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# Educating for Moral Competence (for Philip Selznick)<sup>1</sup>

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The study of leadership is, in part, about how the commitment to competence takes hold within an organization and is sustained. People regard institutions as legitimate not just when they succeed in realizing values of importance, but when the success is seen to result from a distinctive capacity that the institution embodies. Success is not accidental or fortuitous but the result of intention, strategic planning, and skillful action.

Philip Selznick wrote the classic work on leadership (*Leadership in Administration*), and the importance of the commitment to competence was one of his major themes. His focus in that work was primarily on modern corporations, and despite his provocative proposal to regard corporations as miniature polities, Selznick wrote little, then or subsequently, about competence in government. The competences he discussed are more suited to a business enterprise than a political society.

Yet his general orientation is clear. Governance, whether in a corporation or a polity, is about promoting and sustaining a moral order. It is not simply the efficient coordination of activities or rational management of collective resources. To govern is to take responsibility for the character of a group and its basic institutions. It involves the care of people who are objects of moral concern, not interchangeable, expendable units, to be used, manipulated, or discarded as efficiency may require. In short, formal or impersonal institutions must be judged by whether they recognize that the quality of the relationships they foster are of

<sup>1</sup> This brief on-line note draws on several essays I have published or issued in recent years. It is meant to make these materials available to a new audience and to suggest their connection to the work of Philip Selznick, whose sage advice and warm encouragement sustained me throughout my academic career. The exposition of moral competences is taken largely from “Moral Competence in Public Life,” Occasional Paper #4, distributed by the Australia and New Zealand School of Government [ANZSOG] (March 2009). Other sources are “What Makes Ethics Practical,” a working paper issued by the Harvard Kennedy School (HKS RWP08-013, March 2008), and “Teaching Ethics by the Case Method,” *Journal of Policy Analysis and Management* 19:1 (2000), 153–160.

primary importance. Thus, in place of Robert Michels' famous dictum "who says organization says oligarchy," Selznick proposed: "who says organization says obligation." He captured this idea in his discussion of the ineluctable transformation of organizations (as technical instruments) into institutions (infused with value beyond the technical requirements of the tasks at hand). (See, especially, *The Moral Commonwealth*, part three.)

It's important not to misunderstand. To sustain a moral order or regard people as objects of moral concern is not the same, necessarily, as attempting to make them virtuous. In a democratic polity, the appropriate public task could be to foster the small-scale civic associations and voluntary forms of cooperation that enable citizens to develop the dispositions necessary to becoming productive members of society, including the capacity to make effective and responsible decisions and to practice a democratic way of life. The values and relationships of importance could be those that allow citizens to find their own way, to make their own mistakes, and so on.

Still, governing is a task that requires moral competence. How do we give content to this idea? In the remarks that follow, I take moral competence to consist in attributes and dispositions that make for good governance. We can refer to these as the *virtues* of practitioners. In the Aristotelian tradition, a virtue is an excellence of character conducive to achieving a distinctive end or characteristic good, whether of a person or institution. One needs, then, a conception of the entity (person or institution) to give content to the idea of virtue. Accordingly, what counts as good governance depends on the polity; the competence of practitioners and the nature of the polity are inextricably linked. In a democratic polity, the virtues of practitioners, roughly speaking, are qualities (excellences) that enable democracy to flourish. In this way, the distinctive virtues of practitioners are derived from a political conception, not from general human virtues. The central question for us to consider, therefore, is what constitutes moral competence for a practitioner of democratic governance.

In this discussion of public virtues, I do not attempt to draw specific links to Selznick's writings. Yet I believe the exposition that follows is imbued with the spirit of his approach to questions of public life. It takes its bearings from his moral compass, and thus can be regarded as part of his intellectual legacy.

The plan is to sketch six generic attributes that I regard as constituent components of the good practitioner, which are of course variable attributes of actual persons. These are not character traits or personal virtues in the usual sense but qualities of those acting in official capacities. They are requisite skills for dealing with complex institutional and political exigencies, adequate to producing certain beneficial effects in the world. The nominal tags for the six types of competence are civility, balance, respect, proficiency, prudence, and reflection.

At the close, I will say a few words about how practitioners are educated to develop the competences identified.

## Civility

One kind of ethical demand that practitioners face arises from conflicts between public duties and personal convictions, especially matters of conscience. This tension creates special challenges to moral integrity.

If by *conscience* we mean the personal moral convictions that guide one's life, it matters little in a democratic society what those convictions are or whether they are shared by anyone else. In the public realm, however, we do not have the luxury of idiosyncratic conviction. Personal principles, no matter how important or foundational to one's own sense of self, do not necessarily have a claim on anybody else. Thus, sincerity of conviction is not an acceptable basis of public action. Since public decisions affect others, often profoundly, including those with conflicting convictions, good practitioners are obliged to reach beyond the personal to what can be shared and endorsed by others. Personal beliefs, of course, generate felt imperatives, and may legitimately function as starting points of public discussion. Common ground, however, is indispensable for collective endeavors. Accordingly, one moral capacity for responsible decision making is the ability to regard one's own opinion as only one among others, and not decisive simply because one holds it, however passionately.

The good practitioner, I want to suggest, has a duty to act in accordance with a *public conscience*. The conscientious democratic official is one whose grounds of decision are beliefs and principles that citizens in general are committed to – or could be, after deliberation and reflection. The hypothetical is crucial. If we required immediate assent, we would license every prejudice and every opinion, no matter how ill-considered. On the other hand, assent must be available at some level, even if it is only emergent and inchoate.

Consider the example of Mario Cuomo, former governor of New York, who wrestled with this issue in the context of the abortion controversy. In his famous 1984 speech at the University of Notre Dame, Cuomo observed that the problem begins “when religious values are used to support positions which would impose on other people restrictions they find unacceptable.” As a public official, Cuomo acknowledges his duty to abide by United States law, which permits abortion in some circumstances. He also recognizes his responsibility to craft a public policy for a pluralistic society where conscientious citizens differ, sometimes radically, in their views. Is there, then, no space for his own deeply-held anti-abortion

convictions? He believes there is if he presents his stance as an elaboration of a widely-held value. Accordingly, he reaches for a moral principle – respect for life – that can provide common ground. He knows the principle can be specified in different ways, so his way is only one among those possible. The principle, however, is compelling in itself. It provides a basis for mutual deliberation and, therefore, the possibility of moving the argument in his direction. Educating, advocating, and living by one’s principles provide opportunities for furthering the deeply-held conviction without imposing it on those who find it unacceptable.

The duty to act only on the basis of principles that citizens could reasonably accept is what John Rawls refers to as the duty of *civility*. The good practitioner must strive for a vantage point to assess and revise exclusionary claims and inaccessible doctrines to make the grounds of decision available to all citizens.

## Balance

Practitioners in the public realm also confront a very different kind of conflict, generated by democratic forms of government. Almost every public figure assumes office through a process that incurs legitimate obligations to specific individuals or limited constituencies. At the same time, officials have a duty to project beyond these connections to encompass considerations of the public good. Legislators, for example, are elected from particular districts and have duties to their electoral constituents. However, they are also lawmakers for the whole country, and thus have responsibilities to all citizens – their constitutional constituents. Similarly, top-level administrators owe allegiance to their appointing officer and the officer’s political agenda, yet they are also bound to the statutorily created mandate of their office, which may not coincide with the boss’s wishes. Policy analysts face this *dual responsibility* derivatively when they take on public officials as clients. Only judges appointed for life escape the need to grapple with it.

This is the problem of *the two masters* – harmonizing the commitment to one’s clients or constituents, on the one hand, and the fiduciary duty to professional norms and the public good, on the other. Public service involves both dependence (in the form of the client’s or constituent’s favor) and independence (in the commitment to sound professional judgment, both technical and ethical). The good practitioner integrates these dual responsibilities and thus possesses what Max Weber calls “the vocation of politics” – a vocation, I would add, that most intellectuals and scholars lack. A common academic view is reflected in Robert Merton’s distinction between “bureaucratic intellectuals” and “unattached intellectuals.”

Merton emphasizes the frustrations felt by the bureaucratic intellectual – whose normal state, by implication, is unattachment – struggling with the compromises and accommodations required by political decision making. Merton does not see the practitioner’s role as having an integrity of its own. I would suggest, however, that for someone who aims to be an effective moral agent in public, too much disdain for the moral messiness of the world is disabling. Of course, the desire for power and influence can cloud the mind and divert the practitioner from what is right. The good practitioner is someone with the skill to maintain a delicate balance between the two responsibilities.

An interesting example that I have written about is the position of Solicitor General (SG) who conducts appellate litigation for the federal government. (Before her appointment to the U.S. Supreme Court, Elena Kagan served for a year as SG.) The SG is a political appointee who serves at the pleasure of the President. Although the SG is the only government official required by statute to be “learned in the law,” everything the SG does is subject to formal supervision and direction by the Attorney General (AG) and ultimately the President, who have the legal authority to decide which cases to argue and which position to adopt in those cases.

In practice, certain norms and expectations have developed that reflect an institutional commitment to the separation of law and politics. The first significant step toward this separation occurs in the AG’s office. Although the AG is usually a close political ally of the President, the AG is responsible for safeguarding the legal mission of the Department of Justice and protecting it on appropriate occasions from political intrusion. (Different occupants of the office, of course, have been more or less successful in carrying out this charge.) The SG is still farther removed from politics than the AG, and the control of professional norms is stronger. The SG is expected to act not just as an advocate for one side but also as a counselor to the courts, with a fiduciary duty to guide them toward dispassionate legal judgment. As this normative understanding has become entrenched, and as the best SGs have provided models of disinterested judgment, the expectation has developed that the AG will generally defer to the SG’s opinion in specific cases. This expectation has been reinforced at the next level by the SG’s high regard for the advice of the small cadre of high-quality lawyers who work in the office, where the norms of professionalism are at their strongest. This arrangement permits the virtues of the lawyerly craft to be exercised – fact-sensitivity, reasoned elaboration of legal standards over time, consistency across cases and different areas of the law, and so on. In this way, the distinction between law and politics is sustained.

In sum, the SG is dependent and vulnerable to the whims of a political superior, who is nonetheless aware of background norms and expectations that

require deference. The SG has the task of upholding independent standards in circumstances generating strong and legitimate counter-pressures. The potential conflict of loyalties to the two masters is thus inherent in the position. The SG acts with integrity not when serving only one master but when placing the commitment to one master on a par with the commitment to the other. That requires great skill indeed.

## Respect

For moral purposes, our conception of democratic citizens has a double aspect. We view citizens in terms of well-being and of agency. The first concerns how well off citizens are – whether they enjoy favorable life circumstances, security, and prosperity. To regard citizens as agents means respecting their ability to set goals, develop commitments, pursue values, and succeed in realizing them. In a democratic polity, agency is at the core of self-government. Strictly, what is fundamental is not so much the realization of what one values but recognition of the moral space within which one can exercise deliberate choice, typically with others. In this view, liberty is not a pre-social attribute of individuals that government (or society) inevitably restricts; it is the exercise of self-determination that the polity makes possible. A fundamental aim of public policy, therefore, is to empower citizens and foster the conditions for engaging in meaningful activities together.

Recognizing this point enables us to distinguish between two opposing conceptions of the democratic practitioner and the proper exercise of political power. The first is rule by an elite cadre of experts. This elite is needed because modern democratic society has become so complex that it has outgrown the capacities of even an active and informed citizenry. In this scenario, the role of citizens is to choose among competing elites who define policy alternatives. Here political power resides in the capacity to achieve citizens' compliance with goals set by practitioners. Let's call this the *directive* style of governance. Every government, to some degree, must use this top-down approach to achieve compliance with at least some of its rules and decisions. Yet, in a democratic polity, the directive style is generally disfavored; it is necessary only if alternative methods have failed or are unworkable. The search for alternatives, therefore, is a constant imperative.

The opposing conception – a pervasive theme of John Dewey's work – is based on the premise that democratic self-government is too important to relinquish to elites; the modern polity simply poses new challenges to engage citizens

actively in decision making. While practitioners must be knowledgeable and expertly trained, all control should not reside with them. Undoubtedly, they have important functions to perform, especially in ensuring that goal-setting is informed and deliberative. But respect for citizens as responsible agents goes further, by acknowledging the goals that citizens have adopted for themselves and enabling them to be realized. Thus, the orientation is different; while the practitioner's input is essential, the decision process is interactive. Power lies in the practitioner's capacity to facilitate citizens' capacity for self-direction. The good practitioner, where feasible, adopts a *facilitative* rather than a directive style of governance, which enhances citizens' exercise of effective agency.

Amartya Sen discusses these opposing conceptions of governance in relation to the difference in population policies of southern and northern Indian states. In the southern state of Kerala, the principal determinant of low population growth has been women's education and their successful integration into the labor force. By contrast, in northern states such as Bihar, governments have relied primarily on the command-and-control model, imposing prescriptive rules and threats of sanctions. Some states have also attempted social engineering, using economic or other material incentives to achieve compliance. The implicit assumption is that without manipulation, citizens will not act as desired. However, incentives change people's calculations, not necessarily their minds. Even worse, material incentives to do socially desirable things crowd out rather than supplement civic motives to do them, with the result that citizens become generally less inclined to act in socially beneficial ways. In Sen's view, material incentives are an unstable public policy strategy. Since the practitioner knows the goal to be achieved (in this case, lower reproduction rates), the temptation is to use the directive style to achieve compliance. However, the indirect approach of facilitating citizens' choice of other things they value, as in Kerala, may be more enduringly successful.

This alternative conception of power generates a dilemma for practitioners: either respect people's agency and risk getting choices that have undesirable social effects, or set goals (eliminating the undesirable effects) and manipulate citizen choices to realize these goals. The second horn of the dilemma might seem to be a harsh description of what (some) practitioners do, but the tendency toward manipulation appears frequently among policy makers who think of institutional design as creating systems of incentives. This approach to design, as Bernard Williams observes, requires taking for granted two incompatible viewpoints: the view of the institutional designer (who is motivated to achieve certain goals) and the view of participants (who are meant to act in accord with the stipulated rewards and penalties fashioned by the designer). It is antithetical to respect for citizens as responsible agents.

## Proficiency

From the importance of agency flows the principle of citizen participation in decision making – not necessarily “maximum feasible participation” but participation that is appropriately structured and relevant to the activity in question. The availability of collective decision making mechanisms is, therefore, crucial for citizens’ capacity to exercise choice together. To act effectively as a member of a democratic polity, citizens require structures that bring their actions into meaningful relation with the actions of others. This is the civic dimension of freedom – the capacity to engage with others in self-rule. Accordingly, a key competence of democratic practitioners is proficiency in institutional design.

To be sure, while valuing agency, we should also scrutinize how it is exercised. All too often, people voluntarily enter into employment, family, and political relationships even when they are ill-informed or the relationships are demeaning. We need to retain a critical perspective on such choices. Thus, at least for decisions with public implications, the polity benefits when institutional mechanisms operate to transform initial preferences into thoughtful judgments, the way litigants in constitutional disputes must formulate their complaints in terms of authoritative readings of the collective compact, or juries are required to reach unanimous agreement and thereby strive for impartiality. In general, well-designed institutions transform citizens through participation, enabling the reconciliation of partial and general perspectives, which is the special task of good practitioners.

Traditional decision mechanisms, as Lon Fuller emphasized, include election, adjudication, legislation, contract, mediation, administrative regulation, and choosing by lot. Each comes in many variations. For example, voting can take the form of simple majoritarianism or proportional representation; it can be single or cumulative. These alternatives are obviously incompatible. Without some method of counting, a collective decision cannot occur, but each method has its own implications for the polity that adopts it. Each is qualitatively different and makes of the polity something that, morally, it would not otherwise be.

Observing these structures from both sides of the relationships they establish highlights the moral quality. From the side of practitioners, we see that certain duties to citizens flow from the purpose of the mechanism itself, apart from substantive outcomes. If the point of a legislature is to promulgate general rules and give meaningful direction to citizens’ conduct, legislators have a duty to make statutes clear, consistent and capable of execution. A carelessly drafted law fails to respect citizens in their capacity as responsible agents. Similarly, a retroactive statute is inherently problematic and requires special justification when invoked. In general, practitioners not only have tasks to perform and goals to achieve, they



also have relationships to sustain. The commitment to these relationships determines, to a considerable extent, the kinds of goals practitioners are able to take on and how tasks are accomplished.

For citizens, fundamental to the structures of decision are the methods by which participation occurs. In adjudication, litigants present evidence and reasoned arguments in support of their claims. Respect for litigants is optimized if a judge's decision is based, as far as possible, on those arguments, even though this entails a reduced role for the judge as policy-maker. In that way the fate of litigants turns on their own effort and understanding of their situation. Similarly, the important feature of an economic market, in this view, is that it brings human choices and the cost of realizing them into a common calculation. Participation as an equal in the allocation of social resources is the driving consideration, not efficiency. Closer is the notion that the market is a sensitive mechanism for coordinating a myriad of activities without requiring agreement on values. Each of these structures recognizes a mode of participation, and hence of self-rule, fitting to its purpose and effective operation.

## Prudence

In the classical sense, prudence is the cardinal political virtue: the exercise of practical wisdom in governance. Since governance is largely about sustaining valued relationships, ruling requires more than technical expertise. Can we assume, however, that those who rule in a democratic polity are endowed with superior wisdom? Does their expertise disclose to them a better range of beliefs, which gives them authority to control our conduct and affect our lives? As I have indicated, democrats are cautious about such assumptions.

Max Weber addresses this matter when he asks: "In which area of ethics, so to speak, is [politics] at home?" He suggests that the animating passions of politics – the pursuit of *ultimate ends* – must be tempered by an *ethic of responsibility*, which moderates the commitment to grand principle with sensitivity to consequences for specific persons. So, while politics is born from passion and nourished by it, it becomes a mature human activity when disciplined by practical judgment. Responsible public servants appreciate the particularity as well as the complexity of political action. They pay more attention to individuals than to abstractions. They appreciate the fallibility of human planning and the inevitability of unintended consequences.

Weber admired the person of principle who says: "Here I stand. I can do no other." However, it is one thing to regard this pronouncement as a demand to

respect the imperatives of personal commitment and another to see it as a valid claim on the conduct of others. The ethic of responsibility rejects personal conviction as a measure of the rightness of action, and cautions against focusing too fixedly on matters of principle. To paraphrase Ralph Waldo Emerson: All principles are vehicular and transitive, and are good, as ferries are good, for conveyance, not as houses and farms are good, for homestead. The good practitioner takes for granted certain pervasive facts – the limitations of regimes, the faults of human beings, the disorder of society and economy, and the quest for power – in order to act effectively for the public benefit.

Accordingly, the reasoning of the prudent practitioner is *strategic*. In using this term, I do not mean to suggest that ethics, when it is practical, is instrumental to other (non-ethical) purposes. Nor that, in conducting oneself to best realize the ideal, one has to recognize, realistically, that one will fall short. While tension is inherent between the ideal and the real, in thinking strategically, one devises plans of action, with ends-in-view, while contending with conflict in situations of uncertainty and risk. One pays close attention to conditions of feasibility, to the dynamic interplay between means and ends, and to the constraints and opportunities in specific situations. In essence, the prudent practitioner is highly skilled at exercising contingent judgment.

More specifically, prudence is practical wisdom in deciding how to act in particular cases. It is not expediency, focusing on the assessment of means to specified ends. Neither is it opportunism, taking advantage of institutional dysfunction to achieve predetermined outcomes. Rather, prudence is making sound moral judgments in concrete situations – the capacity and willingness to engage in ethical inquiry when the occasion demands. Beyond the traits described above, prudence includes skill in managing competing claims and the ability to tolerate moral ambiguity. The commitment to core values is balanced by an appreciation of recurrent perplexities and tensions. In this endeavor, the prudent public officer learns more from cumulative experience than from philosophical reason.

What is the significance of cumulative experience? Aristotle says that, in ethics, we should attend to the opinions of older, experienced people – those with practical wisdom. Such wisdom is neither a science nor an art. It is not a matter of logical demonstration or of purely technical skill. Rather, it is the capacity to judge reliably in particular situations so as to act for the good – “Because experience has given them an eye, they see aright.” The person who judges reliably has an apt temperament and is not distracted by pain, pleasure, or unruly passions. More importantly, such persons require experience because “matters concerned with conduct and questions of what is good for us have no fixity, any more than matters of health.” Particular cases “do not fall under any art or precept

but the agents themselves must in each case consider what is appropriate to the occasion,” as is also the case in medicine and navigation.

The good practitioner does not dispense with rules entirely, but remains alert to how they can lead one astray. Too fastidious a commitment to rules leads to ignoring the contextual factors, local knowledge, or tacit understandings that make a difference in ethical diagnosis or decision making. Rule-centeredness has its place. In some areas, strict adherence helps to preserve important values: for example, when clarity and determinacy give citizens advance notice of conduct likely to incur severe penalties. However, in situations of complexity or flux, where flexibility and adaptability are critical to acting effectively and well, the pathologies of rule-centeredness become evident. To avoid the rigors of a rule, different techniques are available. One is attending to the fact that a rule, typically, is an indicator of purpose, whose dimensions may not be immediately obvious, but which ought to guide any understanding of the rule’s meaning and scope. Another is to invoke a norm of more general application, especially one embodying discretionary terms such as “decent” or “reasonable.” In practice, the significance of these terms is not that they leave judgment unguided; rather, they invite reliance on tacit understandings and expectations in deciding specific cases.

## Reflection

Today we are constantly reminded that national borders are not moral boundaries. Increasingly, practitioners face ethical challenges that cross geographical and cultural divisions. They must attempt to mediate between settled understandings and alternative ways of life. Undoubtedly, practitioners who understand the moral viewpoint of others will be that much more competent and resourceful in addressing the problems they face, but the obstacles to doing so should not be underestimated.

The variety of values and fulfilling ways of life results in a large degree of indeterminacy in moral reflection. Even with reasonable standards of knowledge and deliberation, people may judge differently. While such differences are more acute in cross-cultural encounters, I believe they are intrinsically the same as those between people of the same culture. When people from different ethical traditions confront one another in a practical context, what may we reasonably expect? We are familiar with situations of asymmetric power, where one party or group exercises effective control to the exclusion of mutual deliberation. But is deliberation across ethical traditions possible? To what extent can we succeed in

justifying our conduct to one another? If we cannot agree on specific principles, can we at least develop a framework or set of guiding concepts? If we limit ourselves to familiar conceptual tools, we may only learn more about ourselves than about others.

The question, in part, is about the transparency of human beings to each other. We want to avoid transforming partial and perhaps complementary perspectives into irreconcilable standpoints, yet we do not want to deny real differences. It is all too common to err in both directions – assuming that others are just like us, or completely opaque to us. No matter how successful we are in understanding other normative orders, there will be cases where we regard a society as admirable, highly cultured, sophisticated, or advanced, and still judge some of its practices as unacceptable, even repugnant. So, which other normative orders should we take seriously?

Chad Hansen suggests that sincere confrontation with a rival moral tradition destabilizes our moral confidence when the rival has three features: it is intellectually rich, and a product of deep and sustained reflection; it is significantly different in its conceptual structure or theoretical orientation; and it satisfies a threshold condition of plausible rightness, either historically (as the foundation of a major civilization) or substantively (generating what one regards as correct moral judgments). If these three conditions are met, one may find the rival tradition sufficiently attractive to induce a re-examination of one's own most basic assumptions and perhaps to engage in an attempted synthesis. If such efforts are to be more than academic exercises, they must occur within each moral community – each re-examining for its own reasons and engaging in the kind of critical self-reflection involved in recognizing a viable alternative.

Needless to say, this undertaking involves a lot of hard work in assessing the adequacy of one's cognitive grasp of the world and the reliability of one's moral responses. My point here is to emphasize the importance in this endeavor of *double reflection* – the ability to discern what something could mean to another person, when at variance with one's own understanding, and the ability to contemplate with equanimity the contestability of one's own worldview. These abilities are not easily developed or practiced. Since no one inhabits an ideal moral space, however, it is likely that many current beliefs, including some of our own, are mistaken – just as even the wisest people have been mistaken in the past. Can we accept that our values are just one set among others, and could be displaced, while sustaining sufficient conviction to be effective moral agents? The caution I stress is that we must avoid the tendency to regard our own thinking as uncovering necessities of thought, without putting it to the test by examining moral thought in other cultures or historical traditions. Again, it is hard work. Yet, without such reflection, we have no right to feel confident about the views we hold.

## Implications for teaching

This exposition of six competences is not intended as an exhaustive enumeration of desirable attributes and dispositions for practitioners in a democratic polity. For one thing, it highlights moral qualities, which are only a subset of the attributes that practitioners need to be effective agents in the world. Even then, a more complete list would include fidelity to empirical data, commitment to social justice, accountability, participatory inclusiveness, appreciation of the imperatives of loyalty, and so on. Whatever one's favorite candidates for this list, Selznick correctly observes: "Moral competence is a variable attribute of persons, institutions, and communities." [*The Moral Commonwealth* 33] So, we need to consider: How is moral competence developed and sustained?

The question is partly about professional education and partly about the design of ongoing institutions. Since I have spent my mature years in teaching professional ethics to senior public servants from countries around the world, in these closing remarks I will say a few words about what I believe I have learned about effective pedagogy.

Following Dewey, I have come to believe that ethical inquiry, when it is practical, begins not with an abstract ideal or an intellectual puzzle but an existential situation, a problem in need of remedy. It grows, as Dewey says, "out of actual social tensions, needs, 'troubles,'" guided by the imperative to bring about a more desirable state of affairs. Thus, the connection between inquiry and practice "is intrinsic, not external." (*Logic* 499) When inquiry becomes detached from problems in need of remedy, it encourages unending disputation, adding intellectual uncertainty to practical disorder. What's needed is the rigor that comes from working up a diagnosis adequate to bringing about effective reconstruction in the world.

Selznick would add that problem-centered inquiry is integrative as well as normative. ("Jurisprudence and Social Policy" 215) It brings to bear all relevant intellectual resources, and it postulates a state of well-being, which serves as a standpoint for assessing success or failure. The well-being in question is a function of the experience of actual people, not a reflection of the peculiar preferences or intuitions of the inquirer. What matters are values in the world and the conditions under which they are fulfilled or frustrated. The public practitioner, accordingly, is committed to addressing real-world problems in terms that make sense to the people whose problems they are, and is committed to public action regarding those problems (let's call this *the duty of efficacy*) – except where inaction would be preferable to action for addressing a situation effectively.

As Nietzsche might have said, the ultimate test of a philosophy of practice is whether practitioners can live by it, in their concrete existence. The requirement of concreteness, however, puts the teacher of ethics in a peculiar position, since

the teacher does not make real decisions or solve real problems. Being at a distance means the teacher of ethics is not confronted with certain ineluctable features of decision making, including the necessity to act and the contingencies of effective action. The farther removed the teacher is from actual problem solving, the more abstract the discussion of ethics becomes. How then can the teacher of ethics be of any use to practitioners? The answer, I believe, is that the teacher is helpful only if adopting the point of view of practitioners, and engaging in a pedagogy that attends to the full panoply of factors involved in decision making in the world, including the special features and challenges that come with action in the public realm. Only *thick descriptions* of situations and *close analysis* of them is adequate to understanding the skills that practitioners need and how they are (or should be) exercised.

This approach is known as case teaching. In brief, a case (in the relevant sense) is an extended account of circumstances in which a public official must make a crucial decision. The narrative provides details about the factors generating the need for decision, as well as considerations that could figure into a resolution. The most effective cases, pedagogically, present a serious conflict or controversy, which engages students and forces them to think through the problem at hand in the face of scrutiny by classmates with different viewpoints. (The more diverse the class – politically, culturally, and otherwise – the more interesting the discussion.)

In adopting the perspective of an official attempting to make a decision, students are forced to reflect as much on the environment of decision making as on the logic of argument. Narrative cases train them in perception as well as analysis. The resources available for resolving a conflict, or the obstacles that may prevent resolution, need attention. An official asks: Whom should I consult? Whom can I persuade? On what grounds? But also: How should I proceed when time is short, information is incomplete, and my colleagues disagree? Which of these contingent factors determines which choice is optimal in the circumstances?

Only the details of a real case situate ethical conflict so as to encourage the exercise of moral imagination in the search for innovative solutions. Without knowledge of the constraints and opportunities present in the environment, reasoning is either sterile (having no real application) or artificial (producing solutions all too easily). Further, even though a case begins with controversy, a class could well progress to an unexpected consensus, perhaps by reframing issues, challenging assumptions, and engaging in collective self-education. Good cases facilitate this process by lending themselves to the simulation of problematic situations through role-playing, thereby highlighting the collaborative nature of managerial decision making.

Another advantage of adopting the perspective of a real-world official is that one can better learn the pitfalls of decision making when stakes are high

and conflicting demands are relentless. Observing a situation from the inside, with its mix of commitments and constraints, opportunities and dangers, helps one appreciate the forces that produce insincere or hypocritical reasoning, self-serving posturing, and other pathologies of decision making under pressure. There is nothing quite like the case that illuminates for students the large repertoire of excuses – “no harm will be done,” “everyone else is acting badly,” “besides, advocates aren’t required to tell the whole truth” – used by public officials to warrant ethically questionable conduct.

In sum, in case teaching, students are initiated into particular ways of sensing and responding, mastering local techniques, and eventually being able to improvise within ongoing practices. Cases are the mini-histories that, when carefully selected and effectively taught, help practitioners develop the competences they need to act effectively and well in public life.

## Bibliography

- Amartya Sen, *Development as Freedom* (Knopf 1999).
- Aristotle, *Nicomachean Ethics*, Book VI, Ch 11, translated by W. D. Ross.
- Bernard Williams, *Ethics and the Limits of Philosophy* (Harvard University Press, 1985).
- Chad Hansen, “The Normative Impact of Comparative Ethics: Human Rights,” *Confucian Ethics: A Comparative Study of Self, Autonomy, and Community*, edited by Kwong-loi Shun and David B. Wong (Cambridge University Press, 2004).
- John Dewey, *Logic: The Theory of Inquiry* (Henry Holt & Co., 1938).
- John Rawls, *The Law of Peoples* (Harvard University Press, 1999).
- Kenneth Winston, “Constructing Law’s Mandate,” *Recrafting the Rule of Law: the Limits of Legal Order*, edited by David Dyzenhaus (Hart Publishing, 1999).
- Lon L. Fuller, *The Principles of Social Order: Selected Essays*, edited by Kenneth Winston, revised edition (Hart Publishing, 2001).
- Mario Cuomo, “Religious Belief and Public Morality: A Catholic Governor’s Perspective,” at the University of Notre Dame, September 13, 1984.
- Max Weber, “Politics as a Vocation,” *Weber: Selections*, edited by W. G. Runciman (Cambridge University Press, 1978).
- Philip Selznick, “Jurisprudence and Social Policy: Aspirations and Perspectives,” *California Law Review* 68:2 (1980).
- Philip Selznick, *Leadership in Administration: A Sociological Interpretation* (Harper & Row, 1957; University of California Press, 1984).
- Philip Selznick, *The Moral Commonwealth: Social Theory and the Promise of Community* (University of California Press, 1992).
- Ralph Waldo Emerson, “The Poet” [1844], *The Essays of Ralph Waldo Emerson* (Harvard University Press, 1979).
- Robert K. Merton, “The Role of the Intellectual in Public Bureaucracy,” *Social Theory and Social Structure*, revised edition (Free Press, 1957).