



Markkula Center
for Applied Ethics
at Santa Clara University

Applied Ethics, Codes of Conduct, and Conflicts of Interest

Pre-read materials for Workshop for the
City of Huntington Beach, CA
March 21, 2023

Presented by John P. Pelissero, PhD

Senior Scholar in Government Ethics, MCAE, Santa Clara University
Professor Emeritus of Political Science, Loyola University Chicago

Markkula Center for Applied Ethics

Vari Hall | Santa Clara University | 500 El Camino Real | Santa Clara, CA 95053
408-554-5319



Markkula Center

for Applied Ethics

at Santa Clara University

What is Ethics?

Ethics refers to standards and practices that tell us how human beings ought to act in the many situations in which they find themselves—as friends, parents, children, citizens, public officials, businesspeople, professionals, and so on. Ethics is also concerned with our character. It requires knowledge, skills, and habits.

Government ethics applies to the processes, behavior, and policy of governments and the public officials who serve in elected or appointed positions. The role of government and its officials is to serve the public interest with ethical awareness and ethical actions. When governments serve the public interest and avoid engaging in behavior that promotes any private interests, they are acting for the common good.

A public official must not use her or his position for personal gain and should avoid even the appearance of having a conflict of interest. An ethical awareness of the obligation to act in the public interest will normally promote fairness and justice, and advance the common good. Many governments have adopted a “code of ethics” to guide their public officials.

One may view government ethics as part of the broader field of political ethics that Dennis F. Thompson ([International Encyclopedia of Ethics, June 29, 2019](#)) explains as covering “...the ethics of process, which focuses on public officials, the methods they use, and the institutions in which they act; and the ethics of policy, which concentrates on judgments about the policies and laws governments make.” Political ethics also extends to political processes of a democracy that includes the ethics of elections, campaigns, and voting. Just as governments and their officials must act with ethical awareness, so too do those who run for political offices, engage in political campaigning, and vote in elections.

What ethics is NOT:

- **Ethics is not the same as feelings.** Feelings do provide important information for our ethical choices. At times, our feelings will tell us that it is uncomfortable to do the right thing if it is difficult.
- **Ethics is not the same as religion.** Many people are not religious but act ethically, and some religious people act unethically. Religious traditions can develop and advocate for high ethical standards.
- **Ethics is not the same thing as following the law.** A good system of law does incorporate many ethical standards, but law can deviate from what is ethical.

- **Ethics is not the same as following culturally accepted norms.** Cultures can include both ethical and unethical customs, expectations, and behaviors. It is important to be culturally sensitive to others and to recognize how one's ethical views can be limited by one's own cultural perspective or background.
- **Ethics is not science.** The social and natural sciences can provide important data to help us make better and more informed ethical choices. But science alone does not tell us what we ought to do.

Applied Ethics Approaches

If our ethical decision-making is not solely based on feelings, religion, law, accepted social practice, or science, then on what basis can we decide between right and wrong, good and bad? Many philosophers, ethicists, and theologians have helped us answer this critical question. They have suggested a variety of different lenses that help us perceive different ethical dimensions. Here are six of them:

The Rights Lens

Some suggest that the ethical action is the one that best protects and respects the moral rights of those affected. This lens starts from the belief that humans have a dignity based on their human nature per se or on their ability to choose freely what to do with their lives. On the basis of such dignity, humans have a right to be treated as ends in themselves and not merely as means to other ends. The list of moral rights—including the rights to make one's own choices about what kind of life to lead, to be told the truth, to not be injured, to a degree of privacy, and so on—is widely debated; some argue that non-humans have rights, too. Rights are also often understood as implying duties—in particular, the duty to respect the rights and dignity of others. **Demonstrating awareness of the rights lens is an important one for governments because of the value of constitutional and civil rights in our democracy.**

The Justice Lens

Justice is the idea that each person should be given their due, and what people are due is often interpreted as fair or equal treatment. Equal treatment implies that people should be treated as equals according to some defensible standard such as merit or need, but not necessarily that everyone should be treated in the exact same way in every respect. There are different types of justice that address what people are due in various contexts, ranging from social justice to distributive justice to restorative justice. **Democracy is founded on principles that are linked to fairness and justice for all, thus the Justice lens is important to the role of government.**

The Common Good Lens

According to the common good lens, life in community is a good in itself and our actions should contribute to that life. This approach suggests that the interlocking relationships of society are the basis of ethical reasoning and that respect and compassion for all others—especially the vulnerable—are requirements of such reasoning. This approach also calls attention to the common conditions that are important to the public interest and the welfare of everyone—

such as clean air and water, a system of laws, effective police and fire departments, health care, a public educational system, or even public recreational areas. **Governments have a special obligation to act in the public interest and to demonstrate awareness of the common good in all of its decisions.**

The Utilitarian Lens

Utilitarianism, a results-based approach, says that the ethical action is the one that produces the greatest balance of good over harm for as many stakeholders as possible. It requires an accurate determination of the likelihood of a particular result and its impact. For example, the ethical government action is the one that produces the greatest good for people and does the least harm for all who are affected—citizens, residents, the community, and the environment. **Sometimes viewed as an alternative approach to the “common good”, governments attempt to maximize those who benefit and minimize those who may be harmed, while rejecting any pattern of bias.**

The Virtue Lens

A very ancient approach to ethics argues that ethical actions ought to be consistent with certain ideal virtues that provide for the full development of our humanity. These virtues are dispositions and habits that enable us to act according to the highest potential of our character and on behalf of values like truth and beauty. Honesty, courage, compassion, generosity, tolerance, integrity, self-control, and prudence are all examples of virtues. Virtue ethics asks of any action, “Is this action consistent with my acting at my best?” **Public officials—elected or appointed—are expected to demonstrate virtuous behavior, including honesty, transparency, and integrity.**

The Care Ethics Lens

A recent expansion of our understanding of applied ethics includes care ethics, which is rooted in relationships and in the need to listen and respond to individuals in their specific circumstances, rather than merely following rules or calculating utility. Care ethics holds that options for resolution must account for the relationships, concerns, and feelings of all stakeholders. Focusing on connecting intimate interpersonal duties to societal duties, an ethics of care might counsel, for example, a more holistic approach to public health policy that considers health care access, food security, housing support, and environmental protection alongside physical health. **Care for residents, the community, and the environment are important standards for governments.**

Making Decisions

Making good ethical decisions requires a trained sensitivity to ethical issues and a practiced method for exploring the ethical aspects of a decision and weighing the considerations that should impact our choice of a course of action. Having a method for ethical decision-making is essential. When practiced regularly, the method becomes so familiar that we work through it automatically without consulting the specific steps. The more novel and difficult the ethical choice we face, the more we need to rely on discussion and dialogue with others about the dilemma. Only by careful exploration of the problem, aided by the insights and different perspectives of others, can we make good ethical choices in such situations.

A framework for ethical decision-making is intended to serve as a practical tool for exploring ethical dilemmas and identifying ethical courses of action.



RECOGNIZE AN ETHICAL ISSUE

1. Could this decision or situation be damaging to someone or to some group? Does this decision involve a choice between a good and bad alternative, or perhaps between two “goods” or between two “bads”?
2. Is this issue about more than what is legal or what is most efficient? If so, how?

GET THE FACTS

3. What are the relevant facts of the case? What facts are not known? Can I learn more about the situation? Do I know enough to make a decision?
4. What individuals and groups have an important stake in the outcome? Are some concerns more important? Why?
5. What are the options for acting? Have all the relevant persons and groups been consulted? Have I identified creative options?

EVALUATE ALTERNATIVE ACTIONS

6. Evaluate the options by asking the following questions:
 - Which option will produce the most good and do the least harm? (*The Utilitarian Lens*)
 - Which option best respects the rights of all who have a stake? (*The Rights Lens*)
 - Which option treats people equally or proportionately? (*The Justice Lens*)
 - Which option best serves the community as a whole, not just some members? (*The Common Good Lens*)
 - Which option leads me to act as the sort of person I want to be? (*The Virtue Lens*)
 - Which option will demonstrate care for the concerns of all stakeholders? (*The Care Lens*)

MAKE A DECISION AND TEST IT

7. Considering all these approaches, which option best addresses the situation?
8. If I told someone I respect or told a television audience which option I have chosen, what would they say?

ACT AND REFLECT ON THE OUTCOME

9. How can my decision be implemented with the greatest care and attention to the concerns of all stakeholders?
10. How did my decision turn out and what have I learned from this specific situation?



**MARKKULA CENTER
FOR APPLIED ETHICS**

This framework for thinking ethically is the product of dialogue and debate at the Markkula Center for Applied Ethics at Santa Clara University. Primary contributors include Manuel Velasquez, Dennis McInerney, Michael J. Meyer, Thomas Shannon, Margaret R. McLean, David DeGosse, Claire Andrie, and Kirk O. Hanson. It was last revised in May 2009.

Goals for a Code of Ethics in Municipal Governments

1. Reflect the core values of the community.
2. Promote mutual respect and trust within government.
3. Encourage ethical awareness and ethical behavior among public officials.
4. Establish the highest standards for personal and professional conduct.
5. Avoid the appearance of unethical behavior.
6. Provide a process to resolve ethical issues in a respectful, non-adversarial fashion.

Guidelines for Code of Ethics

Institute for Local Government, Sacramento, CA:

"Because public trust and confidence is vital to the strength of a democratic system, ethics laws sometimes set very high standards for public official conduct. Even though public officials may feel at times that some of these high standards of conduct are unduly burdensome or intrusive of their private lives, they must accept that adhering to these standards, including broad financial disclosure rules for gifts and income, is simply part of the process of public service."

<https://www.ca-ilg.org/post/EthicsBestPractices>

Sample Ethics Codes in State and Local Governments

State of California:

Overview of Fair Political Practices Act:

<https://www.fppc.ca.gov/learn/public-officials-and-employees-rules-.html>

Codes of Conduct:

- [City of Santa Clara](#)
- [City of San Jose](#)

Conflict of Interest:

- [CA Fair Political Practices Commission](#)
- [League of California Cities](#)

Campaign ethics:

- [City of San Diego](#)
- [Code of Fair Campaign Practices](#)

Additional resources

Markkula Center for Applied Ethics: <https://www.scu.edu/ethics/ethics-resources/>

For more information, contact: John Pelissero, PhD, Senior Scholar in Government Ethics, MCAE
jpelissero@scu.edu