency and unaccountability often lead to increased corruption, nepotism & social exclusion. On the other hand, when a government is open and transparent, there is less opportunity for the authorities to abuse the system for their own interests. The budgets of such a government may be reviewed by anyone, and its laws and decisions are open to discussion,

***Openness and transparency are key ingredients to fight corruption & build accountability and trust, which are necessary for the functioning of a democracy.*** Transparency in governance empowers citizens & fosters their participation in public affairs.

People are the biggest stakeholder in governance. They have a critical & crucial role to play. Governance must not be restricted only to the government. Rather, society must be included in the process of decision-making, implementation & accountability.

***The biggest step towards this has been the Right to Information Act 2005, which enabled monitoring, transparency and accountability. The recent National Data Sharing & Accessibility Policy (NDSAP), 2012, which has been designed to promote data sharing, is also a step in the same direction.***

## **Section B: Transparency in Governance**

As a concept, transparency is relatively new to government functioning in India. While *inclusion* has been an underlying theme since independence, transparency was assumed, but not enshrined.

So what does Transparency mean? Transparency means that the criteria, processes and systems of decision-making are openly known to all. For example, the selection of beneficiaries for any government scheme would be based on explicitly known and publicly communicated criteria; it will also be known as to who will apply these criteria, when and how? And, what benefits would accrue to those families and individuals who fit these criteria? When will these benefits accrue, at what costs or mutual obligations?

Transparency is necessary for making the system of democratic governance effective; it enables information in the hands of citizens in a manner that they may be able to claim their entitlements.

Though transparency is often used interchangeably with access to information, however transparency is a wider term with information sharing a tool to achieve transparency in governance.

Transparency or openness can be said to have three basic components, which are:

- Participative governance or people's engagement in decision-making
- Access to information or information sharing
- Accountability for actions of the government or executive

## Section C: Participative Governance

Participative governance is one of the means to achieve transparency in governance through the **bottom up approach**. It entails participation of people in decision-making at the grass root level. In the pre-independence period, Gandhiji's vision of good governance essentially meant democratic decentralization, which meant power to the Gram Panchayats and people at the lowest level of political hierarchy.

The **73rd & 74th amendments**, by giving constitutional status to Panchayats and Urban Local bodies, have been the single-most substantial countrywide initiatives that seek to improve transparency in governance through participative form of governance. People now could take part in the issues that affected them directly, thereby having a say in decision-making.

However, there exists much scope of improvement, as the framework is yet to achieve its intended potential. The reluctance of government officials, an inadequate framework of financial independence and a general lack of awareness among citizens are the oft-quoted reasons for hampering effective participation of civil society in planning and decision-making. Nevertheless, this is a deep change that can be seen in the efforts these institutions are taking to make governance more accountable & transparent. Following are some of the initiatives in that direction:

- **PRI-** The 73rd amendment devolved power to villages, tehsils and districts. It allowed each village to participate in local governance through an elected Panchayat, conferred with constitutional recognition. The Government has been trying to implement capacity-building programs for elected representatives so as to ensure awareness, literacy and capacity for understanding local issues and implementing Government schemes and programs in the most effective manner.
- **Social Audit-** There had been concern on news related with social audits being manipulated and existing only on paper. Thus the idea of a social audit was floated in order to improve checks and balances within the Panchayati Raj Institutions. In 2005, social audits were made statutory through National Rural Employment Guarantee Act (NREGA), allowing people to *directly question elected representatives on a continual basis*. Social audit is a very powerful tool for citizens for participation in governance and where the social audit has been genuine and effectively conducted; for e.g., in the case of Andhra Pradesh, as per a report, state-wide social audits found fraud of large amounts *resulting in administrative or criminal charges against about 7,000 officials*.
- **Urban local bodies-** These bodies were meant to allow local communities decide on the usage and charges for basic utilities. However, there is an impression that State Governments continue to dictate matters such as rates of user charges, property tax, octroi etc. with little reference to the ULBs affected by these decisions, which needs to be addressed.
- **Resident Welfare Association & Bhagidari (Participation)-** These include state-specific incentives to incorporate the views of society or to devolve the decision-making power for basic civic functions. These initiatives have been applauded for their implementation and intent of engaging common citizens.

The Bhagidari scheme of the Delhi Government directly involves citizens through RWAs in monthly meetings in order to take responsibility for their areas. These RWAs are also the first point of contact for state utilities while planning changes.

In another example, the Government of Kerala in the beginning of the 9th Plan took a bold decision to devolve 35% of the state development budget down from a centralized bureaucracy to local Governments where local people could determine and implement their own development priorities under the People's Plan Campaign (PPC).

Bhagidari has tremendous potential and with sustained efforts from the Government and involved RWA members, this can be one of the most effective tools of local self-governance in urban areas.

## Section D: Information Sharing

At the International level, **Right to Information** and its aspects find articulation as a human right in most important basic human rights documents, namely, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The Supreme Court of India in Secretary Ministry of I&B vs. Cricket Association of Bengal, 1995 judgment stated that article 19 of the constitution, i.e. freedom of speech & expression, includes the right to acquire information and to disseminate it as well. Therefore, Right to Information is a fundamental right of every citizen of India.

In the initial years after independence, the executive functioned with considerable autonomy. But, common people have been increasingly asserting their voice demanding accountability from the executive. People today want to know the nitty-gritty of governance & policy making rather than being a silent spectator & receiver of the government policies.

Accordingly, the Indian parliament passed the Freedom of Information Act in 2002. It put an obligation upon public authorities to furnish such information "wherever asked" for. However the Bill did not provide for the government making information public, without a request. This Act was severely criticized for permitting too many exemptions. There were no penalties for not complying with a request for information. This Act, consequently, never came into "effective" force because of the lacunae in its draft. Subsequently, the "Right to Information Act" (RTI) was passed in 2005.

## Section E: Right to Information- RTI, 2005

RTI Act empowers the citizen of India to seek information from a public authority, thus facilitating transparency & accountability of government & its auxiliaries.

- Under the provisions of the Act, **any citizen** may request information from a "public authority" (a body of Government or "instrumentality of State"), which is required to reply *expeditiously or within thirty days*.
- The Act requires every public authority to computerize their records for wide dissemination and **to "proactively"** publish certain categories of information so that the citizens need minimum recourse to request for information formally (*i.e. disclosure of information with respect to functioning of the government must be a rule rather than an exception & must be provided proactively, without asking for it*).
- It applies to all States and Union Territories of India **except the State of Jammu and Kashmir**, which has its own J&K RTI Act in force.
- It **replaces** the erstwhile Freedom of Information Act, 2002.
- Department of Personnel & Training has been made the Nodal Department for the RTI implementation at the Central level.
- As per the Act, Information Commissions are expected to issue orders/directions to the Public Authorities to carry out their duties as per the mandate of the Act.

## Section F: Downside of Sharing of Information

Freedom brings with it added responsibility as well. That is why our constitution also incorporated Fundamental duties along with Fundamental rights to the citizens. Though it is true that the Right to Information is a strong instrument in hands of common people to fight corruption & mis-governance, however it must be used with caution & should be used only when getting information through this channel is the last resort. Non-serious applications should be avoided.

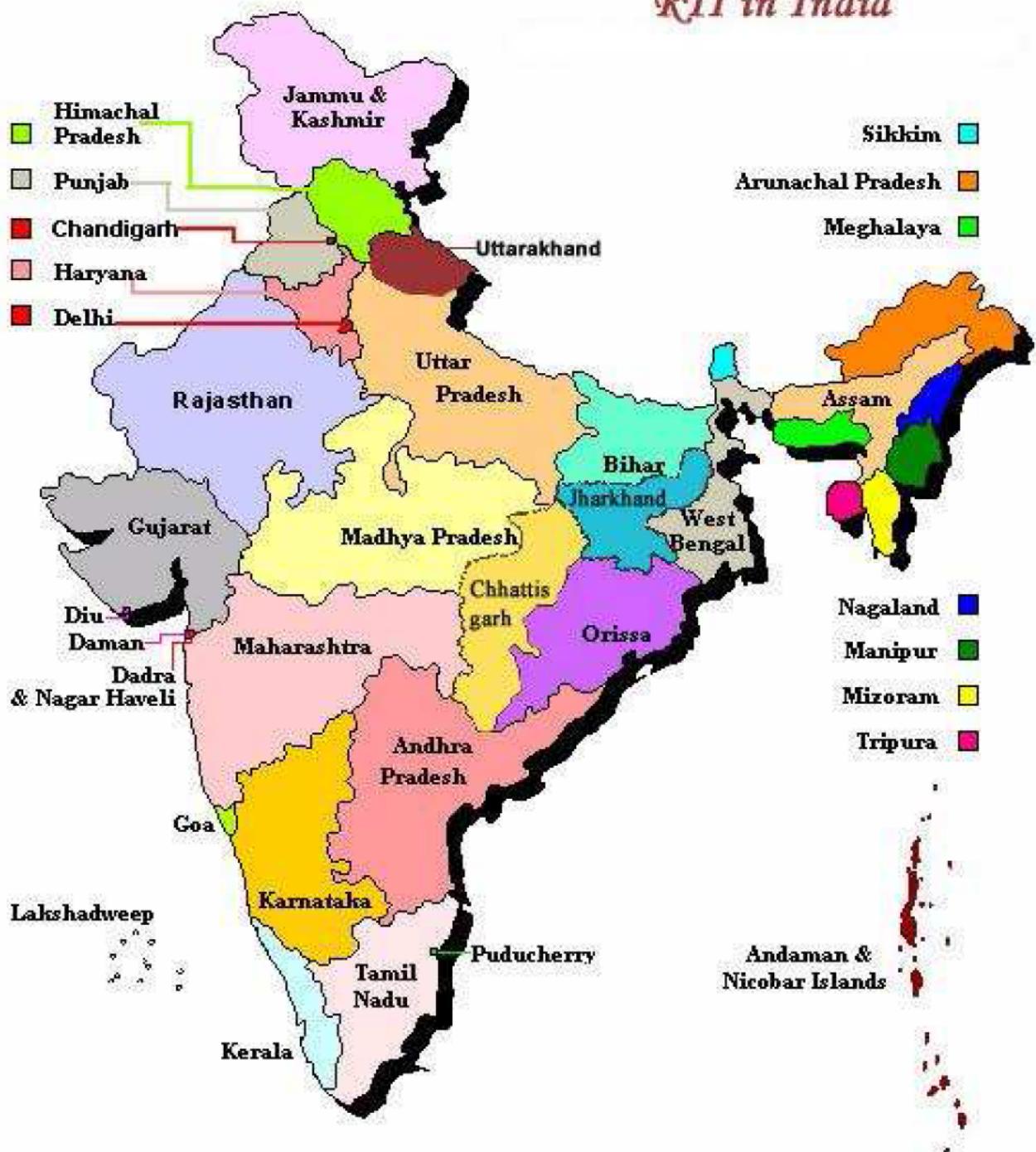
Also, information can be used by anti-social elements to create disharmony in the state of affairs of the country & create a sense of mistrust & despair among the stakeholders towards the state of affairs of the country, which can be very discouraging & harmful for the country in the long run. Thus adequate checks & balances need to be built to ensure that this right or the information got by exercising the right is not misused to attack the integrity & sovereignty of the Nation in any sense.

## **Section G: RTI Amendment Bill, 2013**

- It seeks to keep the six national political parties outside the purview of the RTI Act
- The amendment will ensure that political parties are not obliged to disclose the basis to chose their candidates & the source of their funding
- All the parties feel that bringing them under RTI disclosure rule would undermine the political party system & opposition can utilize the information of inner party deliberation for their own benefit.
- This amendment bill was drafted in the light of an order by Central Information Commission that the national parties come under the purview of RTI & have to share their details as per asked through RTI for better transparency
- At present parties are required to declare to the EC, donations in excess of Rs 20,000 & have to submit their accounts to Income Tax Department under Representation of People Act, 1951 & as well as Income tax act 1961. However violation of the rule is common.

How viable it is to bring the parties under RTI or pass this bill to exclude them is under debate. Though transparency is required but not at the cost of a scenario, which will lead to instability in the country's political scene.

## RTI in India



### Section H: Issues in implementation of RTI Act

Though the Parliament had enacted the RTI Act for better information sharing & accountability of the executive in 2005, it would take some time before the act can be implemented with full force in reality, as it is marred by some issues in its implementation.

*Department of Personnel & Training conducted a field survey (in 2008) to gauge the issues in its implementation, which were found to be as follows:*

## 1. Low public awareness

Section 26 of the RTI Act states that the concerned Government may develop and organize educational programs to advance the understanding of the public, especially disadvantaged communities, regarding how to exercise the rights contemplated under the Act.

- However, as per the survey it was revealed that ***only 15% of the respondents were aware*** of the RTI Act. During the awareness survey, it was also observed that the major sources of this awareness were mass media channels like television channels, newspapers etc. & word of mouth.
- It was further observed that awareness level is low among the disadvantaged communities like women, rural population & socially backward caste like SC/ST/OBCs.

The efforts made by appropriate Governments and Public Authorities have been restricted to publishing of rules and FAQs on websites. These efforts have not been helpful in generating mass awareness of the RTI Act. As compared to RTI Act, the common citizens (and disadvantaged communities) are significantly more aware of other Government schemes focused on socio-economic development.

While the Nodal Departments have not undertaken any substantial steps to promote the RTI Act, on the other hand, some States like ***Orissa and Andhra Pradesh*** have been promoting the usage of the Act through seminars and discussions at district level, which need to be followed by the nodal agencies as well.

## 2. Constraints or complications in filing complaints

- a) ***Non-“availability” of User Guides for information seekers:*** 52% of the citizens surveyed requested availability of a user guide/manual at all the Public Authorities.

Lack of user guides results in ***substantial efforts*** on the part of the information seeker to gather knowledge about the process for submitting a RTI request. This often sends them away from making use of their right to information.

b) ***Inconvenient payment channels for offline RTI application submission:***

- It was found in the survey that in the absence of clear guidelines and instructions, public authorities have chosen a subset of the allowed payment channels. It was noted in the survey, that majority of PIOs used cash and demand drafts, which causes inconvenience to citizens. Further, ***collection of fee through cash necessitates the presence of the applicant in the State, whereas the Act does not provide for any such restriction.***
- Also survey revealed that submission of applications through the PIO's office is the most prevalent submission channel, therefore "***proper signage***" with the location details and availability time of the PIOs is crucial. However 85% of the information seekers said that no signage was present to locate the concerned PIO. It leads to multiple visits to be made to the PIO office for submission of an RTI application.

3. ***Lack of assistance in filing the application by the PIOs-*** In a country where literacy rate is as low as 77%, it is imperative for the authorities to assist people in exercising their right but that is not the case as found by the survey.

- This reveals that process of RTI application submission has not been designed keeping in view the needs and convenience of the citizens.

4. ***Standard forms for RTI application & PIO's Replies-*** While the Act does not necessitate having a standard application form, there are significant advantages of using a standard form for an RTI application:

- The standard form helps in getting basic information which helps the PIOs (Public Information Officer) in providing the requisite information and contacting the applicant for communication required.
- If basic information is available, it is helpful for the Public Authority to identify the nature of frequent information requests so that it can be provided as a suo-moto disclosure
- Only 2 states i.e. Maharashtra & Orissa have prescribed a standard form.

## 5. Issues related to information provided

- a) Poor quality of information provided: Majority of the respondents said they were dissatisfied with the quality of information, being provided in response to their application which is most of the times incomplete & inaccurate.
- b) Some applications require the PIOs to do a collation and analysis of data for past 10 years or more. However 89% of the PIOs said that they did not use the provision for inspection of records.

If trained properly, the PIOs can provide an option to the citizens to inspect the records. This may help in providing timely and accurate information to the applicant. There is a provision in RTI for the same, however most people & even the PIOs are not aware of.

- c) **Failure to provide information within 30 days** due to inadequate record management procedures with the Public Authorities. This situation is further aggravated due to non-availability of trained PIOs and the enabling infrastructure (computers, scanners, internet connectivity, photocopiers etc.). There is lack of any electronic document management system in any of the Departments (based on Survey). Majority of the PIOs surveyed do not even maintain the list of RTI applications electronically
- d) **Low Motivation** Levels among PIOs.

Public Authorities need to meet the requirements of the RTI Act to review their current record keeping procedures and other constraints and plan out the resources.

The training of PIOs is a big challenge primarily due to huge number of PIOs & frequent transfers of PIOs to other posts. Training institutions also pose a huge constraint with respect to the availability of training resources. There are a large number of non-profit organizations, which are carrying out the trainings in official/ un-official capacities – these are untapped resources which could be utilized for training.

## **Section I: Role played by key Stakeholders**

RTI Act has the potential to bring in a revolution in the Indian bureaucracy, provided the stakeholders & the agencies take up their responsibility towards the spirit of the Act. Time & again it has been found that various agencies, media etc. have functioned as a pressure group for the active implementation of the Act. But most of the execution is to be carried out by the appropriate Governments and Information Commissions.

The key role played by various entities is as follows:

### **1) Civil Society Organizations/NGOs**

- Enhancing the reach and awareness of RTI among the masses, especially in rural areas. However given the geographical size & population of the country their reach is limited
- They have also made contribution towards training of PIOs

### **2) Media**

- Media has played an important role in generating awareness at a mass scale through news articles

- In the context of RTI implementation, journalists at times have played a dual role as the users of RTI Act and as watchdogs, monitoring and scrutinizing the implementation of the Act.

### 3) State Governments

- **Jankari Call Centre:** Bihar Government has initiated a six seater call centre. This call centre facilitates a caller in drafting the RTI application and the fee is collected through the phone bill. Similarly RTI Helpline in Bangalore is providing RTI information to citizens
- **"Train the Trainer" concept in Assam:** Assam has adapted a "Train the Trainers" concept, where the Government trains the NGOs to impart training to citizens on RTI in order to maximize the reach of RTI and ensure that there is local ownership and sustainability

## **Section J: Achieving Transparency & curbing the menace of corruption through RTI!**

RTI has become a weapon in the hands of common citizens to fight for their rights. It is not surprising that the usage of RTI has been in the areas where citizens had to struggle to get what was rightfully theirs.

Following are some **case studies** to have a glimpse of the impact of RTI in the life of the common man.

#### **1. Media used RTI to let Delhi-ites enjoy their right to water!**

In 1998, secretly the privatization of the Delhi Jal Board was started with the help of the World Bank. Media taking help of an NGO Parivartan scrutinized the 4000 pages long document using RTI & got that published. It was revealed that the World Bank had forced the Delhi Jal Board and the Delhi government to agree on disgraceful terms to provide the tender to the an MNC Price Waterhouse Cooper (PWC). The cost of the water would have risen by six times if this plan had been implemented. The water would have been provided to only those areas where people would voluntarily agree to lay down the pipelines at their own expense.

Media used RTI & as a result the **government was forced to withdraw its decision of privatizing the Delhi Jal Board.**

#### **2. RTI exposed corruption in employment generation scheme MGNREGA**

In Santhpur Village in Bidar District of Karnataka, Rajani an RTI activist was concerned about the poor implementation of the National Rural Employment Guarantee Act (NREGA). She filed an RTI & found the people employed in four projects of MGNREGA there, were the same. Moreover they were all member of a local politician's family who had never stepped out for any hard labor.

In a hearing on a complaint filed by the Rajani at the Karnataka Information Commission, the Commissioner asked the CEO to investigate the matter immediately and report back to the Commission. The CEO's report is awaited. However people of the district are delighted that the CEO is being pulled for not doing his work in front of them whereas earlier he would never show up & are confident that the verdict would eliminate any further cause of concern for them.

In a similar case a rikshaw puller was asked to pay Rs 5000 to pass his application to get his home built under **Indira Awas Yojana** after 5 yrs of applying under the scheme. This clearly shows the level of corruption in the socio economic schemes. Thus he filed an RTI with the help of an NGO & as a result he got his first installment payment of Rs 15000 under the scheme. His house is now under construction!

There are many such examples where people have benefitted from the RTI Act & corruption as well as corrupt have been exposed & been punished. RTI is empowering people by letting them hold the executive responsible for its actions & the way the resources of the country are being used.

## **Section K: National data sharing & accessibility policy (NDSAP), 2012**

There are various ministries, organizations & institutions of Government of India, who collect huge amount of data related to their respective fields using public funds. Most of the times, this data is not accessible to the civil society. However, the data collected or developed through public investments, when made publicly available, their potential value could be more fully realized, & would enable rational debate, better decision making and use, in meeting civil society needs.

It is for this reason that NDSAP policy was designed & got approval from the cabinet in 2012. Department of Science & Technology would be serving the nodal functions of coordination and monitoring of policy through close collaboration with all Central Ministries and the Department of Information Technology.

### **Objective:**

It aims to empower citizens to access information owned by the Government in human- as well as machine-readable forms, permitting wider accessibility and use of public data and information, keeping in view the broad guidelines delineated in the RTI Act, 2005. The policy is applicable to all sharable, non-sensitive data, generated using public funds by ministries, departments, subordinate offices, organizations and agencies of the Government of India.

### **Benefits**

- Ready access to government owned data would enable more extensive use of a valuable public resource for the benefit of the community.
- By sharing data the need for separate bodies to collect the same data will be avoided resulting in significant cost savings in data collection.
- By adopting common standards for the collection and transfer of data, integration of individual data sets may be feasible.
- The identification of owners for the principal data sets provides information to users to identify those responsible for implementation of prioritized data collection programs and development of data standards.
- Data and information facilitates making important decisions without incurring repetitive costs. Ready access to existing valuable data is essential for many decision making tasks such as protecting the environment, development planning, managing assets, improving living conditions, national security and controlling disasters.

## **Section L: Leveraging e-Governance for a better reach & transparency**

Government is committed to democratize information & in this regard building a unique public information infrastructure will be the prime necessity in the country. This infrastructure will leverage ICT to revolutionize our current governance and service delivery paradigm. Following are some of the initiatives by the government for the same:

### **1. Social Media**

By June 2013, there were 66 million Indians on social media. This number is fast growing, with 1.5 lac new users joining the social media every month. Social media is fast emerging as the untainted voice of the citizens and will be the people's platform to transform their interface with the government & change the power equations. This is the reason why most political parties have already started campaigning through their social media accounts.

The civic and metropolitan authorities have started using social media in order to interact with the public. In some cases, feedback from the public is sought for minor changes in localities. Delhi and

Bangalore have taken the lead in such efforts. The Delhi and Bangalore Police are active on Twitter and Facebook. The Municipal Corporation of Delhi's Facebook page accumulated more than 1500 complaints, most of which were resolved on priority.

Recently in March 2013, **Planning Commission** went social. The idea was to involve civil society in formulation of the plan.

2. **National e governance plan-** The program encourages all Government departments and ministries to manage their internal process electronically creating almost paperless departments. The **objective is to make all Government services available to citizens through online access.**

It is still work-in-progress but a lack of a firm deadline means, every department is proceeding at its own pace. Since effective co-ordination is lacking, even the departments that adopt electronic processes cannot be fully efficient until other related departments reach the same level, as it will hinder inter departmental coordination & communication.

- However, there are a few success stories including e-filing of income tax returns and land record management systems. The success of e-filing of income tax returns can be gauged by the significant year-on-year increase in the number of citizens and users who have adopted the system.
3. **Electronic delivery of services bill-** The EDS Bill aims to create a law that will enable departments to offer facilities to citizens in an electronic format, barring a few exceptions where physical delivery is essential. The draft EDS Bill draws certain similarities to the RTI in terms of the penalty mechanism to be imposed on erring officials. It is expected to significantly contribute to transparency and improved governance.

*The Bill effectively proposes better delivery of services with minimal human interface, and by cutting human interface would cause reduced opportunity for corruption.*

## **Section M : Accountability mechanisms for a transparent governance**

1. **Public procurement bill-** The Bill has codified the basic tenets of public procurement and places statutory obligations on procuring entities and bidders to comply with these norms. Currently, the public procurement process ails from inadequate and severely fragmented administrative rules, which lack legal force. The codification of the process laying down broad principles to be adhered to is in itself the most significant plus point of the Bill. The intent of the bill is as follows:

- Ensure efficient and transparent process
- Increase competition
- Reduce corruption
- Ensure fair and equitable treatment to participants
- Ensure consistency between quality and the bid price

The Bill also proposes different degrees of penalties per the severity of an offence such as taking gratification in respect of procurement, interference with the process, making frivolous or malicious complaints and abetment of offences.

- It excludes from its ambit procurements which are less than INR 5 million, procurements for the purpose of national security and emergency procurements made for disaster management

2. **Performance management division-** The Central Government started this division to track and incentivize improved outcomes of ministerial decisions. It lays down clear guidelines for officials in all ministries for tracking performance, based on results. The tendency to delay decision-making needs to

be curbed leading to faster resolution. This will help every decision to reach its logical conclusion much faster

Such themes are increasingly being adopted across states in programs like Guaranteed Services Delivery Act wherein any delay in service delivery by a Government official beyond the specified time limit is penalized. This is similar to the provision in the RTI Act and has been adopted in states like Delhi, Rajasthan, Bihar and Madhya Pradesh.

## **Section N: Conclusion**

To sum up it would not be wrong to say that ***Public information belongs to the public & the public's business should be done in public.***

Relevant, timely, and accurate information is a critical element for this to achieve and is essential for a well-functioning democracy. All of the strategies discussed above seek to improve the viability of our governance through greater democratic participation and civic engagement. As stewards of our democracy, government leaders must facilitate better access and use of community information and the means for interpretation to enhance the common good. Open government initiatives offer an exciting step forward to make it easier for the public to know what governments are doing, participate in the decision-making process and fully engage in the civic life of their communities. ICT and Internet will continue to enhance these critical elements of our information democracy as more citizens become informed and equipped to participate more fully in the formation of public policy along with several other legislatively enacted accountability measures

There exists much scope of improvement as the benefit and adoption of the framework is yet to achieve its intended potential. The reluctance of government officials, an inadequate framework of financial independence and a general lack of awareness among citizens are the oft-quoted reasons for hampering effective participation of civil society in planning and decision-making.

However there is always a silver lining & the people have started asserting their right & taking responsibility for their community & nation more assertively forcing governments to listen to their voices & act in accordance to that.

One is aware that a million mutinies are taking place on an almost daily basis in the country. *The need is to go for a million negotiations on different front that would ensure that governance become more open, transparent, accountable & civil society work proactively along with the government to realize the vision of our constitution of a secular, socialist, democratic republic!*

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## G. S. IV :ETHICS, INTEGRITY AND APTITUDE

### CORPORATE GOVERNANCE

visionias

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# Corporate Governance

## Introduction

The term 'corporate governance' was introduced by Robert Ian (Bob) Trickerin 1984. It implies the application of best management practices, compliance of law in true letter and spirit and adherence to ethical standards for effective management and distribution of wealth as well as, discharge of social responsibility for sustainable development of all stakeholders.

Corporate governance is concerned with the way corporate entities are governed, as distinct from the way business within those companies is managed. It also addresses the issues facing the Board of Directors, such as the interaction with top management and relationships with the owners and others interested in the affairs of the company.

Increasingly, revelations of deterioration in quality and transparency, have called for the adoption of internationally accepted 'Best Practices' or 'Business Ethics'. The acceptance of these has given rise to the concept of 'Corporate Governance'. Thus the term 'Corporate Governance' encompasses commitment to values and ethical business conduct to maximize shareholder's interests on a sustainable basis, while ensuring fairness to all stakeholders including customers, employees, and investors, vendors, government and society at large.

Over the last two decades, corporate governance has attracted a great deal of public interest worldwide because of its apparent importance for the economic health of corporations and society in general. The headlines of the previous two years, in particular, have portrayed a sad story of corporate ethics (or lack thereof), not only in India, but globally as well: WorldCom, Anderson, Merrill Lynch, Enron, Martha Stewart, Global Crossing, Qwest Communications, Tyco International, Adelphia Communications, Computer Associates, Parmalat, Putnam, Boeing, Rite Aid, Xerox. Falling stock markets, corporate failures, dubious accounting practices, abuse of corporate power, criminal investigations etc. indicate that the entire economic system upon which investment returns have depended is showing signs of stress that have undermined investor's confidence.

Some corporations, for instance Satyam, grew dramatically in a relatively short time through acquisitions funded by inflated share prices and promises of even brighter future (many of these corporations have now failed). In other words, it seems as if the checks and balances that should protect shareholder interests were pushed to one side, driven by a perception of the need to move fast in the pursuit of the bottom line. While some failures were the result of fraudulent accounting and other illegal practices, many of these companies exhibited corporate governance risks such as conflict of interest, inexperienced directors, overly lucrative compensation, or unequal share of voting rights. In the wake of such scandals and malpractices, there has been a renewed emphasis on corporate governance.

## Objectives of Corporate Governance

Corporate Governance is aimed at creating an organization which maximizes the wealth of shareholders. It envisages an organization in which emphasis is laid on fulfilling the social responsibilities towards the stakeholders in addition to the earning of profits by:

- Adequate disclosures and effective decision making to achieve corporate objectives;
- Transparency in business transactions;
- Statutory and legal compliances;
- Protection of shareholder interests;
- Commitment to values and ethical conduct of business.

## Factors Influencing the Quality of Corporate Governance

- Integrity of the Management
- Ability of the Board
- Adequacy of the Process
- Quality of Corporate Reporting
- Participation of Stakeholders
- Quality of Corporate Reporting

## What do we mean by Good Corporate Governance

Corporate Governance can be understood as a system of internal controls and procedures by which individual companies are managed. It provides a framework that defines the rights, roles and responsibilities of different groups – management, board, controlling shareholders, and minority or non-controlling shareholders – within an organization.

At its core, corporate governance is the arrangement of checks, balances, and incentives a Company needs to minimize and manage the conflicting interests between insiders and external shareowners.

In general, good corporate governance practices seek to ensure that:

- Board members act in the best interests of shareholders;
- The Company acts in a lawful and ethical manner in their dealings with all stakeholders and their representatives;
- All shareholders have the same right to participate in the governance of the Company and receive fair treatment from the Board and management, and all rights of Shareholders and other stakeholders are clearly delineated and communicated;
- The Board and its committees are structured to act independently from management, individuals or entities that have control over management, and other non-Shareholder groups;
- Appropriate controls and procedures are in place covering management's activities in running the day-to-day operations of the Company; and
- The Company's operating and financial activities, as well as its governance activities, are constantly reported to Shareholders in a fair, accurate, timely, reliable, relevant, complete and verifiable manner.

How well a Company achieves these goals depends, in large part, on the adequacy of the Company's corporate governance structure and the strength of the shareholder's voice in corporate governance matters, through shareowner voting rights. The success of the Board in safeguarding shareowner interests depends on these factors.

Next we discuss in detail the considerations or grounds on the basis of which one can determine whether good corporate governance practices are being followed or not. We discuss these in the context of the Board, Management and Shareowner Rights. Even limiting the analysis in the context of these three, can give one a fairly good idea of the grounds/considerations on the basis of which to determine whether good corporate governance is being followed or not by the Company/Corporation under consideration. Here we include the considerations that form the basis of the general corporate governance practices followed all over the world (not confining ourselves to India.)

## Corporate Governance Considerations

### The Board

- Whether a Company's Board has, at a minimum, a majority of Independent Board Members.
- Whether the Board Members have the qualifications the Company needs for the challenges it faces.

- Whether the Board and its committees have budgetary authority to hire Independent third-party consultants without having to receive approval from management.
- Whether Board Members are elected annually, or whether the Company has adopted an election process that staggers the terms of Board Member elections.
- Whether the Company engages in outside business relationships with management or Board Members, or individuals associated with them, for goods and services on behalf of the Company.
- Whether the Board has established a committee of Independent Board Members, including those with recent and relevant experience of finance and accounting, to oversee the audit of the Company's financial reports.
- Whether the Company has a committee of Independent Board Members charged with setting executive remuneration/compensation.
- Whether the Company has a nominations committee of Independent Board Members that is responsible for recruiting Board Members.
- Whether the Board has other committees that are responsible for overseeing management's activities in select areas, such as corporate governance, mergers and acquisitions, legal matters, or risk management.

## Management

- Whether the Company has adopted a code of ethics, and whether the Company's actions indicate a commitment to an appropriate ethical framework.
- Whether the Company permits Board Members and management to use Company assets for personal reasons.
- Whether compensation paid to the Company's executives is commensurate with the executive's level of responsibilities and performance, and provides appropriate incentives.
- Whether the size, purpose, means of financing and duration of share-repurchase programs and price stabilization efforts conform to the established standards.

## Shareowner Rights

- Whether the Company permits shareowners to vote their shares to proxy regardless of whether they are able to attend the meetings in person.
- Whether Shareowners are able to cast confidential votes.
- Whether Shareowners can cast the cumulative number of votes allotted to their shares for one or a limited number of Board nominees ("cumulative voting")
- Whether Shareowners can approve changes to corporate structures and policies that may alter the relationship between shareowners and the company.
- Whether and under what circumstances Shareowners can nominate individuals for election to the Board.
- Whether and under what circumstances Shareowners can submit proposals for consideration at the Company's general meeting.
- Whether the Board and the management are required to implement proposals that Shareowners approve.
- Whether the Company's ownership structure has different classes of common shares that separate the voting rights of those shares from their economic values.
- Whether the corporate governance code and other legal statutes of the jurisdiction in which the Company is headquartered permit to take legal or seek regulatory action to protect their ownership rights.
- Whether the structure of existing or proposed takeover defenses affect the value of shares in a normal market environment and in the event of a takeover bid.

## Models of Corporate Governance

Corporate governance systems vary around the world. This is because while in some cases, corporate governance focuses on the links between a shareholder and company, others focus on formal board structures and board practices and still others on social responsibilities of corporations.

Thus, there is no one model of corporate governance which is universally acceptable as each model has its own advantages and disadvantages. In support of this, consider the following models of corporate governance:

### Anglo-American Model

This model is also called as 'Anglo-Saxon model' and is used as basis of corporate governance in U.S.A, U.K, Canada, Australia, and some commonwealth countries. The shareholders appoint directors who in turn appoint the managers to manage the business. Thus there is separation of ownership and control. The board usually consists of executive directors and few independent directors. The board often has limited ownership stakes in the company. Moreover, a single individual holds both the position of CEO and chairman of the board. This system (model) relies on effective communication between shareholders, board and management with all important decisions taken after getting approval of shareholders (by voting).

### German Model

This is also called as 2 tier board model as there are 2 boards viz. the supervisory board and the management board. It is used in countries like Germany, Holland, France, etc. Usually a majority of shareholders are banks and financial institutions. The shareholder can appoint only 50% of members to constitute the supervisory board. The rest are appointed by employees and labour unions.

### Japanese Model

This model is also called as the business network model. Usually shareholders are banks/financial institutions, large family shareholders, corporate with cross-shareholding. There is a supervisory board which is made up of the Board of Directors and a President, who are jointly appointed by shareholder and banks/financial institutions. This is rejection of the Japanese 'keiretsu'- a form of cultural relationship among family controlled corporate and groups of complex interlocking business relationship, where cross shareholding is common, most of the directors being head of different divisions of the company. Outside director or independent directors are rarely found on the board.

### Indian Model

The model of corporate governances found in India is a mix of the Anglo-American and German models. This is because in India, there are three types of Corporations viz. private companies, public companies and public sectors undertakings (which includes statutory companies, government companies, banks and other kinds of financial institutions). Each of these corporations has a distinct pattern of shareholding. For e.g. in case of Private Companies, the promoter and his family have almost complete control over the company. They depend less on outside equity capital.

## Historical Evidence of Corporate Governance in India

Kautilya's Arthashastra maintains that for good governance, all administrators, including the king were considered servants of the people. Good governance and stability were completely linked. If rulers are responsive, accountable, removable, recallable, there is stability. If not there is instability. These tenets hold good even today.

## Kautilya's Fourfold Duties of a King

The substitution of the state with the corporation, the king with the CEO or the board of a corporation, and the subjects with the shareholders, brings out the quintessence of corporate governance, because central to the concept of corporate governance is the belief that public good should be ahead of private good and that the corporation's resources cannot be used for personal benefit.

Kautilya's fourfold duties of a king enshrined in Arthashastra are:

- **Raksha** – literally means protection, in the business context it can be equated with the risk management aspect.
- **Vridhhi** – literally means growth, in the corporate context it can be equated to stakeholder value enhancement.
- **Palana** – literally means maintenance/compliance, in the business context it can be equated to compliance of the law in letter and spirit.
- **Yogakshema** – literally means well being and in Kautilya's Arthashastra it is used in context of a social security system. In the business context it can be equated to corporate social responsibility.

## Why is Corporate Governance Needed in India

- a) The liberalization and de-regulation world over gave greater freedom in management. This demands even greater responsibilities.
- b) The players in the field are many hence competition brings in its wake weakness in standards of reporting and accountability.
- c) Market conditions are increasingly becoming complex in the light of global developments like WTO, removal of barriers/reduction in duties.
- d) The failure of corporations due to lack of transparency and disclosures and instances of falsification of accounts/embezzlement and the effect of such undesirable practices in other companies

In light of this changed situation, corporate governance ensures:

- Better access to external finance
- Lower costs of capital – interest rates on loans
- Improved company performance – sustainability
- Higher firm valuation and share performance
- Reduced risk of corporate crisis and scandals



Characteristics of corporate governance

## Evolution of Corporate Governance in Modern India

The initiatives taken by the Government of India in 1991, aimed at economic liberalization and globalization of the domestic economy, led India to initiate the reform process in order to suitably respond to the developments taking place the world over. On account of the interest generated by Cadbury Committee Report, the Confederation of Indian Industry (CII), the Associated Chambers of Commerce and Industry (ASSOCHAM) and the Securities and Exchange Board of India (SEBI) constituted Committees to recommend framework for good Corporate Governance.

### Confederation of Indian Industry (CII) - Desirable Corporate Governance Code (1998)

Drawing heavily from the Anglo-Saxon Model of Corporate Governance, CII took a special initiative on Corporate Governance, the first institutional initiative in Indian Industry, to develop and promote a code for Corporate Governance to be adopted and followed by Indian companies, whether in the private sector, the public sector, banks or financial institutions, all of which are corporate entities. It laid down four ideals, which should be the guiding force of a company's philosophy on Corporate Governance:

- Transparency
- Accountability
- Disclosure
- Value Creation.

### Kumar Mangalam Birla Committee

The Securities and Exchange Board of India (SEBI) set up a Committee on May 7, 1999 under the Chairmanship of Kumar Mangalam Birla to promote and raise standards of corporate governance. The recommendations of the Committee, led to inclusion of Clause 49 in the Listing Agreement in the year 2000. These recommendations, aimed at improving the standards of Corporate Governance, are divided into mandatory and non-mandatory recommendations. The said recommendations have been made applicable to all listed companies with paid-up capital of Rs. 3 crores and above or net worth of Rs. 25 crores or more at any time in the history of the company. The ultimate responsibility for putting the recommendations into practice lies directly with the Board of Directors and the management of the company.

### Naresh Chandra Committee

Naresh Chandra Committee was appointed in the year 2002 to examine various corporate governance issues. Among others, the Committee was entrusted to analyse and recommend changes, if necessary, in diverse areas such as: the statutory auditor-company relationship, so as to further strengthen the professional nature of this interface; the need, if any, for rotation of statutory audit firms or partners; the procedure for appointment of auditors and determination of audit fees; restrictions, if necessary, on non-audit fees; independence of auditing functions; measures required to ensure that the management and companies actually present true and fair statement of the financial affairs of companies; the need to consider measures such as certification of accounts and financial statements by the management and directors; the necessity of having a transparent system of random scrutiny of audited accounts; adequacy of regulation of chartered accountants, company secretaries and other similar statutory oversight functionaries; advantages, if any, of setting up an independent regulator similar to the Public Company Accounting Oversight Board in the SOX Act, and if so, its constitution; and the role of independent directors, and how their independence and effectiveness can be ensured.

### N.R. NarayanaMurthy Committee Report (2003)

In the year 2002, SEBI analyzed the statistics of compliance with the clause 49 by listed companies and felt that there was a need to look beyond mere systems and procedures if corporate governance was to be made effective in protecting the interest of investors. SEBI therefore constituted a Committee under the Chairmanship of Shri N.R. Narayana Murthy, for reviewing the implementation of the corporate governance code by listed companies and issued revised clause 49 based on its recommendations.

## **Dr. J J Irani Expert Committee Report on Company Law (2005)**

In 2004, the Government constituted a committee under the Chairmanship of Dr. J.J. Irani, Director, Tata Sons, with the task of advising the Government on the proposed revisions to the Companies Act, 1956 with the objective to have a simplified compact law that would be able to address the changes taking place in the national and international scenario, enable adoption of internationally accepted best practices as well as provide adequate flexibility for timely evolution of new arrangements in response to the requirements of ever-changing business models. This committee recommended the formation of Limited Liability Partnership (LLP) and One Person Company in India.

## **The Ministry of Corporate Affairs: Corporate Governance Voluntary Guidelines, 2009**

During the stakeholder's consultation under the aegis of the National Foundation for Corporate Governance, the idea of developing voluntary guidelines on corporate governance found wide support from all stakeholders. These Guidelines were drawn from the report of the Task Force of CII on Corporate Governance headed by ShriNaresh Chandra and the recommendations of the Institute of Company Secretaries of India for Strengthening Corporate Governance Framework. These guidelines sought to provide corporate India a framework to govern themselves voluntarily as per the defined standards of ethical and responsible conduct of business.

The recommendations in brief are as under:

- a) Appointment of Independent Director
  - Nomination Committee
- b) Duties, liabilities and remuneration of independent directors
  - Letter of Appointment to Directors
  - Fixed Contractual Remuneration
  - Structure of Compensation to NEDs
- c) Remuneration Committee of Board
- d) Audit Committee of Board
- e) Separation of the offices of the Chairman and the Chief Executive Officer
- f) Attending Board and Committee Meetings through Tele-conferencing and video conferencing
- g) Executive Sessions of Independent Director
- h) Role of board in shareholders and related party transactions
- i) Auditor – Company Relationship
- j) Independence to Auditors
- k) Certificate of Independence
- l) Auditor Partner Rotation
- m) Auditor Liability
- n) Appointment of Auditors
- o) Qualifications of Auditors Report
- p) Whistle Blowing Policy
- q) Risk Management Framework

## **NASSCOM**

The National Association of Software and Services Companies (NASSCOM) also formed a Corporate Governance and Ethics Committee chaired by N.R. Narayana Murthy, a leading figure in the field of Indian corporate governance reforms. The Committee issued its recommendations in mid-2010, focusing on the stakeholders in the company. The report emphasized recommendations relating to the audit committee and a whistle blower policy, and also addressed the issue of the need to improve shareholder rights.

Despite these wide-ranging developments in regulation and policy, what becomes increasingly apparent in India is that the reform process has not addressed, or effectively addressed, a key challenge at the heart of the governance problem, namely the accountability of promoters to other shareholders. Even though most listed companies have large controlling shareholders, typically a family, the regulation of related-party transactions in India is minimal. Promoters have considerable freedom of action in undertaking such transactions and are subject to only limited regulatory controls. They are also permitted to issue preferential warrants to themselves at an effective discount to the market price—something that would not be condoned in more developed markets.

In this context, relying largely on independent directors (appointed by controlling shareholders), independent board committees and greater corporate disclosure as the primary mechanisms to check abuses of power by promoters and to safeguard the interests of minority shareholders is likely to prove weak and insufficient (as indeed it did in the Satyam case). Board reform is fundamentally important, and is a major issue of concern to institutional investors, but it needs to be complemented by other regulations that directly address the relationship between controlling and minority shareholders—in other words, a proper regime for the regulation of related-party transactions.

## **Relationship between Corporate Governance and Corporate Social Responsibility**

Corporate Social Responsibility (CSR) is an evolving concept that is gaining importance with the corporate sector seeing it as a business opportunity as well. Although CSR activities have received substantial attention from media and academics, the fundamental rationale behind firms' engagement in CSR still remains a puzzle. In essence, CSR can be viewed as an extension of firms' efforts to maximize shareholders' wealth but also confirmed to the basic rules of society.

The concept of CSR has been relevant since ancient ages. The evidence of this lies in Kautilya's Arthashastra, wherein Yogakshema, which literally means well-being is used in the context of a social security system. In context of the present times, it can be equated to CSR.

Corporate Social Responsibility can be explained as:

- Corporate - means organized business
- Social - means everything dealing with the people
- Responsibility - means accountability between the two

While there is no single commonly accepted definition of corporate social responsibility, it can be defined as follows:

Corporate Social Responsibility implies operating a business in a manner which meets or excels the ethical, legal, commercial and public expectations that a society has from the business. Corporate Social Responsibility is nothing but what an organisation does, to positively influence the society in which it exists. It could take the form of community relationship, volunteer assistance programmes, special scholarships, preservation of cultural heritage and beautification of cities. The philosophy is basically to return to the society what it has taken from it, in the course of its quest for creation of wealth.

According to Brown in H.R., social responsibility is defined as the obligation of businessmen to pursue those policies, to make those decisions, or to follow those lines of action which are desirable in terms of objectives and values of society. Business entity is expected to undertake those activities, which are essential for betterment of the society. Every aspect of business has a social dimension. Corporate Social Responsibility means open and transparent business practices that are based on ethical values and respect for employees, communities and the environment. It is designed to deliver sustainable value to society at large, as well as to shareholders. With the understanding that businesses play a key role of job and wealth creation in society, CSR is generally understood to be the way a company achieves a balance or integration of:

- economic,
- environmental; and
- social imperatives

While addressing shareholder and stakeholder expectations, CSR at the same time is generally accepted as applying to firms wherever they operate in the domestic and global economy. The way businesses engage/involve the shareholders, employees, customers, suppliers, governments, Non-Governmental Organizations, international organizations, and other stakeholders is usually a key feature of the concept. While business's compliance with laws and regulations on social, environmental and economic objectives set the official level of CSR performance, it is often understood as involving the private sector commitments and activities that extend beyond this foundation of compliance with laws.

Essentially, Corporate Social Responsibility is an inter-disciplinary subject in nature and encompasses in its fold:

1. Social, economic, ethical and moral responsibility of companies and managers,
2. Compliance with legal and voluntary requirements for business and professional practice,
3. Challenges posed by needs of the economy and socially disadvantaged groups, and
4. Management of corporate responsibility activities.

### **A Contract with Society**

According to Sir Adrian Cadbury, the broadest way of defining social responsibility is to say that the continued existence of companies is based on an implied agreement between business and society. In effect, companies are licensed by society to provide the goods and services which society needs. The freedom of operation of companies is, therefore, dependent on their delivering whatever balance of economic and social benefits society currently expects of them. The problem for companies is that the balance of needs and benefits is continually changing and there is no generally accepted way of measuring those changes.

To start with, companies are expected to meet society's demands for goods and services, to provide employment, to contribute to the exchequer, and to operate efficiently at a profit. There is no conflict between social responsibility and the obligation on companies to use scarce resources efficiently and to be profitable an unprofitable business is a drain on society. The essence of the contract between society and business is that companies shall not pursue their immediate profit objectives at the expense of the long-term interests of the community.

### **Difference between CSR and Philanthropy/Charity**

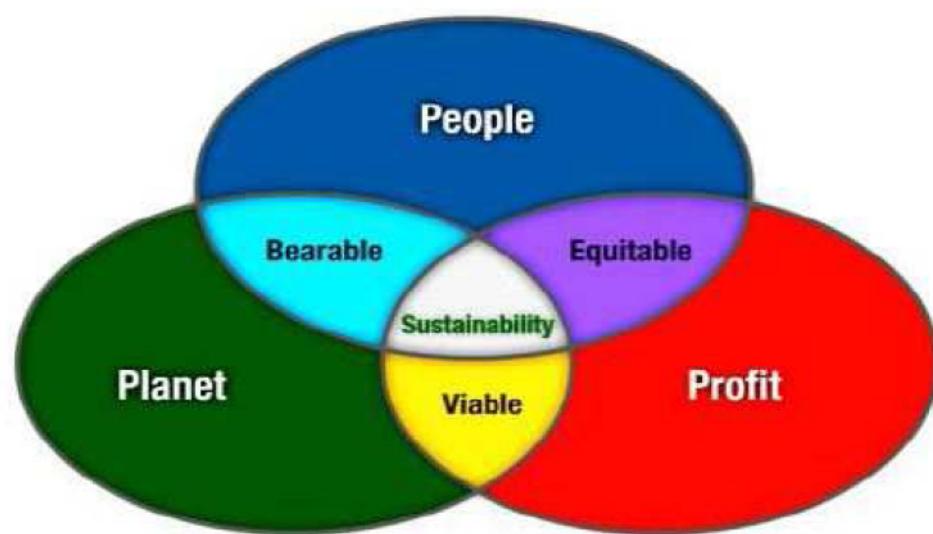
Philanthropy means the act of donating money, goods, time or effort to support a charitable cause in regard to a defined objective. Philanthropy can be equated with benevolence and charity for the poor and needy. Philanthropy can be any selfless giving towards any kind of social need that is not served, underserved, or perceived as unserved or underserved. Philanthropy can be by an individual or by a corporate. The etymological origin of the word is from Late Latin philanthropia, from Greek philanthrōpia, from philanthrōpos loving people i.e. phil- + anthrōpos human being. It is an active effort to promote human welfare. Corporate Social Responsibility, on the other hand, is about how a company aligns their values to social causes by including and collaborating with their investors, suppliers, employees, regulators and the society as a whole. The investment in CSR may be on people centric issues and/or planet issues. A CSR initiative of a corporate is not a selfless act of giving; companies derive long-term benefits from the CSR initiatives and it is this enlightened self interest which is driving the CSR initiatives in companies.

### **Advantages of CSR**

Business cannot exist in isolation; business cannot be oblivious to societal development. The social responsibility of business can be integrated into the business purpose so as to build a positive synergy between the two.

- CSR creates a favourable public image, which attracts customers. Reputation or brand equity of the products of a company which understands and demonstrates its social responsibilities is very high. Customers trust the products of such a company and are willing to pay a premium on its products. Organizations that perform well with regard to CSR can build reputation, while those that perform poorly can damage brand and company value when exposed. Brand equity, is founded on values such as trust, credibility, reliability, quality and consistency.

- Corporate Social Responsibility (CSR) activities have its advantages. It builds up a positive image encouraging social involvement of employees, which in turn develops a sense of loyalty towards the organization, helping in creating a dedicated workforce proud of its company. Employees like to contribute to the cause of creating a better society. Employees become champions of a company for which they are proud to work.
- Society gains through better neighbourhoods and employment opportunities, while the organisation benefits from a better community, which is the main source of its workforce and the consumer of its products.
- Public needs have changed leading to changed expectations from consumers. The industry/business owes its very existence to society and has to respond to needs of the society.
- The company's social involvement discourages excessive regulation or intervention from the Government or statutory bodies, and hence gives greater freedom and flexibility in decision-making.
- The internal activities of the organisation have an impact on the external environment, since the society is an inter-dependent system.
- A business organisation has a great deal of power and money, entrusted upon it by the society and should be accompanied by an equal amount of responsibility. In other words, there should be a balance between the authority and responsibility.
- The good public image secured by one organization by their social responsiveness encourages other organizations in the neighborhood or in the professional group to adapt themselves to achieve their social responsiveness.
- The atmosphere of social responsiveness encourages co-operative attitude between groups of companies. One company can advise or solve social problems that other organizations could not solve.
- Companies can better address the grievances of its employees and create employment opportunities for the unemployed.
- A company with its —ear to the ground through regular stakeholder dialogue is in a better position to anticipate and respond to regulatory, economic, social and environmental changes that may occur.
- Financial institutions are increasingly incorporating social and environmental criteria into their assessment of projects. When making decisions about where to place their money, investors are looking for indicators of effective CSR management.
- In a number of jurisdictions, governments have expedited approval processes for firms that have undertaken social and environmental activities beyond those required by regulation.



3 P's of CSR

### Law in India and CSR

The laws in India takes care of the basic CSR through various legislations under labour laws such as Factories Act, ESI Act, Workmen's Compensation Act, 1923, Contract Labour (Regulation and Abolition) Act, 1970, Equal Remunerations Act, The Minimum Wages Act, 1948, Employees' Provident Fund and Miscellaneous Provisions

Act 1952, environment protection laws such as The Water (Prevention and Control of Pollution) Act, 1974,(Prevention and Control of Pollution) Act, 1981 and Environment Protection Act, 1986

## Factors Influencing CSR

Many factors and influences, including the following, have led to increasing attention being devoted to CSR:

- Globalization coupled with focus on cross-border trade, multinational enterprises and global supply chains is increasingly raising CSR concerns related to human resource management practices, environmental protection, and health and safety, among other things.
- Governments and intergovernmental bodies, such as the United Nations, the Organisation for Economic Co-operation and Development and the International Labour Organization have developed compacts, declarations, guidelines, principles and other instruments that outline social norms for acceptable conduct.
- Advances in communications technology, such as the Internet, cellular phones and personal digital assistants, are making it easier to track corporate activities and disseminate information about them. Nongovernmental organizations now regularly draw attention through their websites to business practices they view as problematic.
- Consumers and investors are showing increasing interest in supporting responsible business practices and are demanding more information on how companies are addressing risks and opportunities related to social and environmental issues.
- Numerous serious and high-profile breaches of corporate ethics have contributed to elevated public mistrust of corporations and highlighted the need for improved corporate governance, transparency, accountability and ethical standards.
- Citizens in many countries are making it clear that corporations should meet standards of social and environmental care, no matter where they operate.
- There is increasing awareness of the limits of government legislative and regulatory initiatives to effectively capture all the issues that corporate social responsibility addresses.
- Businesses are recognizing that adopting an effective approach to CSR can reduce risk of business disruptions, open up new opportunities, and enhance brand and company reputation.

## Corporate Social Responsibility Voluntary Guidelines, 2009

Ministerial recommendatory initiative Corporate Social Responsibility Voluntary Guidelines, 2009 recognizes that CSR is not philanthropy and CSR activities are purely voluntary- that companies would like to do beyond any statutory requirement or obligation. It is recognized world over that integrating social, environmental and ethical responsibilities into the governance of businesses ensure their long term success, competitiveness and sustainability. This approach also reaffirms the view that businesses are an integral part of society, and have a critical and active role to play in the sustenance and improvement of healthy ecosystems, fostering social inclusiveness and equity, and in upholding the essentials of ethical practices and good governance.

The CSR activity that a company pursues must be aligned to the business of the company; this ensures that such CSR also contributes to the growth of the company on a wider scale. It is not about pursuing an activity of CEO's interest but should be relevant to company's business. CSR is a much more holistic approach to business, which is designed to enhance corporate success because of its relevance, rather than represent something unconnected to an organization's core business. This is a win-win model.

## The Companies Bill 2012

In terms of the amendment made to Clause 135 of the Companies Bill, 2012, the words 'must make every endeavor' has been substituted by the word 'shall', thereby making CSR a mandatory legal requirement, despite not establishing penalties for non-compliance except for a disclosure for noncompliance in the board of directors' report.

With the above amendment, India has ushered in sweeping changes with regard to how corporations are governed, audited and held accountable in India. Prior to the amended CSR clause, the MCA, had adopted a

midway approach, short of making CSR mandatory, by prescribing that companies 'must make every endeavor' to ensure that they spend a minimum amount on activities pursuant to their CSR policy. It is felt that India's mandatory CSR may not be ideal, but it is, in some sense, an innovation born of economic necessity. It may be the first in a new wave of 'creative capitalist' solutions to solve the problem of growing inequality in the wake of rapid economic growth.

## Some CSR Reporting Frameworks

### The AA 1000

This framework, developed by the Institute of Social and Ethical Accountability, provides a standard for social and ethical accounting, auditing and reporting, including mandatory external verification and stakeholder engagement.

### The Social Accountability: SA 8000

It is an international standard for social accountability initiated by Council on Economic Priority Accreditation Agency (CEPAA) conventions, the Universal Declaration on human rights and the Child. SA 8000 seeks to provide transparent, measurable and verifiable performance standards in the areas of child labour; forced labour; health and safety; compensation; working hours; discrimination; discipline; free association and collective bargaining; and management systems.

### ISO 26000

It is the international standard giving guidance on social responsibility and is intended for use by organizations of all types both public and private sectors, in developed and developing countries.

### The Good Corporation Global Standard of Corporate Social Responsibility Developed by the Institute of Business Ethics

This covers fairness to employees, suppliers, customers and providers of finance; contributions to the community; and protection of the environment. Company performance is assessed annually by an independent verifier.

### The UN Global Compact

The Global Compact is a voluntary corporate citizenship initiative with two objectives: "Making the Global Compact and its principles part of business strategy and operations. Facilitating cooperation among key stakeholders and promoting partnerships in support of U.N. goals.

### Tata Steel: A Company that also makes Steel

J R D Tata the Chairman of the Tata Group believed that, "to create good working conditions, to pay the best wages to its employees and provide decent housing to its employees are not enough for the industry, the aim of an industry should be to discharge its overall social responsibilities to the community and society at large, where industry is located." Guided by this mandate, Tata Steel has for decades used its skills and resources, to the extent it can reasonably afford, to give back to the community a fair share of the product of its efforts. It was the first to establish labour welfare practices, even before these were made statutory laws across the world. In The Company also instituted an eight-hour workday in 1912, free medical aid in 1915, a Welfare Department in 1917, leave with pay, Workers Provident Fund and Workmen's Compensation in 1920 and Maternity Benefit for ladies in 1928.

### NESTLE -- Moga Milk Factory

The Company started milk collection in Moga in 1961 with a collection of 511 Kgs of milk from 180 farmers. It has substantially expanded its operations with over 85,000 farmers in its own milk district. Nestlé uses local raw materials and develops local resources wherever possible. Milk Collection Centres with farm cooling tanks to

preserve the quality of milk were established by the Company. Besides this, milking machines were provided to the farmers maintaining large dairy farms. Farmers were advised on good breeding and feeding practices, and on the health of dairy herds. Techniques for increasing milk yields at the farm were introduced. Nestlé has invested in Chilling Centres and Farm Cooling Tanks. In addition to this, the Company provides assistance to farmers in the areas of cattle feed, quality fodder seeds, veterinary medicines and mineral mixture and procurement of bank loans.

By working very closely with the farmers of the Moga Milk District and local administrators, Nestlé has helped to raise the quality and hygiene of the milk produced there and improve the health and life style of the farmers and other residents. Its contribution to the creation of prosperity on an on-going and sustainable basis has not only transformed Moga into a prosperous and vibrant milk district today, but also a thriving hub of industrial activity.

### **ITC - "e-Choupal"**

ITC's Agri Business Division, one of India's largest exporters of agricultural commodities, has conceived e-Choupal as a more efficient supply chain aimed at delivering value to its customers around the world on a sustainable basis. e-Choupal' model unshackles the potential of Indian farmer who has been trapped in a vicious cycle of low risk taking ability - low investment - low productivity - weak market orientation - low value addition - low margin - low risk taking ability. This made him and Indian agribusiness sector globally uncompetitive, despite rich & abundant natural resources. e-Choupal' leverages Information Technology to virtually cluster all the value chain participants, Real-time information and customized knowledge provided by e-Choupal' enhance the ability of farmers to take decisions and align their farm output with market demand and secure quality & productivity. The aggregation of the demand for farm inputs from individual farmers gives them access to high quality inputs from established and reputed manufacturers at fair prices. As a direct marketing channel, virtually linked to the mandisystem for price discovery, e-Choupal' eliminates wasteful intermediation and multiple handling. Thereby it significantly reduces transaction costs. Launched in June 2000, 'e-Choupal', has already become the largest initiative among all Internet-based interventions in rural India. 'e-Choupal' services today reach out to over 4 million farmers growing a range of crops soyabean, coffee, wheat, rice, pulses, shrimp in over 40,000 villages through 6500 kiosks across ten states (Madhya Pradesh, Haryana, Uttarakhand, Karnataka, Andhra Pradesh, Uttar Pradesh, Rajasthan, Maharashtra, Kerela and Tamil Nadu).

Friedman's formulation that "The business of business is business" has outlived its utility, and social responsibility and being a good corporate citizen are the buzzwords today. In the long run, those organizations or group of persons who do not exercise power in a way which society considers responsible will tend to lose it.

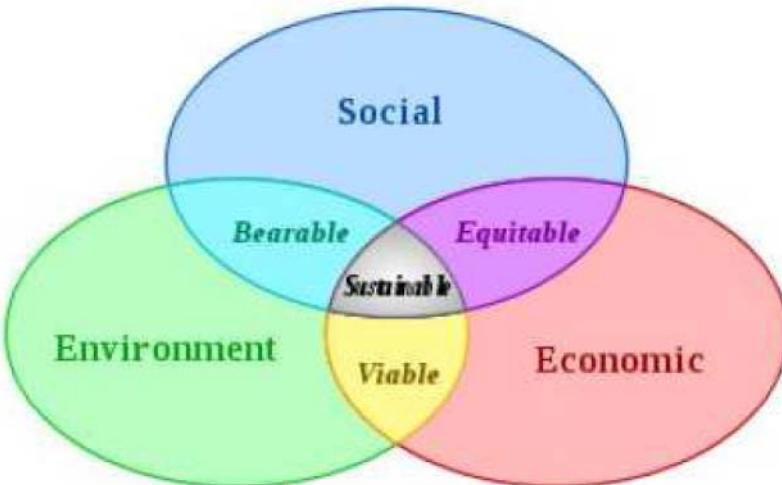
## **Corporate Sustainability**

When we walk upon Mother Earth we always plant our feet carefully because we know the faces of our future generations are looking up at us from beneath the ground. We never forget them. One of the fundamental characteristics of a corporate is perpetuity. In the eyes of law, it is treated as a separate legal entity which can hold assets and bear liabilities, can sue and be sued.

### **What is Corporate Sustainability?**

Corporate sustainability indicates a new philosophy, as an alternative to the traditional growth and profit-maximization model, under which sustainable development comprising environmental protection, social justice and equity, and economic development are given more significant focus while recognizing simultaneous corporate growth and profitability.

Corporate sustainability encompasses strategies and practices that aim to meet the needs of stakeholders today while seeking to protect, support and enhance the human and natural resources that will be needed in the future. Corporate sustainability leaders achieve long-term shareholder value by gearing their strategies and management to harness the market's potential for sustainability products and services while at the same time successfully reducing and avoiding sustainability costs and risks.



### Three key aspects of sustainable Development

Thomas Dyllick and Kai Hockerts in Beyond the Business Case for Corporate Sustainability define Corporate Sustainability as, "meeting the needs of a firm's direct and indirect stakeholders (such as shareholders, employees, clients, pressuregroups, communities, etc.) without compromising its ability to meet the needs of future stakeholders as well."

Concern towards social, environmental and economical issues, i.e., covering all the segments of stakeholders, are now basic and fundamental issues which permits a corporate to operate in long run sustainably. Following key drivers need to be garnered to ensure sustainability

- Internal Capacity Building strength – in order to convert various risks into competitive advantage.
- Social impact assessment – in order to become sensitive to various social factors, like changes in culture, living habits etc.
- Repositioning capability through development and innovation. Crystallisation of all activities to ensure consistent growth
- Corporate sustainability is a business approach creating shareholder value in long run.

These may be derived by converting risks arising out of economic, environmental and social activities of a corporate into business opportunities keeping in mind the principles of sustainable development. In 1999 Elkington developed the concept of the Triple Bottom Line which proposed that business goals were inseparable from the societies and environments within which they operate. While short-term economic gain could be chased, a failure to account for social and environmental impacts would make those business practices unsustainable. While each of the three pillars of sustainability i.e., economic, social and environment is independently crucial and urgent in the shortrun, but in order to reach the goal of sustainability in the long-run, the three pillars must be satisfied simultaneously. The Triple Bottom Line is made up of "Social, Economic and Environmental" aspect and indicated by the phrase "People, Planet, Profit" phrase.

### Corporate Sustainability in India

The Indian government has played an important role in setting the rules of the game in relation to business' role in sustainable development. The latest 5 year plan, covering 2012-17, includes several aspects of sustainability, as well as inclusive growth. Health, infrastructure, and literacy are high priorities, as is a target growth rate of 9 percent or more. The plan also includes strategies for climate change adaptation, and better waste and water management. On the socio-economic side, the government is committed to investing in rural infrastructure and agricultural productivity, while also seeking to spur job creation through investment in micro-enterprises, education and training.

## Critical Mass of Civil Society, but Limited Coherence

Indian civil society, in contrast to China's, is fully grown. In total, there are over 3 million NGOs in India, many of which tend to be skeptical of business. This large community of actors is very local, fragmented, and hampered in its potential for positive impact by a lack of coordination and resources. For some, an analogy to the NGO sector being akin to, "1000 flowers blooming," represents huge opportunity for civil society to innovate and explore new models of collaboration with business. To others, this situation creates chaos which will never settle, thus hindering panIndian movements which could solve seemingly intractable problems.

## Limited Market Pressure

In India, evidence of nascent investor pressure for sustainable investment can be seen in a recent ESG (environmental, social, and corporate governing) index on India's national stock exchange. The index, which was launched with support from Standard &Poor's and the International Finance Corporation, tracks 50 of the best performing stocks. Indian companies that are looking to list on foreign stock exchanges are particularly attentive to investor expectations on corporate responsibility practices. Also, there is growing interest in ESG risks and opportunities among India's foreign institutional investors, who include major investment banks and large pension funds.

From the research, it is apparent that awareness about CS is low among consumers, who seem very price sensitive - only a few are willing to pay a premium for more sustainable products. An exception is the rise of energy efficiency labeling which has been embraced by many Indians due to its more immediate cost benefits.

## Characteristics of an Indian Approach to Corporate Sustainability

- Confronting local challenges to acquire license to operate operateIndia's "approach" to CS is anchored towards addressing social issues, such as social injustice and poverty, at the local level. Health and education infrastructure gaps continue to be profound in the poorest Indian states (those in the center and north of the country), and traditional business houses, including the TATA Group are expected by society to take on a paternalistic role to fill them. Thus, CS programming typically has health and education at its core and is what one might call, "development focused". Companies are exploring ways to realize operational efficiencies in their approach to giving back to, and developing, local communities. For example, a number of India's large utility companies have created their own corporate foundations as part of a disintermediation strategy to work directly with grantees in specific locales versus going through an intermediary organization.
- Although national, cross-sectoral, attention has recently been focused on anticorruption (catalyzed by campaigner Anna Hazare), such "pan-Indian" movements are rare—far more common are local, often bilateral initiatives which seek to address specific local challenges through corporate giving and partnerships. Invariably these initiatives and programs are driven by Indian companies' desire to acquire local license to operate. Environmental concerns, especially in relation to energy generation and water use/availability appear to be an increasingly important component of the Indian CS agenda. As with social issues, they tend to be viewed through the prism of acquiring local license to operate.
- Business innovations for those in the lowest socio economic strata. There is a transition taking place in the discourse relating to CS in India. Key opinion leaders from TERI, the Confederation of Indian Industries, and TATA Group, among others, are discussing the value of "transformative CSR" and the need to "leapfrog" to transformative solutions, which can unleash India's competitive potential in relation to bringing new sustainable solutions to market.
- One can point to a number of companies (both domestic and international) which are taking this advice on board by exploring new business opportunities which focus on product and process innovations for the poorest socio-economic strata. For example, Unilever's Purell solution was developed as a domestic non-electrical water purifier and now delivers clean drinking water in a cost effective manner, while also reducing the incidence of water-borne illness. This product innovation has also been "blown back" to

more developed markets. In this sense, India incubated a sustainability product and process innovation which has application in other markets outside India. Additionally, the agricultural equipment provider, Mahindra & Mahindra, has developed an initiative called, "Spark the Rise." This was launched as an online platform for ordinary people to drive positive change among rural communities in India—participants suggest ideas relating to technology, infrastructure and transportation, energy, agriculture and rural development, and social entrepreneurship, through a web portal. "The commons" vote on the best idea each month, and the best "sparks" receive funding and resources from Mahindra & Mahindra. There is recognition that if this can be scaled up, then it will be a very powerful model—the scaling can come from its very model since internet penetration in India is increasing rapidly, in conjunction with mobile phone penetration.

### **Corporate Sustainability Strategies: A Siemens Case Study**

Siemens is one of the world's most prominent companies and Europe's largest technology conglomerate. With 430,000 employees, \$77 billion in revenue and industrial manufacturing, the company naturally has a major impact on greenhouse gases emissions emitting 4.53 million tons CO<sub>2</sub>e.

Siemens has acknowledged the importance of climate change as one of the most important challenges facing humanity, alongside world poverty and access of all people to proper sanitation and energy. This perspective has helped the company's manufactured products eliminate 15 times the company's total emissions. Investing €2 billion annually in research and development, Siemens has a hefty 30,000 environmental technology patents and offers efficient solutions that better combat climate change.

The company's goal is to become a leader in climate change reduction by improving the performance of customers through efficient products. In fact, it has proclaimed to media that it has the most environmentally-friendly industrial technologies portfolio. Further, Siemens has publicly embraced the need to address climate change and energy efficiency into its operations, communications, cross functional boards, product development and its membership at non-governmental organizations. Beyond this, Siemens has set tangible targets for the future: its leadership expects by 2011 a 20% increase in energy efficiency and a 20% reduction of global carbon dioxide emissions. Given the company's size, global research and industrial technology solutions, the company has a strong platform to impact climate change.

### **Confronting Corruption in the Workplace: Time to leave your job**

Ms A recently completed her master's degree and was extremely excited to be hired for her dream job working for the local county government. During her first year, she began to notice that funds from grants were being mismanaged and misallocated. Some of her coworkers were also using county-owned materials, including cars, for personal business.

However, Ms A was most shocked by the hiring practices she witnessed at the office. Prospective applicants were supposed to take exams that were proctored by government employees. The results of these exams determined whether or not the applicants were hired and what they were hired for. Jenny began to notice that the proctors were allowing applicants to cheat on the tests because the applicants had already been chosen for the job. Many of these pre-chosen applicants were friends of current employees.

Ms A reported what she witnessed to Mr B, the department's business manager, who was second-in-command to the department head. Mr B told her, "You heard nothing, you saw nothing, you say nothing." Ms A was absolutely shocked; not only by the corruption, but that it was deliberately being swept under the rug.

Ms A felt trapped. She really needed the job to pay off loans from graduate school, and she loved the actual content of the work she was doing. She was also concerned that it would look bad to leave her first job out of school in less than a year, as well as tarnish future chances to work in government. On the other hand, she felt extremely uncomfortable in her work environment due to the culture of corruption.

*This case study comes under whistle blowing policy of corporate governance. In such conditions you are left with either to be partner in corruption and enjoy your share or become a whistle blower.*

## Corporate Liability

The factory fire in recent times killed 12 people. This horrible incident raises once again the dilemma of who bears responsibility in such a tragedy. As we examine this case, we have singled out specific players who might bear significant responsibility for this particular event. The government has the dual responsibility of taking care of its citizens as well as maintaining its economy by supporting the \$20 billion a year industry that serves as 80% of its total export earnings. The workers, mostly women, earn as little as \$37 per month and depend on the government for their safety. In this case, there are also implications of arson to further political interests of specific parties. Additionally, the owner of the factory constructed five more illegal floors beyond the original structure, and the factory location was in an area that large vehicles, specifically fire trucks, could not easily enter. Major international retailers have often been criticized for not taking responsibility for their subcontractors; companies whose products were produced at this particular factory include major retailers such as Walmart and Sears.

Hence, it is the government's responsibility to enforce safety regulations and bring these factories up to date, and should make norms more stringent so that multinational corporations that use these factories should ensure the safety of their supply chain employees.

*This case study comes under absolute liability in corporate governance.*

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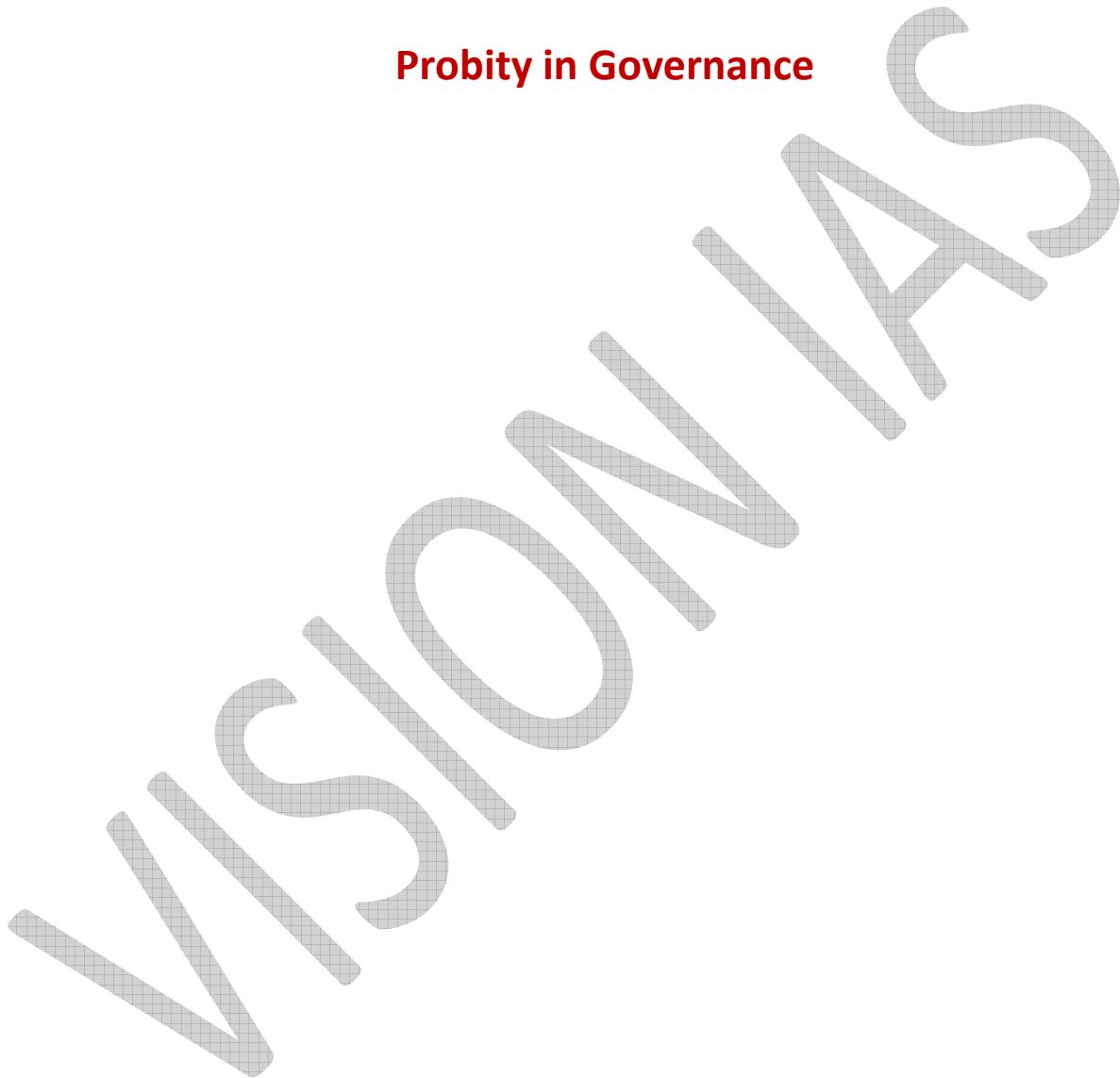
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## **G. S. PAPER IV**

### **Probity in Governance**



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## Section A: Probity in Governance

Though it is in everyone's interest that the State be governed by a government but it is equally important that the organs of the government like police & civil servants do not take advantage of their power & abuse the citizens. This means that they must follow the rules & laws that protect us.

Thus **Probity in governance** is an essential & vital requirement for an efficient and effective system of governance & for socio economic development to achieve. An important requisite is absence of corruption, which would entail the benefits of social development schemes as well as the fruits of nation's economic development to reach the poor in its full vigor as envisaged by the forefathers of our nation. *Today only 16% of funds meant for poor reach them, rest all is misappropriated.* The other requirements are effective laws, rules & regulations governing public life & most importantly their effective implementation. In fact effective enforcement of law & absence of corruption is a facet of discipline which is fast disappearing from public life in India.

Scandinavian economist-sociologist, Gunnar Myrdal, had described the Indian society as a 'soft society'. According to him, a soft society is one, which does not have the political will to enact the laws necessary for its progress and development and/or does not possess the political will to implement the laws, even when made, and where there is no discipline. According to him, if there is no discipline in the society, no real or meaningful development or progress is possible. He says ***Corruption and indiscipline feed upon each other.***

Discipline implies a sense of morality & a sense of honesty towards one's duties & laws governing the state. In India, indiscipline can be observed in every walk of life, from bribing a traffic policeman for crossing the red light to accusing a female sexually harassed victim of bad character. Nobody seems to have a sense of morality & respect for the rule of law. As public officials themselves are corrupt & news of scams does the rounds on an everyday basis, people are fast losing a sense of integrity themselves & are in fact proud of their indigenous invention - *Jugaad!*

While in the west a man who rises to position of power develops greater respect for laws, the opposite is true in our country. Here the position of a person determines the ease with which he can escape the laws & regulations. Indiscipline is everywhere whether in public or private sphere, which is detrimental for our society & nation's growth in the long run. Though instilling a sense of morality in the people & its representatives is a long term process which needs an immediate attention, some legislative measures can be designed with an utmost urgency to ensure probity in governance.

## Section B: Principles of Probity

The principles of probity that serve to maintain the integrity of a process are:

1. **Accountability-** It is a sense of responsibility towards one's actions & an obligation to be able to explain the rationale for the decisions taken or the way the duty has been performed. Government should put in place efficient & effective mechanisms to ensure that the executive is held accountable for his practices and decisions.
2. **Transparency-** For the proper functioning of the administrative machinery it is imperative that the process is transparent barring the conditions of nation's security where secrecy is required, so that all the stakeholders have confidence in the system.
3. **Confidentiality-** As a condition of employment, all public servants & people involved in a project or a department which pertains to sensitive information, must provide a formal undertaking to the government to keep the information confidential.
4. **Management of conflicts of interest-** A conflict of interest in public service arises when the officials involved either try to use the information they have or exploit their position of authority for an unfair advantage either for themselves or for someone else.

It is often unavoidable. However policies to deal with potential conflict of interests should be established with a rigorous measure outlined to deal with such cases, rather than deal with such issues on an ad hoc basis.

5. **Leadership** – Holders of public office should promote and support these principles by leadership and set an example for others to emulate.

## **Section C: Measures required for ensuring Probity in Governance**

For ensuring probity in governance, several legislative measures are necessary, some of which are as below:

1. Need for enforcing Section 5 of the Benami Transaction( Prohibition) Act 1988
2. Misfeasance in public office legislation
3. Necessity for a law providing for confiscation of illegally acquired assets of public servants
4. Enclosure of a public interest disclosure act
5. Enactment of a freedom of information Act
6. Enactment a Lok Pal Bill
7. Enactment of a Central Vigilance Commission
8. Establishment of a Civil Services Commission Board
9. Suggestions of Central Vigilance Commission
10. Ethics in government act
11. Strengthening of criminal judicial system

### **Section C1: Need for enforcing Section 5 of the Benami Transaction( Prohibition) Act 1988**

This act was enacted by parliament in 1988. Clause a of section 2 of this act defines benami transaction as below:

**Clause a of section 2:** A “benami transaction” means any transaction in which property is transferred to one person for a consideration paid or provided by another person.

In other words it means a transaction in which the person in whose name the property is held, on papers, is not the actual owner of that property e.g. a father buying a flat for his child.

**Section 5:** (1) All properties held benami shall be subject to acquisition by such authority, in such manner and after following such procedures as may be prescribed. (2) For the removal of doubts, it is hereby declared that no amount shall be payable for the acquisition of any property under sub section 5(1).

This act prohibits a person from entering into benami transactions & disables any person from claiming, that though the property is held in another's name, he himself is real owner of that.

#### **Suggestions:**

- To implement this act in its true spirit government needs to establish an authority to seize such property under section 5 of the act. It is surprising but true that the central government has not thought of it so far to make rules for the said purpose. Though parliament did not prescribe a limit to do so but 26 years is a long time.
- Also the act is of general purpose & does not differentiate between public servants & otherwise, which is imperative to be done forthwith.
- It is important to have a separate & exhaustive law that deal exclusively with public servants as defined by *Prevention of corruption act, 1988 & section 21 of Indian penal code*. The statute may put the burden of proof on the holder of property to show that it was not acquired by him or her benami.

It is often seen that public servants issue benami property in name of their wives & kith &kins which needs to be curbed. Thus such a measure needs to be taken on an urgent basis.

- *Transfer of property act 1882&Registration act 1908* should be amended so that acquisition or transfer of any property in favour of or by a public servant would only be through registered instruments ensuring prior scrutiny or post transaction scrutiny.  
Property transactions without any registered documents, means a substantial loss of public revenue by way of stamp duty & registration charges.
- The provision must define & cover not only all the public servants but also the family of public servants for the purpose.
- An independent body to be set up to monitor & regulate the conduct of civil servants.

## **Section C2: Misfeasance in Public Office**

*Misfeasance* in dictionary terms means a wrongful performance of a normally lawful act. With the focus of governance towards that of a welfare state & the change in socio economic outlook the public servants are being entrusted with more discretionary powers in various forms, such as allotting housing to the homeless or even distribution of natural resources like petrol pumps etc. However, it is often been observed that the public servants use such discretion for their own personal gains. All such acts results in a loss to the state & our constitutional dream of an egalitarian society & socio economic justice can never be achieved if this behavior is not curbed.

Supreme court in cases of misfeasance by two former union ministers (in case of illegal allotments of petrol pumps & government accommodations) ruled that:

- If a public servant abuses his office either by an act of omission or commission, and the consequence of that is injury to an individual or loss of public property, an action may be maintained against such public servant.
- exemplary damages can be awarded in a case where the action of a public servant is oppressive, arbitrary or unconstitutional is unexceptionable”

However, in many cases of misfeasance it is been argued that it is not permissible for the Supreme Court “to direct the government to pay the exemplary damages to itself”, on the footing that a Minister of the government is part of the Government and therefore the Government cannot be directed to pay damages to itself.

A legal framework related to public servants, explicitly stating the conditions for making the public servant responsible for his act of misfeasance is necessary:

- a. The principle may deal with both the situations, i.e., a situation where a definite injury had been caused to a third person and secondly where a declaration of wanton abuse of power
- b. The principles of quantification of damages need to be defined since an absence of such a criteria may further lead to arbitrariness in implementing the provision of the act.
- c. The principle on which liability can be placed on public servants must be clear and must also be a fair principle consistent with need to act fearlessly and must not be capable of comprehending bona fide actions, though may be concerned, of civil servants. It is necessary that the principle must promote good governance.

## **Section C3: Necessity for a law providing for confiscation of illegally acquired assets of public servants**

There is an absolute necessity to enact a law providing for forfeiture of properties acquired by holders of ‘public office’ (including the offices/posts in the public sector corporations) by indulging in corrupt and illegal acts and deals, in the present state of our country.

- The law should place the burden of proving that the attached properties were not acquired with the aid of monies/properties received in the course of corrupt deals upon the holder of that property in case of benami transaction or
- The burden is on such public servant to account for the sources for the acquisition of disproportionate assets, and if he fails to satisfactorily account for his assets, he is liable to be convicted.
- In fact Law Commission of India submitted its 166th Report on “the Corrupt Public Servants (Forfeiture of property) Bill” recommending to the Central Government to introduce a Bill in Parliament for forfeiture of illegally acquired properties of corrupt public servants. However the government has still not taken any steps in the desired direction.

Unless there is a law providing for strict legal action against corrupt practices of civil servants, they would be prompted to exploit their authority, using corrupt practices & fly their way off to tax havens!

## **Section C4: Enactment of a public interest disclosure act**

One of the measures adopted in several western countries to fight corruption and mal-administration is enactment of Public Interest Disclosure Acts, which are popularly called Whistle-blower Acts.

Objective of such an act should be to:

- Improve the accountability amongst the public servants by encouraging people not to turn a blind eye to corrupt practices taking place around them & report it to the concerned authority
- The Act should provide for protection of Whistle-blowers from dismissal and victimization by making appropriate provisions in that behalf
- The Act should provide that the authority receiving such information should be an independent person and not be a part of the concerned government or public sector organization & he should maintain extreme caution in keeping the information confidential & the identity of the whistle blower anonymous.
- It is necessary to ensure that the Whistle-blowing facility is not abused by malicious employees, out to achieve their personal grievance or grudges. The onus to clarify the same should be left with the appropriate authority. There must be a provision for punishing persons who lay false information out of such inadmissible motives.

Law Commission of India is in the process of drafting a Public Interest Disclosure Bill, for forwarding it to the Government of India.

Enacting this act in its true spirit would be difficult if protection to the whistle blower is not given. In the recent example of Edward Snowden of who leaked the information regarding the unethical practices of US snooping activities is still living in exile & is been punished for the same which he does not deserve. Thus India need to take lesson from these events & should enact an act which acts as a barrier for the public servants inclined towards corrupt practices.

## **Section C5: Enactment of a Freedom of Information Act**

*Supreme Court in Secretary Ministry of I&B vs. Cricket Association of Bengal ,1995 stated that under article 19 of the constitution, i.e. freedom of speech & expression include the right to acquire information and to disseminate it.*

As John Stuart Mill pointed out, even speech that conveys false information has value, for it compels us to retest and rethink accepted positions and thereby promotes greater understanding. From this, it follows that the right to express oneself does not depend upon whether society judges the communication to be true or false, good or bad, socially useful or harmful. All points of view, even a minority of one, are entitled to be heard.

A Freedom of Information Act is required to perpetuate the same as below:

- The authorities covered by the Act should be required to make certain information publicly available without request and further give reasons for administrative decisions. There should be no ministerial veto to prevent disclosures.
- There should be no exclusion in favour of the Cabinet or Cabinet Committees from the purview of the Act. Access shall be allowed to documents and not merely to information, barring of course, security and intelligence services from the purview of the Act.

Government of India had introduced a Bill called the Freedom of Information Bill, 2000 in Lok Sabha in July 2000.

- It casts an obligation upon public authorities to furnish such information wherever asked for. However the Bill does not provide for the government making information public, without a request.
- RTI amendment bill 2013 was introduced in the Lok Sabha recently to keep the political parties outside the purview of RTI act.

However it must also be noted that people also use this freedom of expression & information to meet their evil objectives taking refuge to the constitutional provision.

- The recent Muzaffar Nagar riots is a case in point.

Also with the evolution of social media & various networking sites the importance to enact provisions regulating this freedom has grown manifolds. Though the bill is a great step ahead in this direction, several improvements are possible in it.

## **Section C6: Enactment of Lokpal Bill**

Another measure for ensuring probity in governance is the enactment of a Lok Pal Act. It seeks to provide for the establishment of the institution of Lokpal to inquire into allegations of corruption against certain public functionaries and matters connecting them. It is an implementation of the Prevention of Corruption Act, 1988.

- First Lokpal bill, termed as Lokpal & Lokayukta bill, 1968 was introduced in Lok sabha on the recommendation of ARC's report on the "Problem of Redress of Citizens' Grievances" submitted in 1966. But the bill was lapsed as Lok sabha got dissolved. After that various attempts have been made to pass Lokpal bill.
- A Jan Lokpal bill was proposed under the leadership of anti corruption crusader Anna Hazare, to curb the menace of corruption, which led to massive public protests.
- The government's version of the Lokpal bill 2011 & the Jan lokpal bill 2011 proposed by civil society activists has certain points of divergence
- The government rejected the creation of a parallel structure which would be "answerable to nobody". It further ruled out scrutiny of Prime Minister under the authority of the Lokpal. Government is of the view that if a Lok Pal were to take up each and every allegation or accusation made against the Prime Minister by a political party or a group or a person, it would impact the Prime Minister in an effective discharge of his functions & his image in an international scenario, provided that before taking up any investigation or inquiry against the Prime Minister on the basis of any complaint or information received, the Lok Pal shall obtain the prior permission in writing of the President

Since 1968 it has been passed a total of 9 times with the recent one in 2011, but it does not stand passed even today!

## **Section C7 :Central Vigilance commission**

- CVC was established in 1964 pursuant to the recommendations of the Santanam Committee to advise the government in respect of matters pertaining to maintenance of integrity in administration
- The jurisdiction of CVC extended to all public servants and employees of central public sector undertakings, nationalized banks and autonomous organizations
- In Vineet Nair VsUoI case 1997, Supreme court directed the government to give CVC a statutory status & to make it independent coupled with accountability insulating it from political control.
- Pursuant to the said directions, the Central Vigilance Commission Bill, 1999 was introduced in the parliament in 1999. It appears to be still pending before the Parliament.
- An idea was floated by the commissioner of Central Vigilance Commission Shri N Vittal. He opined that corruption free governance should be made a fundamental right of the citizens & provisions should be incorporated in Part III of the constitution so that people demand it as their fundamental right & also be included in Part IV so that the state legislate & act in accordance with the guiding principle.

## **Section C8: Civil Services Commission Board**

Until recently there was a suggestion for the constitution of a civil services board for overseeing appointment and transfer to senior posts. The idea is to take away the power of transfer from the political executive which, according to the universally held opinion, has not only been abused but has also been used in such a manner as to make the bureaucracy, including the IAS, toothless and corrupt.

However recently Supreme court has issued an order to the centre& state governments to set up a Civil services board to regulate service matters, particularly those relating to transfers, postings and disciplinary action. One of the main causes for the general lack of accountability and culture of corruption within the civil services is political interference. However the SC judgment says the CSB's advice on these matters can be overruled by the political executive, though after recording valid reasons. But there still remains a question mark over implementation of the order.

## **Section C9: Ethics in Government Act**

US has in place Ethics in Government act which demands:

- A person to provides for a full, true and complete disclosure of all kinds of assets including mortgages, movable assets, benefits under trusts and so on within 30 days of joining as a public official.
- Empowers the Attorney General to bring a civil action in an appropriate US district court against any individual who knowingly and willfully files a false declaration & provides for custody of the declarations
- It expressly provides that public shall have access to such declarations. Any US citizen is entitled to use the said reports for any lawful purpose & provides for review and scrutiny of these reports by specified authorities.

A similar provision could be put in place in India to promote better accountability & curb the problem of corruption.

## **Section C10: Strengthening of Criminal Judicial system**

This is one of the most important requisites for ensuring probity in governance. The criminal judicial system consists of the police/investigating agency, the prosecuting agency, the advocates, witnesses and finally the judiciary.

Access to justice is based upon the principle that people should be able to rely upon the correct application of law & the implementing agencies do their jobs with utmost integrity. However in reality there are some countervailing factors:

- Some citizens do not know their rights and also can't afford legal aid to advocate on their behalf.
- The most serious challenge is complexity of adjudication as legal proceedings are lengthy & judiciary lacks personnel and logistics to deal with this matter
- The nexus between the elites, politicians & the bureaucracy doesn't let the justice reach the common man

What we need today is a transparent mechanism to deal with such a menace & out of the box inventions in the wake of judicial activism. PIL is one of those.

## **Section D: Conclusion**

Corruption is one of the most serious consequences of poor governance. A country with widespread corruption invariably has low investment rates, poor economic growth, high inflation & limited human development. For India the world's largest democracy it is an irony to see huge scams making the news on an almost every day basis. It is very necessary to take initiative & enact strong legislations to ensure probity in governance.

## **Section E: Concept of Public Service**

Services provided by the government to people living within its jurisdiction, either through the public sector or private provisioning are called Public Services. They are associated with a social consensus, usually expressed through democratic means that certain services should be available to all, regardless of income.

Public services represent one of the oldest, if not the oldest, noblest, and most widespread and celebrated values in the history of humankind. In fact, civilization and public service and administration are intimately related, one reinforcing and contributing to the other. In traditional societies of the East and West, little distinction was made between voluntary service for the good of the community and remunerated work performed on a professional contractual basis. A fusion of the roles of government and governed, direct participation in the affairs of the state, and the growth, in this manner, of a political culture and of administrative skills were favored by conditions of relative stability and the presence of a leisured class imbued with a strong commitment to the polity's well-being. This situation, however, was transformed with the emergence of vast multinational kingdoms and empires from early Iran and Egypt to Persia, China, and Rome.

Ancient civilizations were the birthplaces of public service and administration. This was particularly the case in early Iran (in Susa and Elam) from 6000 BC on to Egypt, Sumer, and Babylon, and subsequently, the first World-State Achaemenid Persian Empire, to China and Rome. The historically large-scale public-works projects of underground irrigation systems (Iranian Elamite invention), canals, and waterways such as the Suez Canal and Atusa Canal, as well as the gigantic Royal Palace Compound of Persepolis, the largest project of the history under the Persian Empire, the Pyramids in Egypt, and the Great Wall of China are a few examples of massive public service and administration employing hundreds of thousands of workers, artisans, experts, and professionals. If public service and administration was valued in the ancient time, why is it in trouble now in the twenty-first century?

In modern times, the rise of the administrative state, from the nineteenth century onward, also led to a vast expansion of the public service. It has been accompanied by bureaucratization, which profoundly revolutionized organizational structures and values. Ironically, those values have lately come into conflict with the long-cherished claims of democratic citizenship and participative government. Professionalization of the public service has changed the nature of public organizations by deeply implanting the instrumental rationality that has dominated societies around the globe. Globalization and cultural convergence, on the one hand, and counter

pressures from below against this rampant instrumental rationality, on the other, are changing this situation. The result has been a clash of major values underlying the administrative and political values around the world.

Capitalist ideology advances the supremacy of the marketplace, together with the benefits of private enterprise and administrative rationality. However, this new trend has been accompanied by pressures from below by citizens who seek empowerment, smaller government, less governmental intrusion into their private lives, and democratization of the policy process. The result has been a clash of citizenship values, on the one hand, and the professional administrative values, on the other. Consequently, public service has been badly damaged in terms of institutional capacity, quality of performance, and public image. Resolving this conflict requires the reconciliation of administrative and citizenship ethics. It is through integration of these conflicting values that the image of the public service can be revived and enhanced.

Many factors have contributed to the rise and expansion of the modern administrative state. Over the years, the role of government has grown dramatically. It soon became the engine of national growth, of private sector development, of the provision of public services, and of the protection of individual rights. Professionalization of the public service has been a common feature of both capitalism and socialism.

In capitalist countries, mixed economies arose, blurring the boundaries between the two sectors. The values of the public and private sectors also merged to an extent. Still, public service values and commitment remained strong. These professional administrative values displaced those of the earlier political machine systems characterized by patronage, personal favoritism, and spoils, which prevailed in many countries during the nineteenth and early twentieth century's—thus, the professionalization of the civil service that followed resulted in the separation of administration from politics to produce "good government," and "good or efficient administration."

### **Guiding Principles in Public Service Ethics**

Administrative ethics has been enhanced by professionalization in the administrative state. While public service ethics and accountability remain major concerns, the incidence of corruption and unethical behavior is mostly found to be on the political side of the public service. Political executives are often at the apex of public organizations and, as elites, they tend to be key players in most scandals. Professionalism in public administration has helped in curbing political corruption around the world.

Acting as guardians of the public trust, professional administrators are in a central position to revive and enhance the image of the public service. This is a major challenge, which entails conscious effort of advocacy and enforcement. The following paragraphs present a list of principles that can guide public administrators in promoting the above goals. These principles or precepts are identified as do's and don'ts.

#### ***Ethical education***

Ethical education is a must and should be part of all educational systems at all levels. However, education and training in administrative ethics are most essential for public service careers anywhere in the world. They must include both personal and administrative ethics. Civic virtues, virtuous citizenship, respect for others, protection of individual rights, and other ethical values should be internalized by public servants. Advice to top executives should also include the following: Set the example and tone for the entire organization by emphasizing education and training in ethics, by thinking and behaving ethically.

On the other hand, advice to public employees should include the following: Educate yourself with ethical and moral principles and act ethically; do not compromise on principles; disobey unconstitutional, immoral, illegal, and unethical orders and expose them through the appropriate channels; and find appropriate ways to do it.

#### ***Preservation of professional and personal integrity***

Professional values should prevail over organizational or personal orders of superiors deemed questionable. Responsible professionalism is an essential component of administrative behavior. This requires self-regulation,

knowledge, self-control, a degree of autonomy and personal independence, and subordination of private interests to the public interest and public trust. Yet, strict observance to professional interests can and do conflict, sometimes, conflict with broad public interests, a problem that must be avoided when faced, as broad public interests are superior to narrow-based professional interests, and this requires prudence.

### **Prudence**

The exercise of prudence, which means practical wisdom, was emphasized by three great Persian philosophers and thinkers of the Middle Ages—Farabi, Ibn-e-Cina, and Nizam-ul-Mulk. Every society has its own thinkers of this caliber. Prudence requires self-controlled, discretionary decisions based on knowledge, expertise, and ethical judgment on particular situations.

### **Public spirit**

Private interests should be subordinate to public, community interests. In making decisions or acting as an administrator, one must think of the public trust and citizens' interests first, and then think of himself. Develop civic virtue, act virtuously, and promote virtuous citizenship by being a virtuous citizen and acting as a virtuous administrator.

### **Avoid and prevent problems causing public service crises**

Some of these problems are beyond one's control as an administrator, but those values and factors that deter public service corruption and compromise should be adhered to. A responsible, prudent, and virtuous public administrator should not only try to avoid getting into or causing corruption and crises in public service, but should also try to do everything possible to prevent them—in the spirit of serving public interests.

### **Be a responsible administrator**

Act with restraint, discretion, and freedom. Be an example to others. If one cannot continue to perform his duties properly, resign and expose those who make it impossible for him to perform ethically and professionally, or blow the whistle and report wrongdoings to the right sources for corrections. However, it is a tight rope that must be walked very carefully, as it is common to see a genuine whistleblower charged with wrongdoing and pay the price—it must be done with consultation and maximum care, because as an administrator one also has obligations to himself and his family.

### **Promote the common good**

Devote time, expertise, and knowledge in building community values and defending the rights of the poor as well as the affluent. It is the public interest and trust that one must serve at all times with integrity. Breaching such principle will lead one to more unethical violations and corruption—maintain one's integrity regardless of the situation.

### **Be competent and fair**

Competence comes with training, skills development, and knowledge. It is extremely important to apply competence with fairness, equity, and justice in administrative positions. Efficiency and effectiveness are important organizational and managerial values, but they must be blended with fairness, equity, and justice. It is this blend of ethical and professional values that makes professional ethics in public administration possible and desirable.

### **Follow and enforce the professional code of ethics**

Codes of ethics in public administration are written and unwritten collections or systems of laws, rules, regulations, and norms that guide public service conduct. They are statements of ideals, canons of action consonant with those ideals, and binding means of enforcing behavior within the boundaries established by the code. Opponents of codes of ethics argue that one should resist moralizing everything that rigid codification of right or wrong is dysfunctional, and that bureaucratic neutrality considers it immoral to pass moral judgments on

public organizations. Proponents of codes of ethics cite the objectivity and the positive value added through code of ethics enforcement. Some codes of ethics carry sanctions for unethical behaviors, while others are more aspirational or guides to public servants.

*Establish and affirm professional identity* as a public servant, as a professional, as a keeper of public trust, and as an ethical person. Resist all forms of corruption and temptations to unethical behaviors.

*Avoid unethical dilemmas* as much as possible but, if caught in the middle, seek advice and exercise prudence. Most ethical dilemmas can be handled with prudence.

*Act morally and ethically* with a sound character and responsible judgment. Value and promote the image of the public service.

*Combat corruption* at any level and at all times. Establish and use commissions of inquiry, wage war on indiscipline, and show moral leadership. Also, use scholarly research and the confidential approaches mentioned earlier.

### ***Develop and internalize a sense of total quality management (TQM)***

Promote the idea of doing things right the first time and prevent the costly error of duplicating or repeating poor quality work. Do not cheat on your work, internalize work ethics, and develop a sense of motivation for public interest and self-actualization.

*View citizens as valued human beings* and as community members, not merely as consumers or customers in the marketplace. Discourage an overly biased corporate ideology, which seeks only profits and tends to promote corruption and unethical behavior to gain more profits. Markets are not alternatives to public service. Rather, sound governance, public service, and responsible citizenship are sine qua non of a business-friendly environment, the smooth operation of markets, effective democracy, and social peace.

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## **G. S. PAPER IV**

### **PROBITY IN GOVERNANCE**

**Codes of Ethics, Codes of Conduct & Citizen's Charter**

visionias

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## **Section A: Introduction**

### **Why do we need a Code of Conduct &Code of Ethics for Civil Servants?**

Ethics is a set of principles of right conduct. It has been defined as a set of values and principles, which helps guide behavior, choice and actions. It helps to decide whether ones' actions are right or wrong. Organizations as well as individuals have ethical standards. These standards help ensure that individuals belonging to an organization have a consistent approach in carrying out their responsibilities and making decisions. They also ensure that members of an organization maintain a consistent and appropriate behavior towards one another and towards clients and persons outside the organization.

Civil servants have special obligations because they are responsible for managing resources entrusted to them by the community, because they provide and deliver services to the community and because they take important decisions that affect all aspects of a community's life. The community has a right to expect that the civil service functions fairly, impartially and efficiently. It is essential that the community must be able to trust and have confidence in the integrity of the civil service decision-making process. Within the civil service itself, it needs to be ensured that the decisions and actions of civil servants reflect the policies of the government of the day and the standards that the community expects from them as government servants. The expectation that the civil service will maintain the same standards of professionalism, responsiveness and impartiality in serving successive political governments is a key element of the way our democratic polity functions.

A civil servant is appointed on merit on the basis of fair and open competition and is expected to carry out their role with dedication and a commitment to the Civil Service and its core values, which are integrity, honesty, objectivity and impartiality. A set of rules outlining the framework of values for the civil servants to work as per the guidelines enhances the efficiency of the democratic system where all the stakeholders are aware of their responsibilities & expectations. Most countries that have reformed their civil services such as New Zealand, Australia and the UK have established a set of principles to guide civil service behavior in the form of values and a legally enforceable code of conduct, setting out standards of behavior expected of those working in the civil services. India the world's largest democracy urgently needs to incorporate these values under the rules that govern the service conditions of civil servants, so that we can ensure better service & delivery to our people& uphold the spirit of our constitution.

An efficient, effective & democratic government is the best guarantor of social justice as well as an orderly society. All this is implemented by civil servants. Though public service should not be considered as a profession, however it is readily considered to be so by people. Entry to Civil Service employment does not require prior mastery of, or even familiarity with, the profession's ethical standards prior to admission. Thus it often recruits people who are not suitable for it & thus code of conduct & ethics need to be enacted & enforced.

## **Section B: Code of Conduct for Civil Servants**

The Civil Services is the backbone of the administrative machinery of the country & refers to the permanent bureaucracy of the Government. While the provision of adult franchise & electoral democracy provides an enabling environment for the practice of democratic governance, it is the quality of people who must have not only the required skills and knowledge, but also the right values which would include integrity, commitment to public service and above all, commitment to the ideals and philosophy embodied in the Constitution.

Code of Conduct is principles, values, standards, or rules of behavior that guide the decisions, procedures and systems of an organization in a way that:

- Contributes to the welfare of its key stakeholders&
- Respects the rights of all constituents affected by its operations

In India, the current set of ethical norms are the Conduct Rules, contained in the **Central Services (Conduct) Rules, 1964** and analogous rules applicable to members of the All India Services or employees of various State Governments. The code of behavior as enunciated in the Conduct Rules, while containing some general norms like 'maintaining integrity and absolute devotion to duty' and not indulging in 'conduct unbecoming of a government servant' is generally directed towards cataloguing specific activities deemed undesirable for government servants. These conduct rules, which do not constitute a code of ethics are enumerated below:

- No Class I officer shall, except with the previous sanction of the Government, permit his son, daughter or other dependent, to accept employment in any organization with which he has official dealings or the Government has.

Note: There is no firm in India, which does not have any dealings with the government.

- If a civil servant enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds twenty thousand.

Note: Twenty thousand is too small an amount today that it will amount to report even the smallest items in consumer durables category

- No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.
- A Government servant shall manage his private affairs, so as to avoid habitual indebtedness or insolvency. A Government servant against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent, shall forthwith report the full facts of the legal proceedings to the Government.

Second ARC report has criticized the Code of Conduct rules for being too vague to be followed & therefore conduct rules are likely to be observed more in breach than in reality and which in any case, may not necessarily involve any type of conflict of interest. Therefore, it has suggested redefining these rules to make them more meaningful to be followed.

## **Section C: Some Committees' Recommendations**

Certain committees have recommended from time to time for reforming the civil services w.r.t. the code of conduct & ethics of the civil servants, few of which are as follows:

### **1) Committee on Prevention of Corruption (Santhanam Committee), 1964:**

- Suggested rules to be framed for governing the conduct of civil servants
- Suggested that values like altruism and empathy for the poor, are hard to imbibe after joining the services. These need to be instilled in childhood through various institutions like family, school etc.
- There is no **code of ethics** for civil servant in our country unlike other countries, which needs to be incorporated.

## 2) **Hota Committee Report, 2004:**

- Aptitude & leadership test may be introduced for selection & that domain assignments should be introduced for the civil servants for acquisition of skills required.
- As no competitive examination can be a proof against unsuitable candidates for the public service, the committee recommended invoking the probation rules to weed out such officers. Also a performance review after 15 yrs. of service is recommended to remove such officers.
- **Code of Ethics** should be laid down for the civil servants to imbue the values of integrity, merit & excellence in public service.

## 3) **Second Administrative Reforms Commission**

The Second Administrative Reforms Commission in its 10<sup>th</sup> report pertaining to Values & Ethics of Civil Services in India recommended drafting a Bill on ethics to give code of ethics a statutory basis in the form of “The Civil Services Bill” (2<sup>nd</sup> ARC has recommended to rename public service bill as civil service bill as public service has a wider connotation).

The commission recommended that in addition to upholding the constitutional spirit the civil servants shall be guided by the following values:

- Adherence to the highest standards of integrity & conduct
- Impartiality & non-partisanship
- Objectivity
- Dedication to public service
- Empathy & compassion towards the weaker sections

The ARC Commission has highlighted the seven principles of public life enunciated by the **Nolan Committee in UK**. Drawing from these, the Commission has suggested the inclusion of the following principles in the Code of Ethics for civil servants in India:

### **Seven Principles of Public life to follow by a civil servant**

- **Integrity:** Civil servants should be guided solely by public interest in their official decision-making and not by any financial or other consideration either in respect of themselves, their families or their friends.
- **Impartiality:** Civil servants in carrying out their official work, including functions like procurement, recruitment, delivery of services etc, should take decisions based on merit alone.
- **Commitment to public service:** Civil servants should deliver services in a fair, effective, impartial and courteous manner.
- **Open accountability:** Civil servants are accountable for their decisions and actions and should be willing to subject themselves to appropriate scrutiny for this purpose.
- **Devotion to duty:** Civil servants maintain absolute and unstinting devotion towards their duties and responsibilities at all times.
- **Exemplary behaviour:** Civil servants shall treat all members of the public with respect and courtesy and, at all times, should behave in a manner that upholds the rich traditions of the civil services.

## **Section D: Code of Ethics for Civil Servants**

**1) Code of Ethics, 1997** – It was the first initiative to introduce the code of ethics for public servants in India, which was considered a step towards better governance. The salient features of the code were as follows:

A public servant should:

- Uphold the rule of law & respect human rights
- Maintain objectivity & transparency in their conduct with the public & in discharge of their duties
- Maintain utmost impartiality in respect of service matters
- Be accountable for their actions for timeliness of delivery, quality of service etc& be accessible to the people
- Ensure effective & efficient use of public funds & avoid extravagance.
- Not exploit their position of power for any personal gains.

The code was considered by a group of ministers but was not issued as code of ethics for public servants unfortunately.

**2) Draft Public Service Bill, 2007**- Again in 2007 Department of personnel drafted Public Service Bill. It extends to the whole of India & state. It envisages a moral behavior from the civil servants & enumerates certain values which should guide the Public Servants in the discharge of their functions which are as follows:

- ***Allegiance to the Constitution and the law***, democracy, nationalism, sovereignty & integrity of India and the security of the nation
- Function in apolitical manner, act ***objectively, impartially, honestly, equitably, and in a fair and just manner***
- Act with ***integrity*** and in a ***courteous*** and just manner
- Establish high standards, and ensure quality service, effective working and prompt decision making
- Be ***accountable*** for the decisions
- Establish merit as the fundamental principle in employment, promotion and placements
- Discharge functions with due regard to diversity of the nation/community and religion but ***without discrimination*** of caste, community, religion, gender or class and duly protecting the interest of poor, underprivileged and weaker sections
- Provide ***honest, impartial and frank advice*** to political executive
- Ensure that ***public money is used with utmost economy*** and care
- The public servant function with the objective that Public Services and Public Servants are ***to serve as instruments of good governance*** and to provide services for the betterment of the public at large; foster socio-economic development, with due regard to the diversity of the nation but without discrimination on the ground of caste, community, religion, gender or class and duly protecting the interest of poor, underprivileged and weaker sections.
- Without prejudice to the provisions of this Act, the Central Government may, on the recommendations of or in consultation with the Central Authority, notify from time to time other values in this Section.

- The **Central Authority may from time to time review** the adoption, adherence to and implementation of the Public Service Values in the departments or organizations under the Central Government and send reports to the Central Government.

The bill is still under consideration. However it tries to fulfill too many objectives apart from a code of ethic like norms for appointments to public services etc. Thus it might get difficult to gain consensus on all such issues & pass this bill.

## **Section E: Citizen's Charter**

While Civil services Code of conduct & Code of ethics tries to incorporate certain behavior & morality that is to be followed by the civil servant while discharging their duties as a civil servant, a Citizen's Charter tries to document the duties & level of services that are expected out of a public servant as the basic minimal. The Citizen's Charter initiative is a response to the quest for solving the problems, which a citizen encounters while dealing with organizations providing public services.

The Citizen's Charter program was first launched in 1991, in the U.K., by the then Prime Minister John Major as part of a series of initiatives to open up Government at all levels to drive up standards and to shift the balance of change in to the hands of people. Development of the Charter in India began with a Conference of Chief Secretaries of all States and Union Territories held in 1996 on "Effective and Responsive Administration." This conference gave high priority to Citizen's Charters and was followed by the development of an "Action Plan for Effective and Responsive Government" at the same conference in 1997.

***The Department of Administrative Reforms and Public Grievances (AR & PG)*** in the Central Government is responsible for the task of coordinating, formulating and operationalizing Citizen's Charters.

### **What is a Citizen Charter?**

The Citizen's Charter is a written, voluntary declaration by service providers about their service standards, choice, accessibility, nondiscrimination, transparency and accountability. It should be in accord with the expectations of citizens. Therefore, it is a useful way of defining with the stakeholders what service should be and what standards to expect.

### **Objectives:**

- To help change the mindset of the public official from someone with power over the public to someone with a care of duty in spending the public's taxes and in providing them with necessary services.
- An effective tool to ensure transparency and accountability and should help deliver good governance if implemented vigorously
- Improved service delivery through more responsive attitude from officials towards the public specifying what to expect & how to act if standards are not met
- Value for the taxpayer: Greater output on every single penny spent on governance programs & greater public satisfaction with the public services

### **Who is a stakeholder?**

A stakeholder is someone who has a stake or interest - direct or indirect in the service being delivered, which include users, employees and employee representatives who are involved in delivering the

standards set out in the Charter and Suppliers who involved in providing parts of the service the engineers involved in providing service.

### **Components of a Citizen's Charter**

There are five broad components to the Citizen's Charter as below:

#### **1. Standards for service delivery**

- Standards should be SMART i.e. Specific Measurable Accurate Relevant & Time bound
- Standards must be relevant both to the users and the service providers.
- They should also be monitored periodically. Actual performance against standards must be published and independently validated.
- Standards should be specific and measurable, and should avoid phrases, which are not measurable e.g. Trying hard is not a measurable target.

#### **2. Openness and information about service delivery**

- It should provide concise information to the users at the right time and at the right place.
- Information should be published in plain language in the Charters about service levels and service quality to be expected and about who is in charge in case the service does not deliver to that standard.
- Publication of handbooks, guides, posters and providing information on websites are some of the ways of providing information.

#### **3. Choice for the citizen and consultation with users about service levels and quality**

- Users' views about services and their priorities for improving them should be taken into account in finalizing standards.
- Citizen's rights should be balanced by their responsibilities by seeking citizens' involvement and co-operation in the process of service delivery & clearly outlined role of the citizens in the charter

#### **4. Courtesy and helpfulness in service delivery**

- The Charter should help embed a culture of courteous and helpful service from public servants with 'May I help you' counters should be available at all offices to the citizens to help them understand the procedures and what is expected of them.

#### **5. Provision of redress when services are not delivered to the published standards**

- Service providers should welcome complaints as a means of getting feedback in order to improve services as being able to identify 'trends' in complaints helps the organization to resolve systemic and recurring problems for the benefit of all its customers.
- Redressal system should be quick, consistent, simple, and focused on the individual.

### **Issues in Implementing the Charter**

Citizen's Charter initiative in India had started in 1997. So far, sixty-eight Citizen's Charters have been formulated by the central government in Delhi. These relate to ministries, departments and other organizations. There are also 333 Charters in various agencies of the State Governments and Union Territories. Most of the charters formulated are in nascent stage of their implementation & it is more

difficult to implement in its true sense because of the rigid attitude of bureaucratic work force & citizen's perception towards the same.

The major obstacles encountered in implementing it & lessons learnt were:

- Developing close relationships with stakeholders. In the charters being implemented so far the consultation process was minimal or largely absent. It thus became one of routine instructions that bureaucracy is habitual to avoid. The initiative was therefore treated with a degree of skepticism by bureaucrats as well as citizens
- The lack of training & motivation in the employees to deliver the level of services promised by the charter
- Transfers of concerned officers at the crucial stages of its formulation or implementation in an organization severely undermine the processes
- Tasks to educate & aware the public were not conducted systematically. There is no public awareness campaign on Citizen's Charters.
- In some instances, the standards formulated in the charter were not realistic & therefore losing more trust of the stakeholders in following the same.
- Sometimes, even the concept of Citizen's Charter was not properly understood by the stakeholders.
- There is little internal or external monitoring of the implementation of the Charters by departments and citizen satisfaction data is not available. No proper feedback systems are in place. There is no monitoring of performance.

### **Recommendations**

To make the Citizen's charter a success the following is suggested:

- The departments should guard against the tendency to promise more than they can deliver. A commitment to specific services standards should be made only if they really can be delivered
- A critical review of the current systems and processes in the department should be undertaken to examine whether they are likely to have an adverse impact on the Charter. Failure to do this will result in a mismatch between the standards enumerated in the Charter and the capacity of the system to deliver;
- Implementing the Charters without the staff owning them will defeat the purpose of the Charter. Motivating the staff and involving them in the preparation of the Charter are important;
- The Charters will remain merely a paper exercise of limited value if there is no consultation with the users. Departments should ensure user involvement at all stages of preparation and implementation of the Charter;
- Independent audit of results is important after a period of implementation of the Charter. The Charter is meant for the users and departments may not know how they are faring unless their performance is tested against the standards;
- Simplifying the systems for lodging complaints or access to officers obtaining redressal of grievances will facilitate the procedure of delivery
- The Charters should not be launched without adequate publicity and distribution of copies to the users and the staff in each public office.

## **Section F: Conclusion**

It has been found on several occasions that while the bureaucracy responds to crisis situations with efficacy and has admittedly made major contributions in strengthening our democratic polity, there is often tardiness and failure on its part to deal with normal situations and with citizens in a sensitive and responsive manner. One of the reasons for this state of affairs is the belief in the civil services that its authority and legitimacy is derived not from the mandate of the people but from an immutable corpus in rules that it has prescribed for itself, without any correspondence to the needs and aspirations of the people it serves and the democratic ethos. That is why the functioning of the civil services is characterized by a great deal of negativity, lack of responsiveness to what the people want and the dictates of democracy.

It is sad but true that the civil service in India evokes the metaphors of what Michel Crozier calls 'bureaucratic behaviour'; the normal association that people have with the frequent use of the word "bureaucracy", which 'evokes the slowness, the routine, the complication of procedures, and the maladaptive responses of "bureaucratic" organizations to the needs which they should satisfy, and the frustrations which their members, clients, or subjects consequently endure.'

The issue of reforms in governance and administration has become the focus of attention in recognition of the fact that good governance is necessary for ensuring success of development schemes, bringing improvements in the quality of life of citizens, eradicating poverty and for realization of the goals of equity and equality enshrined in our Constitution. With rapid and fundamental changes taking place in the political, economic and technological fields, the need for major reforms in our system of governance and public administration have assumed greater urgency. Principles of public service or values facilitate good governance & if adopted effectively might surely change the image of bureaucracy in the minds of people in times to come.

## **Section G: Sources**

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