

Complicity and Confusion: the ethics of war and Australian religious experience

by Tom Frame

Tom Frame looks at attitudes to war in the Christian tradition, and calls for a vigorous debate on civil duties and the standing of the nation-state.

The prospect of Australian participation in a war against Iraq in the event that Saddam Hussein hinders or obstructs the work of UN weapons inspectors has obliged us to again consider the ethical dimensions of armed war and state sponsored violence. This has, of course, been an area of interest to philosophers and theologians because the issues involved are serious and compelling, and cannot be ignored by either single individuals or whole societies.

In this article, I want to consider responses to warfare inspired by religious convictions, specifically Christianity. I will limit my remarks to this religion for three reasons. The first is because I am better acquainted with Christianity, although it has much in common with Judaism and Islam on these matters. Second, it provides the most sophisticated and sustained critique of Australian participation in war. Third, it remains the most widespread religious outlook in this country and has influenced the character of our public discourse. Having said that, it is my contention that there is neither clarity nor consistency in that protracted critique. Consequently, the Churches have been either complicit in the waging of war or confused about opposing its conduct. This is not a criticism but an observation for which I hope to account.

I will develop my argument in three parts. In the first, I will survey the uniquely Australian experience of war, and very briefly touch on Australia's present defence and security outlook. The second part will be a discussion of the evolution of Christian responses to warfare. The third part, the crux of my argument, is an assessment of the status and standing of the nation-state. I will examine the nation-state's role in prompting Christian complicity in the waging of war, while also generating confusion regarding warfare within the Church.

The Australian Experience

The Australian experience of warfare over the last 215 years is unique. In 1788, the British settlers engaged the indigenous people in a struggle for land and resources



even as they feared incursions and raids from the French, the Dutch, the Russians and the Americans, all of whom threatened the British possession of the entire continent. After 1830 when Australia became a net exporter for the first time with the volume and value of trade enlarged considerably with the gold rushes after 1850, locally raised forces were intended to supplement the allegedly inadequate Imperial defences. The period from 1850 to 1910 was characterised by a protracted bargaining game with the Imperial government striving to minimise its outlays on colonial defence while the colonials naturally wanted to see them maximised. The colonists were nonetheless willing to contribute men and equipment for a range of Imperial campaigns. None of these operations had any direct bearing on defence of the Australian continent, or the security of trade. However, they did demonstrate Imperial solidarity, with the expectation that Britain would remember the colonies and dominions even as they remembered Britain and the Empire. During

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the twentieth century, Australia participated in World Wars I and II, the Korean War, the Malayan Emergency, the Indonesian Confrontation, the Vietnam Conflict and the Gulf War, in addition to more than thirty multinational and UN peace-enforcing or peace-keeping missions. These have attracted widespread support if not strong endorsement from the Australian people. But where have those with strong religious convictions stood in relation to these operations?

Other than a few lone Protestant voices during the Boer War and the Roman Catholic Church's public opposition to the British cause and the possibly introduction of conscription (expressed by Roman Catholic Archbishop Daniel Mannix) during the Great War, the mainline Churches (Anglican, Roman Catholic, Presbyterian and Methodist) rarely engaged in a critical review of Australia's participation in wars and conflicts, until Vietnam in 1965. Various campaigns were deemed by Church leaders to be essential to either the Imperial or national interest, or as resistance to tyranny, while military service was sanctified by religiously inspired notions of sacrifice and service. Since 1965, however, most churches have been guarded in their support for military operations and rather reticent in their endorsement of military service. Yet none of the Churches has adopted, let alone attempted, a consciously Australian response to war and military service from the standpoint of ethics. But are there tensions and conflicts between defence policy and religious principle?

Christian tradition

Jesus is recorded in St John's Gospel as giving his disciples 'a new commandment that you love one another, even as I have loved you' [John 13:34]. This would mark them out as his followers. It also characterised his life and reflected the very essence and character of God. Jesus consistently refused to resort to violence during the three years of his public ministry culminating in his crucifixion by the Roman army during April in the year 30CE. Indeed, his refusal to answer violence with violence not only had an enormous impact on his disciples. It was depicted as being part of God's purposes. In the manner of his dying, Jesus proclaimed an end to the supremacy of violence. The crucifixion of Christ was meant to proclaim the success of political violence and be a sign of defeat for the Kingdom and the Spirit. And yet, the cross was an announcement of grace and love and it became a symbol of the ultimate victory of non-violence. And even as he died, Jesus prayed for those who were inflicting death upon him and asked that God would forgive them.

If Jesus refused resorts to violence—the argument followed by logical extension—condoning the threat or actual use of violence and participating in military service was incompatible with Christian convictions. Consequently, Christians did not incite nor join Jewish or Gentile insurrections against Roman imperial authority nor did they resort to physical force to resist Roman oppression. The first Christians adopted almost universally what we might regard as pacifism and did not even seem much interested in self-defence during the first persecutions.

Reconciling the teaching of Jesus on violence with the demands of living within the Roman Empire did not attract very much attention in the Apostolic Church. In fact, there is no evidence of any Christian soldiers before 173 CE but this was not entirely a consequence of pacifist convictions. The chief objection to entering military service continued to be Christian unwillingness to engage in the mandatory cult of Emperor worship that was part of army life. The response of the Early Church

in the second century CE to violence seems to have taken a uniformly pacifist line with Church leaders and, later, bishops virulently denouncing any resort to violence by Christians in response to provocation. The impetus that would radically

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alter the Church's attitude was its transformed relationship with the State.

When he ascended to the throne of the Roman Emperor in 306CE, Constantine was especially conscious of the dangers confronting the Empire by invasion from without, and by the division and weakening morale that followed social decadence from within. After his 'conversion' in 312, Constantine made Christianity a permitted faith and sought to strengthen and invigorate the Empire with the active involvement of the Church and Christianity in civic affairs. In 380, Emperor Theodosius I declared it *the* official religion of the Empire. Following the Emperor's conversion, the Church appears to have quickly lost its pacifist fervour. In 314, the Council of Arles condemned conscientious objectors that deserted their colours and deemed military service 'perfectly free and open to Christians'. Athanasius asserted that to 'destroy enemies in war is lawful and worthy of praise'. The Imperial army became a Christian prerogative in 416, the cross became the emblem on the shields of Roman soldiers, and non-Christians were barred from enlisting.

But the Church's position with respect to the state and violence nonetheless required intellectual formalisation. This task fell to Augustine of Hippo (354-430), the most dominant figure of the Patristic Age, and the scholar who left an indelible mark on Christian thought and the entire

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intellectual development of the West. The principles governing the use of physical force and the waging of war enunciated by St Augustine in the fifth century could, and did, serve the burgeoning Church throughout the Carolingian period and into the Middle Ages as well. In fact, it was strengthened by the foremost moral and social theorist of the medieval period, Saint Thomas Aquinas, and further developed and refined to cope with contemporary circumstances. By the time of the Reformation, the work of Aquinas was but one of four distinct sources for evolving “just-war” theory. In addition to the Christian theology of Augustine and Aquinas, there had emerged a substantial body of canon law. The other two sources for the just war theory were secular; the *jus gentium*, a body of social custom derived from Cicero and Roman law, and the code of chivalry. By the late fourteenth century, all four sources had been woven into the ‘classic’ just war doctrine which was sufficiently broad to admit religious and secular justifications for waging war and, indeed, for the state’s general use of violence or coercive force.

For its part, the Renaissance did not significantly affect the Church’s thinking on war and peace. The only humanist scholar to make any notable contribution was Erasmus who advocated what has become known as ‘prudential pacifism’, while the reaffirmation of non-violence by Menno Simons (founder of the Mennonites) in this period was a return to the pacifist tradition after more than a thousand years of justified (or some might say rationalised) violence. The re-thinking of doctrines relating to violence as a consequence of biblical scholarship did not result in peace during the years that followed the Reformation. The terror and destructiveness of the Thirty Years War (1618-1648) evoked a significant pacifist response in some quarters. The founder of the movement known as the Society of Friends (Quakers), George Fox, told Oliver Cromwell in 1654 that he would not fight for the Commonwealth because ‘Christ’s Kingdom is not of this world; it is peaceable: and all that are in strife, are not of his kingdom’. The pacifism of the Quakers stood alone as the only radical position on violence after the Reformation. It was the bridge between the quietistic pacifism of the Reformation sects (the Mennonites, Hutterites, Dunkers and Anabaptists), and the emerging school of non-violent humanist activists and anti-war socialists during the 19th and early 20th century whose ethical reflections did not rely on Christian convictions.

The atomic bombing of Hiroshima and Nagasaki in August 1945 created a new element in ethical thinking about war. There was now clear evidence that human beings had the capacity to destroy the whole world and every living creature. The development of new weapons and tactics added fresh dimensions and greater complexity to extant moral and ethical problems. Consequently,

between 1945 and 1990, religious reflection tended to concentrate on the just conduct of war (*jus in bello*), prompted by the threat of nuclear warfare, rather than on the justness of resorting to war (*jus ad bellum*), which was taken up more by secular theorists. The former group contended that as wars were not fought by just means because of the use or threatened use of nuclear, biological, and chemical weapons, there could not be just wars.

The key ideological question to be debated is the status of the State.

It should now be clear that it is simply not possible to speak of a Christian position when there are many possible positions that could reasonably be considered ‘Christian’. For example: scholars asserting continuity and agreement between Hebrew and Christian moral teachings take vastly different positions on war from those who stress the discontinuity. The former—those stressing continuity—are more likely to admit the tragic necessity and moral legitimacy of certain wars while the latter—those who see a break between the Hebrew and Christian traditions—are inclined to interpret the Christian Scriptures as entirely pacifist. Another complication is created by those who accept the Augustinian doctrine of the two separate worlds, the temporal and the divine, which remain separate spheres of activity and ethical judgment ... and those persuaded by the positive appraisals of Christian political responsibility offered by the medieval scholar Thomas Aquinas, the reformation theologian John Calvin and, more recently, American liberal Protestant figures like Reinhold Niebuhr.

Taking a position on any of these conflicting theological viewpoints directly influences a person’s view of the violence and the use of coercive force, their vision of the secular State and political authority, and the extent to which they will conclude that war is either justifiable in some circumstances or always unjustifiable. In almost every instance, social, political and economic ideology plays a crucial role, and is partly or wholly imported (one might say smuggled) into the Christian ethical equation. Accepting that this is more or less inevitable and at least unavoidable, the key ideological question to be debated is the status of the State, and its authority to use violence both within and beyond its borders.

The State

There are contrasting depictions of the secular State in the Christian Scriptures. The *positive* view is found in the 13th chapter of St Paul’s letter to the Church at Rome. The Christian should regard force as necessary to main-

tain order as being ordained by God, even if wielded by a secular government. Consequently, if the state calls legitimately on its citizens to contribute to the maintenance of the order they enjoy, Christians are not entitled to avoid participation. Obedience to the State is a non-negotiable duty. But significantly for us, Paul does not address the question of whether the sword can be employed by the State in relation to neighbouring states. The most that can be concluded from Romans 12 is that force can be used in the regulation of domestic affairs. Paul does not talk about the waging of wars across jurisdictional or territorial boundaries because he lives under Roman hegemony. But this text does not preclude or prohibit a collection of states joining together to promote peace and to secure order. Plainly, many questions remain unanswered.

The *negative* view of the State is contained in the 13th chapter of the Revelations of St John. In his vision of the final apocalypse recorded around 93CE, John describes the battle between God and the forces of evil, in this instance a beast (a veiled description of Roman imperial power), that symbolises an attempt at divinity through world domination. John is adamant that secular authority as manifested in the Roman Empire was an evil to be resisted because it aspired to divinity. In this context, John calls his readers to patient endurance and faithfulness to Christ because the forces at work are neither divine nor eternal; they are human and finite. Like St Paul, John lives under the tyranny of Roman hegemony and his experience is not of inter-state rivalry but of totalitarian government. The community to which he speaks is enveloped by oppressive violence and they cannot see a genuine rival to the Emperor or an alternative government to Rome. As rebellion would be futile, the apostle counsels caution and restraint. Had he been able to appeal to another State for liberation and freedom, he might have unleashed a wave of violence that he then might have sought to condone or justify. But as this does not happen, it is only speculation. However, we should note from the Revelations that the final victory of God and good over Satan and evil involves terrible violence waged on a cosmic scale.

These two texts were, of course, written at different times, for different people in vastly different social, political and religious contexts. But once the significant hermeneutical and exegetical challenges are overcome, it is nonetheless possible to distil a Christian view of civil authority. The State is part of God's present ordering of temporal affairs despite its imperfections. It is both authorised and empowered by God to whom it remains responsible. Individuals are to acknowledge its authority

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while realising that God will bring to nothing any State or ruler that claims ultimate authority or demands absolute obedience. When standing in correct relation to God, governments have 'divine' authority for restraining evil and promoting justice. They are implored to use their power—and sometimes this includes coercive

power—to reflect the divine purpose for humanity—that people should enjoy the fruits of the earth fairly and equitably and that the powerful should not exploit the weak. Without the application of coercive power, human experience suggests there is no peace or justice.

The key consideration is the limit of political authority and the crucial Biblical text (Mark 12: 13 – 17, and parallels in Matthew and Luke) concerns the question of paying tribute to Caesar. What happens when there is a conflict between civic duty and religious obligation? How do we deal with laws that demand from us a response that is contrary to our religious convictions? What happens when Caesar asks for more than he is entitled, or when our complicity is sought in actions that are ethically dubious or morally wrong? In this text, Jesus has sanctioned a tension between civil authority and religious conviction ... between the Government acting politically and the individually acting religiously. He states that there are limits to government power and to individual liberty, but he does not say where these limits are located or how we might go about fixing their position. It is often said that the first responsibility of Government is to protect its citizens and their property and yet, in Australia

at least, we recognise the right of some citizens to refuse military service even as they enjoy the security afforded by others. We have taken this stand because we do not agree on the limits of either government authority or individual liberty and, so, we have declined to fix the limits through legislation. There are many other examples where discretion is part of our laws because we recognise, quite rightly in my view, a grey area.

As I reflect on this passage and the debate and discussion it has prompted over the centuries, I have the feeling that Jesus' intention in replying to the Pharisees and Herodians was to establish a dynamic for continuing discussion within the Church about what was Caesar's and what was God's, and the proper relationship between them. Of course, as human civilisation develops and circumstances change, the demands made by civil

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authorities change; the scope of government activity expands and then contracts; individual duties and obligations will vary even as social networks evolve. In our times, the clear emphasis in the Church and within the community is firmly on challenging the limits of government. But this is only one part of Jesus' teaching.

There is equal emphasis on being a responsible citizen and accepting the obligations imposed by civil authority. Similarly, Jesus is concerned with distinguishing between what is Caesar's and what is God's, and not with what belongs to an individual. This passage is not an encouragement to see the individual as an entity set against or apart from the rest of society. Humans are social beings whose origins, meaning and destiny are determined by and within the societies of which they are a part. The aim is not to achieve a society marked by private affluence and public squalor. Jesus reminds his listeners of their duty to God and those things that rightly belong to him. You must be, at least, as much interested in God as Caesar to draw anything from this text.

Despite its significance, this passage does not provide a theory of the state or outline the limits of civil authority. However, the text does make clear that the state is a contingent entity, it does not have absolute moral status, its authority is limited, it often has pretensions to absolutism that must be resisted, and it is accountable to God. The problem for the Christian Church is in determining

where it places state authority and civil duty on a continuum marked by no importance at one end and absolute at the other. In the Christian tradition it plainly lies in between ... but there is tragically little consensus on where. This presents the Christian with some difficulty when it comes to the concomitant questions relating to recognising sovereignty over and against preserving human rights; territorial integrity versus self-determination; nationalism against globalisation; non-intervention versus international action; collective versus unilateral action. It is not yet clear, at least to me, how Christianity might resolve these conflicts and the relative value to be applied to each consideration in the light of our religious convictions.

Conclusion

It should come as no surprise that religious deliberation on war has been marked by both complicity and confusion and that this is likely to continue unless the Churches recognize that the *a priori* issue in relation to state sponsored violence is the status and standing of the state, and that this must become a matter of sustained study, conducted in partnership with philosophers of other religious traditions, and those with no religious affiliations.

This article is a slightly modified transcript of a lecture given by Dr Frame at the University of Melbourne, on 13 November 2002, as part of CAPPE's public lecture program.

In our times, the clear emphasis in the Church and within the community is on challenging the limits of government.

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Mutual Obligation: A Fair Bargain?

by Jeremy Moss

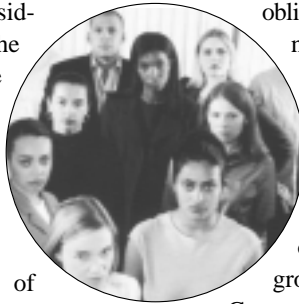
Our welfare system is now characterised by a focus on 'mutual obligation'. Jeremy Moss considers the moral and political assumptions underpinning welfare provision in Australia, and questions the degree of genuine mutuality involved.

Over the past decade there has been a considerable shift in how governments in the West have treated the issue of welfare entitlements. It is now commonplace for governments to claim that people are not straightforwardly entitled to an unemployment benefit; that their benefits are conditional upon fulfilling an ever-increasing range of obligations.

The shift from a system of entitlement to one of increased conditionality of benefits has been accompanied by a shift in the moral and political assumptions that underpin welfare provision. Yet, the shift towards greater conditionality of benefits has occurred without a proper justification of why the unemployed and other welfare recipients should be obligated to repay their welfare debt. In fact, when looking at this question of obligation in the Federal Government's Mutual Obligation scheme we are confronted with a dearth of informed justifications. To be sure, there are numerous throwaway lines and slogans but these are often insubstantial and inconsistent.

Even though there is a lack of ethical justification, it is possible to match some of the potential sources of justification with those appealed to by the Scheme and its supporters. I want to suggest that part of the appeal of the claim that welfare recipients have an obligation to give something back is the idea that it is 'fair' that they do so. Roughly, the argument is that it is fair because the state has supported welfare recipients when they are in need and thus, they should do something in return. Without this contribution by the unemployed a key component of fairness—mutuality—will not have been met. This more general question of political fairness is insufficiently discussed in the welfare debate. However, one of the costs of this omission is that the debate runs the risk of losing sight of the rationale behind widely held notions of political and mutual obligation at the same time as obligations are being controversially increased.

The idea of fairness is at least a plausible source of justification for the obligation generating nature of someone receiving welfare benefits. However, it is apparent from reading the literature surrounding the Scheme, the guidelines, tender documents, reports, and Ministerial statements and so on, that there is often no direct appeal to fairness. The Scheme's authors and administrators do not expound much on how the value commitments contained in the Scheme are



obligation generating. So, in a sense, what needs to be done is to reconstruct a plausible account of obligation and then subject it to scrutiny.

Through this reconstruction I want to question the idea that receiving a welfare payment is legitimately obligation generating on at least two grounds. The first is that the

Government's own contribution to the mutual obligation equation is not obligation generating, certainly not on an account that is informed by notions of fairness. The second reason why obligations are not generated for the unemployed is that the other parties who supposedly have obligations in this sphere, namely business, do not fulfil their side of the bargain. My argument is that, rather than extend an already punitive system to other disadvantaged sectors of the community, we need to break the link between benefit and enforced obligation or participation, thereby undermining the idea that it is 'natural' for the unemployed to give something back.

I Mutual Obligation and Fairness; Government Responsibility

In common usage the term 'fairness' is often simply equated with justice. When we claim that war victims should be compensated we are appealing to what is right or just. But in the context of welfare reform fairness includes the idea of mutuality or reciprocity. John Rawls' celebrated defense of welfare liberalism in *A Theory of Justice* placed great emphasis on the importance of mutuality for an account of fairness. The guiding idea in Rawls' 'principle of fairness' is that when citizens engage in a cooperative venture such as political society, and restrict their liberty in ways that benefit everyone, they have a right to expect that others will do the same (Rawls, 1973: Scts 18 & 52). While not all of the details of Rawls' conception of fairness are relevant here, we should note the centrality of the idea that there has to be some sort of mutuality for a political arrangement to be considered fair. Something like the principle of fairness seems to be invoked through the Mutual Obligation scheme's heavy emphasis on reciprocity.

Those who support Mutual Obligation sometimes imply that it is right to give something back because it would be fair to do so. On the face of it, this seems to be an appeal-

ing principle, as it accords with commonly held intuitions about fair play and reciprocity. We typically think that it is fair that we should be prepared to consent to some form of reciprocity when we accept something, even if it is only an attitude of 'gratefulness'. In the case of the unemployed, what is given to them by the state is financial assistance and possibly training and what they, in turn, give back is their labour and a willingness to look for work. On this account, if an unemployed person accepts benefits that others have sacrificed to provide, then it is fair that they should give something in exchange. By appealing to fairness the rights that the unemployed have are said to be balanced against the responsibilities that they owe. Such an arrangement fulfils the social contract that supposedly exists between the state and the individual.

But it is important to observe that fairness is a two way street. The other side of the fairness equation that is relevant here is the idea that for a scheme or society to generate moral or political obligations it must be *mutually* beneficial. In commenting upon his principle of fairness Rawls writes;

The main idea is that when a number of persons engage in a mutually advantageous cooperative venture according to rules, and thus restrict their liberty in ways necessary to yield advantages for all, those who have submitted to these restrictions have a right to a similar acquiescence on the part of those who have benefited from their submission. (1973: p. 112, my emphasis)

The first thing to note about this fuller specification of fairness is that mutuality is defined as the idea that society *as a whole* should be organised so it benefits everyone; if not, then people have grounds for rejecting political obligations. If the benefits of society are organised such that there are large groups of people who, through no fault of their own, do not benefit to an acceptable level, then there is at least a *prima facie* case for saying that there are negligible moral or political obligations that apply to such people. It might be objected that the unemployed do share in society's benefits through receiving unemployment payments. But as we will see below, this is not obligation generating because of the lack of freedom and alternatives for the unemployed. In addition, this may not be a strong enough sense of sharing in that those on unemployment benefits have a very unequal share of society's wealth and opportunities, and a large share of some of the disadvantages associated with being unemployed.

These considerations are important in the light of the government's attitude to the obligations of the unemployed. Many of the unemployed who cannot find work are now required to give something back to the community. The government's response to the review of welfare reform, *Australians Working Together*, claims that, 'People with jobs work for their wages; those receiving

income support should likewise give something in return for their payments, if they can.' (p.14). The statement makes it abundantly clear that, all things being equal, welfare recipients should expect to participate in social or economic ways if they are to continue to receive benefits.

But participation, so construed, embodies a very strong sense of obligation. This is in contrast to weaker senses of obligation that have often held sway in the past, such as, being job-ready, or willing to look for work. For this stronger sense to hold there needs to be stronger justifications. In what follows I will take the giving something back sense of participation as representative of the obligation of welfare recipients under the government's Mutual Obligation scheme.

'Accepting' Unemployment Benefits

Much has been written on the problems associated with the social contract approach to political theory and it is inappropriate to review it all here. However, some of the considerations will help us to understand the idea of fairness. Importantly, the contract that exists between the state and the welfare recipient is said to be initiated and maintained by the welfare recipient's acceptance of his or her benefit. The thought here is that by accepting the benefit, the unemployed person has consented to the conditions of the contract. But if benefiting from a scheme of cooperation is to be obligation generating, as the principle of reciprocity claims, then the decision to receive benefits must have been made in conditions allowing for genuine freedom of choice. This condition rules out as obligation generating all sorts of objectionable and hierarchical coercive social systems.

One way of recasting this idea of reciprocity in relation to the unemployed is by noting that there is a difference between accepting benefits and merely receiving them. It is one thing to freely seek out and accept a benefit but quite another to have no significant alternative. In the former situation the person knows that there is something expected of him or her in return. Whereas, where a person has no choice they might be said to merely receive a benefit. Take the situation in which someone is unemployed and has no means of supporting themselves other than by receiving government welfare payments. The 'choice' they are faced with is either to take the payment or suffer the consequences of having no income. This is especially true in regions or communities that face limited employment opportunities. The point also applies to particular categories of people who cannot find work. For them to accept the benefits would be to freely accept the payments in the context of meaningful alternatives. We might describe this situation as one where the person is obligated rather than as them having obligations. Someone has political obligations where they, for instance, freely consent to authority or a contract in the manner discussed above. While we might conceive of cases of non-political obligation where merely benefiting was enough to generate obligations, the exist-

tence of political obligations requires freedom in the sense described above.

If this description is correct, then there is no sense in describing the act of receiving welfare payments as one that is anything like accepting benefits in the context of meaningful alternatives. The situation of the welfare recipient in this example is closer to a case of coercion than it is to consent. Further, the inequality of negotiating power of the welfare recipient reinforces the observation that those who have to sign a Mutual Obligation agreement are some of society's most economically vulnerable people.

Vagueness

A further point that is worth noting in this context is that even if it is conceded that the unemployed should give something back, it is insufficiently recognised that many of them have already done so. One important distinction tacitly made by the Government that illustrates this point is the one between taxpayers and social security recipients. This is particularly apparent with the Work for the Dole program, which is specifically directed towards making the unemployed give something back. However, what this assumes is that the unemployed, as social security recipients, are not, will not and have not been taxpayers, or otherwise contributed to society. Whereas, many of the unemployed have been (and will be again), taxpayers. If they have held a job, then they have already contributed something in the form of taxation. So, it is not straightforwardly the case that one section of society earns the money to pay for the social security benefits of the other. This distinction makes even less sense with the introduction of increased indirect taxation in the form of the GST, which was introduced to supposedly spread the tax burden across all layers of society. Indeed, there is a tension between an indirect tax system that catches everyone in its net and the idea that there are large groups of people who are not contributing enough to society.

The unemployed might also have contributed in other non-financial ways. Assuming, for the moment, that there is a debt to be paid by the welfare recipients, why should it be paid in the relatively narrow range of ways set down by the Scheme? An unemployed person might perform useful voluntary work, look after a sick relative, or bring up children. The most contentious of the Scheme's components, the Work for the Dole program, is a particularly narrow way of specifying the content of what constitutes obligation fulfilling activity.

II The Distribution of Obligations and the Market

Government is not the only party to this set of obligations. Since its inception the Mutual Obligation scheme has increasingly been interpreted as reflecting broader social

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bonds. This trend was continued in the McClure Report, which was a product of a reference group set up by the government to look at welfare reform. The report insists that the obligations for the provision of welfare and for access

to participation lie with governments, business, and the community, as well as with individuals. Indeed, the report goes so far as to say that the obligations of government and business are no less important than those of the individual (FaCS 2000: 32-52). The report duly notes that the role of government is not just to provide income support but that governments need to 'invest more widely in helping people of workforce age build their capacities for economic and social participation' (FaCS 2000: 35). My concern here is not with the broader issue of business obligations, but with the government's own claim that Mutual Obligation involves a role for business. In this sense my arguments access some of the parameters that the government has laid down about who is party to mutual obligations.

However, if business is said to share in obligations then we must ask whether it receives its fair distribution of obligations. Not surprisingly the obligations that each of the four sections of society (government, community, business, and individuals) have are treated very differently by the report and, hitherto, by the Government. The best example of this is the coercive measures associated with each sector's obligations. While individuals are subject to a very harsh set of penalties for failing to comply with their obligations, the report sets down no enforceable obligations for business. Given that the main contribution that a business can make to the problem of unemployment is the provision of jobs (and training) there seems to be a definite lack of mutuality in not making business fulfil its acknowledged moral obligations to society. Without such enforced obligations it seems inconsistent and unfair to penalise individuals who are looking for work and not the organisations who do not provide enough of it. A similar point might be made against the lack of job provision by governments.

In the context of such an unequal distribution of obligations and coercion, it makes it hard to discern how mutuality, so construed, is fair. While the discussion of the principle of equivalence warned us of the dangers of vague obligations, in this instance the problem has been avoided by distributing no obligations to business at all. It might be argued that business participates through paying taxes. But if this were the justification then we would have to exempt those welfare recipients who have or will pay taxes yet who are not similarly exempt from mutual obligations. In contrast, rather than legislating obligations for business, the Government's approach stresses the need to 'promote', 'encourage', 'consult' concerning initiatives

for the unemployed, which is a completely voluntarist approach (FaCS 2001b). These examples further reinforce the thesis that the Mutual Obligation scheme is extraordinarily selective in its application of obligations.

III A Punitive Response to Welfare Reform

I want to end by drawing a number of brief conclusions about Mutual Obligation. What I have argued so far has been a kind of immanent critique of Mutual Obligation; that is, even on its own terms it is not obligation generating. In terms of the criteria of fairness, strong obligations are not generated for the unemployed due to the lack of mutuality from the other parties. If this is the case, then, in policy terms, benefits should not be tied to participation because participation, where it is enforced, relies on a sense of the unemployed owing something. It is not that participation is to be condemned as such, just that the link between benefit and obligation (of the kind currently sought) needs to be broken.

The more elements of the Mutual Obligation scheme that are put into place and the more one analyses the Scheme's practices, the clearer it becomes that the ethical commitments of the current Scheme are more properly characterised as punitive rather than enabling. The tougher Activity Tests, harsher penalties for breaches, savings to Government as a result of breaches, the financial incentives to remove the unemployed from the Social Security rolls, all indicate an intention to simply reduce the number of people receiving benefits.

The Scheme's emphasis on penalising welfare recipients is further reinforced by the substantial rise in the penalties handed out. Not only are the penalties imposed unequally distributed, but in and of themselves they are unduly harsh. Overall the Australian Council of Social Service estimates that in the 1999/2000 financial year over 220,000 people were penalised (ACOSS 2000: 2). Not only is the breach rate excessive, but it should be pointed out that these are merely breaches of social security rules, they are not instances of fraud. What is more, these are some of the most vulnerable members of society and such a harsh set of penalties must raise serious questions about the motivations of the Mutual Obligation scheme. This makes it even more difficult to justify using the language of social bonds or contract to characterise the Mutual Obligation scheme, as there is nothing very fair or mutual about imposing penalties on society's more vulnerable members.

In terms of the current debate, it seems appropriate to 'work backwards' (both morally and strategically) from cases or examples where we think assistance and support should not be tied to obligation or participation: hospital patients, veterans, parents with young children, the severely disabled, and so on. It is incumbent on those who make moral distinctions between these groups to show how and why these groups are relevantly different, why their dependence is acceptable and the dependence of certain classes of the unemployed is not. We need to

ask why a moral language of entitlement is appropriate in some cases but not in others.

It is also important to recall that assistance should have a dimension other than mere sustenance. One way in which the McClure Report removes the inappropriate language of obligation is through its emphasis on capacity building. In the McClure Report this term is used to describe the process of the accumulation of human, financial and social capital in disadvantaged communities, which is an important goal (FaCS 2000: 45-52). But the term can be equally employed to describe the sense in which individual capacities are fostered and developed. In this individual sense, capacity building can be taken to mean building personal attributes or capabilities which might be of use in personal development, rather than the generic work skills currently on offer.

The benefits of focusing on this as at least one goal of welfare reform are, first, that it is not centred on the idea that being in a position of state dependence is one necessarily involving obligations of the kind to which I have been objecting; rather it might, for example, involve negotiation, with the skills people might want or be able to acquire being decided in a process that reflects their wishes and abilities. Secondly, capacity building is an 'agent centred' approach which focuses on the needs and conditions of the agent. It recognises that the role of welfare is to support, assist and develop, rather than to extract specified contractual obligations from, society's most vulnerable members. Thus, insofar as we think that it is the role of governments to assist people who suffer disadvantages of health, racial discrimination, or disabilities, and do so without thinking that they incur obligations to society, we should view those currently liable for mutual obligation as also deserving of assistance. The basis of seeing the welfare system in this way is that there are claims that people have on the rest of society which arise in respect of their disadvantage. Importantly, these claims do not run the other way, that is, they are not claims that society has on the disadvantaged and vulnerable.

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Trial, Trial Again: An Assessment of the *Australian Code of Ethics* and *Guide to Ethical Conduct for Residential Aged Care*

by Leslie Cannold

After an eighteen month trial period, the *Code of Ethics* for the residential aged care industry is being reviewed. Leslie Cannold critiques the Code's use of a mutual obligation framework, and its emphasis on rights.

Background

In May 2002, I was asked to deliver the keynote address to the Aged Care Association of Victoria's "Images of Aging Conference" in Melbourne. I was asked to comment on the recently released trial code of industry ethics for the sector, contained in the *Code of Ethics* and *Guide to Ethical Conduct for Residential Aged Care* (the 'Code' and 'Guide'). Below are excerpts from that address in which I raise concerns about the trial Code's use of a mutual obligation framework and its emphasis on rights. I argue that the use of the concept of mutual obligation to structure the Code ignores important power differences between aged care facility employers, employees, and residents. Consequently, the Guide advocates some actions for each of these groups that are either unnecessary, nonsensical, outside the province of ethics and/or even unethical. As well, I suggest that the undue emphasis in the Code on rights may serve to weaken its effectiveness.

The trial *Code of Ethics* and *Guide to Ethical Conduct for Residential Aged Care* were published by the National Aged Care Forum in August of 2001, and were the outcome of deliberations by the Code of Conduct and Ethical Practice Working Group chaired by Father John Flemming. Eighteen months later, the Code of Ethics Review Working Party has commenced a review of the trial Code and Guide.



Introduction

The Code claims to 'represent...the agreed values, expressed as human rights, to which the partners are committed and upon which their practice is based.' These values, seven in total (only six of which are expressed as human rights), were defined as follows:

- The right of individuals to be treated with respect;
- The rights of the individual to life, liberty, security;
- The right of individuals to have their religious and cultural identity respected;
- The right of competent individuals to self-determination;
- The right to an appropriate standard of care to meet individual needs;
- The right to privacy and confidentiality;
- The recognition that human beings are social beings with social needs.

In the Guide, each of these values was translated into specific rules to guide the actions of each of the 'partners' in the aged care enterprise: service providers, employed and contracted staff, attending professionals, and residents and their families/representatives.

Praise and Criticism of the Trial Code

Action Guiding

Any industry or professional code of ethics should articulate the ethical values or principles that should govern the behavior of those bound by it, and this was done in the Code in the form of the seven values listed above. Ethical codes should also set down specific rules that act as action guides for the particular group of people whom the code covers. The trial Guide should be commended for its derivation of particular rules of ethical conduct from the values asserted in the Code to guide the actions of each of the aged care partners.

Mutual Obligation Structure

However, the use of 'mutual obligation' as a justification for applying the same values—from which the action

directives in the Guide are derived—to all the partners in the aged care enterprise is problematic. Strangely, no explanation is provided as to why this particular concept was chosen, or as to why—having been selected—it was used as a structuring device for the Code and Guide. It's use in the latter matter is worrisome not because it is untrue that all the partners in aged care have obligations, but because these obligations are likely to be different and asymmetrical due to the differences in the roles and power of each of the partners.

This quite fundamental problem in the Code's structure manifests in the Code expressing at some times the commitment of aged care service *deliverers* to upholding the rights of residents and their families/representatives and at others the expression of the rights of *all those involved* in the Aged Care enterprise. One of a number of examples of this is the description of the Code and Guide as being about the commitment of the aged care sector to the 'provision of care to a standard appropriate to the needs of all those who are residents of residential Aged Care services.' It Guide also suggests that the 'fundamental human values identified in the Code drive the way in which key personnel and all those involved in the provision of services to Aged Care residents...make, implement, and evaluate policies which affect the delivery of those services for the benefit of Aged Care residents.' The aim of the Code and Guide are, in other words, to define the obligations of those providing services to those who are receiving them: residents of aged care facilities and their families/representatives.

The aim of the Code is... the articulation of the rights and duties of everyone in the aged care enterprise.

However, a few paragraphs later the aim of the Code and Guide is described as the articulation of the rights and duties of everyone in the aged care enterprise—service

providers and service recipients. It is argued, for instance, that '[t]he delivery and reception of Aged Care services occur within a framework of interdependent relationships ...The partners, providers, employed and contracted staff, attending professionals, volunteers, *and residents (and their families/representatives)*, work together to provide optimal Aged Care services *for residents*. Accordingly, each partner has an obligation to respect the rights and duties of the other partners.' (my emphasis)

The source of this confusion may be the use of the concept of mutual obligation to structure the Code and Guide. This has resulted in the values in the Code, expressed as rights claims, being applied to all the groups in the aged care enterprise even though it appears that

they were initially conceived of, and make more sense as, rights residents could claim against providers, staff, and attending professionals. This application leads to action directives in the Guide that often seem forced, and are also at times unnecessary, non-sensical, not concerned with the ethical and/or even unethical. Because of space limitations I will provide examples of only the latter two charges: that the mutual obligation structure of the Code results in action directives for residents and their families/representatives that are outside the province of ethics or even unethical.

The use of 'mutual obligation'... is worrisome not because it is untrue that all the partners in aged care have obligations, but because these obligations are likely to be asymmetrical.

The second of the seven values in the Code is the right of the individual to life, liberty, and security. In the Guide, the application of this value has yielded a range of action guides which encourage service providers to promote '...emotional security, provide physical security, and enable religious and spiritual security for residents in the context of the services provided.' The mutual obligation structure, however, required that this value also lead to action directives for residents and their families/representatives. In the Guide, one of these is defined as the obligation of residents and their families/representatives to 'meet their financial obligations for their care.'

I would argue that this is not an ethical but rather a fiduciary obligation that residents and their families/representatives have to service providers and that it is inappropriate for it to appear in a code of ethics. This is because while fiduciary obligations may generate ethical obligations, the former can be—and in the current case are—more contingent than ethical obligations. That is, while all things being equal, those who receive services are obligated to pay for them, there may be instances in which financial circumstances change and the aged and their families/representatives find themselves unable to meet their bill, in part or in total, for aged care services. Depending on the nature of these circumstances, and in instances where a good faith effort was made to meet their financial obligations, this failure to pay would not constitute an ethical breach. Further, the placement of bill payment in the Guide could imply that consequences a provider may wish to impose on an aged care resident

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or their family/representative for failing to pay their bill in whole or in part would be ethically justified. However, it is easy to think of consequences, for example the eviction of the resident, particularly if no alternative accommodation was available, that would contravene the provider's ethical obligations.

The application of value six, the right to privacy and confidentiality, to derive action guides for employees and residents and families to service providers is ethically suspect. The Guide deems it the obligation of employees and contracted staff to '...undertake all care, processes, and tasks in a manner that respects the privacy and confidentiality of residents and their families, other staff members *and the provider.*' (my emphasis) One could imagine how the requirement that staff maintain their employer's confidentiality could preclude staff whistle blowing which may at times be ethically required. It may be possible to meet this objection by altering the confidentiality demands made on employees and contracted staff to allow or even prescribe violations of confidentiality in particular circumstances.

Rights

With one exception, all seven values in the Code are articulated using the language of rights. While rights are the most common and accepted currency in our society for articulating ethical demands, they may not always be the best one. Sometimes the problem with using rights is simply clarity. One example (mentioned by Johnstone in her book, *Bioethics: A nursing perspective*), is when nurses demand more resources on the grounds that they have a right to care for their patients properly, but what they really mean is that these things are necessary for them to exercise their obligation or responsibility to patient care.

Of course, a largely reciprocal relationship exists between rights and responsibilities. So if a resident of an aged facility has a right to an adequate standard of care, that means that another person, group, or institution has an obligation to provide it to them. But the language of responsibility may also be more appropriate in ethical codes of conduct, like the one for Aged Care services, where the task is to articulate what those more powerful independent individuals/groups owe to less powerful and more dependant individual/groups. This is because while it is often deemed 'empowering' to the latter to imbue them with rights, without real world autonomy and power, weak or dependent groups may have a hard time realising them: making such rights 'empty'. Responsibilities, on the other hand, take the claim-onus

from the less empowered and put the action-guiding obligation on those more able to exercise it.

There are other shortcomings of rights relevant to an ethical code of conduct for aged care. Rights language may preclude the articulation of supererogatory actions—those that go above and beyond the strict requirements of morality—like love, charity and self-sacrifice, which some may feel are essential for a full account of the ethical values and conduct required of aged care partners. Rights language is also more open to misuse and abuse than the language of obligation. Public debate is rife with deadlocked rights-holders, while this practically never happens regarding obligation. Indeed, if it did, we would welcome it: 'My duty supercedes yours!' 'No, it's my obligation to do it. I insist!'. (I discuss the limitations of rights language in greater depth in my book *The Abortion Myth*.)

Conclusion

The *Code of Ethics* and *Guide to Ethical Conduct for Residential Aged Care* would strongly benefit during the trial period from the abandonment of the Code and

Guide's structuring mechanism of mutual obligation, and a restatement of some of the values articulated as obligations rather than rights. These changes could clarify whether the values expressed in the Code represent the full set that should be in play when discussing the ethical responsibilities of those involved in aged care. It seems at least possible that once the contrived requirement that all the values be applied 'mutually' is questioned, some important ones applying only to certain groups

covered by the Code may emerge. As well, a restatement of at least some of the Code's values in obligation terms may clarify and strengthen the Code's capacity to achieve beneficial care outcomes for aged care residents and their families/representatives.

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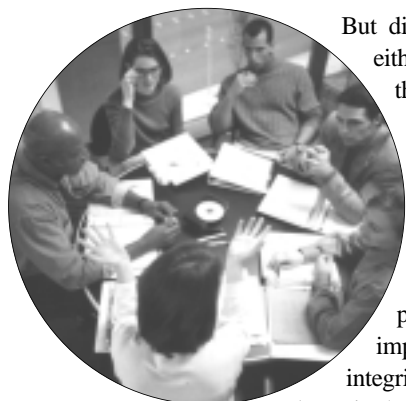
Responsibilities ... take the claim-onus from the less empowered and put the action-guiding obligation on those more able to exercise it.

Competing Models of Integrity

by John Uhr

John Uhr examines two contrasting approaches to integrity in the public sphere; one characterised by a focus on ethics, and the other by a focus on corruption.

This paper compares two perspectives on public integrity. Analysts of corruption tend to see public integrity quite differently from analysts of ethics. Both perspectives share an interest in strengthening public integrity, but the two analytical orientations work from different models of integrity. They target different risks to public integrity and advocate different policy responses.



But difference does not necessarily mean an either/or set of alternatives. My argument is that the two perspectives are complementary, charting two inter-related worlds of public integrity. Unfortunately, the persistence of these two quite distinct models of public integrity puts at risk our expectations for a comprehensive public policy approach to integrity in public life. My aim here is to clarify the important differences in the models of integrity relied on by ethics and corruption analysts, in the hope of facilitating greater co-operation by the two analytical communities.

Pro-ethics or Anti-corruption?

It is a puzzle that the study of public integrity falls into two approaches, with very few analysts competent in both approaches. This suggests that there is no real academic field of 'integrity studies'. Instead, there is the vast area of scholarship on public ethics and the equally vast area of scholarship on corruption. A remarkable exception to this division of scholarship is Gerald Caiden, once a political scientist at the ANU. But he is exceptional, confirming the general rule that analysts of public integrity tend to cluster around the preoccupations of either the ethics camp or the anti-corruption camp.

Australian public policy mimics this division, with two state legislative regimes illustrating the alternatives. On one hand, New South Wales has a strong anti-corruption law and a dedicated agency, the Independent Commission Against Corruption (ICAC) to take responsibility for the anti-corruption campaign. On the other hand, Queensland has a range of supplementary approaches, including a *Public Sector Ethics Act*.

Compliance with public policy requirements varies according to the model of integrity underlying the policy

framework. One can meet the anti-corruption benchmark of integrity by avoiding criminal misconduct, but this falls far short of the ethics benchmark. For example, the ICAC framework defines public integrity in negative terms of avoiding corrupt conduct as specified in the relevant legislation. But under the Queensland legislative framework, which defines integrity in positive terms of striving for ethical conduct, the benchmark is much higher: under the *Ethics in Public Sector Act*, the obligation of integrity requires officials, among other things, to 'advance the common good of the community the official serves'.

My aim here is not to investigate the roots of the difference between the ethics and corruption perspectives, but to illustrate the wide range of quite practical measures of integrity used in the two approaches. Consider the following itemisation of typical differences, beginning with this threshold issue of lawfulness. Is it better that our requirement for public integrity draw on the anti-corruption approach (ie, no criminal misconduct) or the ethics approach (ie, promotion of the common good)? The answer is probably that we can, indeed should, have both, but only if we are prepared to acknowledge the relative contribution of each approach to public integrity. The worst answer is to reject one and adopt its alternative as the sole guide to the practical meaning of public integrity. But between the best and worst answers there will be a wide range of competing balances, the appropriateness of which will depend on the type of risk to public integrity under consideration.

Lawfulness

An initial difference relates to the law. Both approaches might provisionally define public integrity in terms of upholding the law, but thereafter this consensus tends to break down. Anti-corruption analysts frequently take a stricter line than do their ethics counterparts. Corruption itself is defined in terms of criminal misconduct, so that integrity begins with legal compliance and corrupt conduct begins with unlawful activity. This is less true for ethics analysts, who commonly argue that compliance with the law is a necessary but not a sufficient requirement of ethical integrity. In fact, ethics analysts frequently go further and argue that the law provides no more than a guide to minimal compliance with integrity. For ethics analysts, it is not the case that whatever the law does not forbid is therefore permitted. This spirit of achievement

above and beyond the law is even more evident when ethics analysts go further and document case studies of integrity. Many of the best of these case studies involve clear breaches of the law where considerations of justice might require a 'higher duty' over and above the law.

The Public Interest v Private Interests

Another core difference relates to the public interest. Ethics approaches place great store in the concept of 'the public interest' as the anchor of loyalty for public servants. But so do corruption approaches which frequently define corrupt conduct, not simply in terms of illegal action, but action that is illegal because it goes against the public interest. Note, however, this difference in emphasis: ethics approaches tend to define the ideal of integrity as conduct which promotes the public interest, whereas corruption approaches tend to turn the definition around so that corrupt conduct is action that impairs or breaches the public interest. Ethics deals with the positive version and corruption deals with the negative version.

One can reformulate this as a contrast in elevations. Ethics approaches see integrity as a move up from individual interests to the higher plane of the public interest. Thus ethics analysts measure integrity in terms of access to the upward escalator taking individual officials up from their private interests to the higher level of responsibilities relating to the public interest. By contrast, corruption analysts tend to measure integrity in terms of the pressures to take the escalator down from protection of the public interest to the lower level relating to inappropriate private interests. In both formulations, one can sense another difference: ethics analysts focus on opportunities for officials to promote the public interest in order to 'add value' to the common good, whereas corruption analysts focus on duties to protect the public interest from potential harms associated with improper private interests.

Wholeness v Wholesomeness

A related difference concerns the concept of 'the whole' used to define the 'wholeness' at the heart of integrity. For corruption analysts, integrity is often seen as the convergence of self and system, as in the example of a good public employee who works for the good of the agency where she is employed. Taken to a larger dimension, this is also seen in the convergence of public employees generally and the public sector system as a whole. Corrupt conduct fragments this unified commitment, placing interests of self ahead of those of the employing agency and of the wider system of public sector agencies under the legitimate authority of elected public officials.

Ethics analysts can accept all of this but tend to move significantly beyond it, drawn by a different definition of 'the whole' relevant to public service. For simplicity's sake, I can call this a model of 'wholesomeness' as distinct from the corruption model of 'wholeness'. Ethics analysts examine competing interests across public sectors, noting

the many tensions between loyalty to the employer and to the larger system-wide principles. Not all agencies deserve unconditional employee loyalty. But it does not stop there. Many ethics analysts document more fundamental tensions between loyalty to the system and to higher principles beyond those recognised by the system. The wholesomeness of the regime itself becomes an object of close analysis. Not all public sectors and not all political regimes deserve unconditional loyalty from employees. For ethics analysts, integrity is related to the specific values of the political regime, with the clear implication that integrity might well require degrees of disloyalty to defective regimes displaying systemic corruption. Thus at their extremes, both ethics and corruption approaches deal with the vexed issue of legitimate subversion, which attracts such labels as the polite 'public interest disobedience' to the more rousing 'noble cause corruption'.

Incentives v Sanctions

A related difference deals with the balance of incentives versus sanctions. Ethics approaches focus on incentives for the achievement of integrity; corruption approaches focus on penalties for the non-performance of integrity. Corruption is seen in terms of criminal misconduct which can be minimised by clear and present sanctions. Ethics differs in being seen as conduct above the legal minimum, so that there are not really penalties for non-performance. Hence the importance in the ethics literature of trying to look to the positives rather than the negatives and to devise incentives to motivate officials to ethical performance. This leads us into the area of values-based approaches to public integrity now widely evident in ethics regimes in many public sectors. The hope here is that public articulation of the right principles will set the tone for appropriate conduct.

Principles v Penalties

The ethics approach to values and principles-based public conduct is balanced by the corruption approach to enforcement and strategies for compliance with principles. Both accept that principles-based regulation is preferable to strict 'by the letter' prescription, but they tend to differ when dealing with non-compliance. Corruption approaches look to (but do not take complete comfort from) 'codes of conduct'; policing and oversight and inspection are required to monitor compliance. Ethics approaches again differ, expecting great things from codes which are often explicitly called 'codes of ethics' so as to reinforce their moral authority and power to inspire and set incentives.

Individuals v Institutions

Another threshold difference relates to individuals versus institutions. Where ethics analysts define integrity in personal terms, corruption analysts define it in institutional terms. When each approach brings forward examples of integrity, we find on one side examples of exemplary individuals and on the other side examples of effective institu-

tions. Ethics analysts try to identify leading practitioners: 'exemplary public administrators' to use Terry Cooper's language in his co-edited book of studies of ethical leadership. Integrity is personified in the ethics approach, which tends to document instances and practices of ethical leadership as the most valuable case studies of public integrity.

Corruption analysts tend to look beyond individuals to institutions, such as the 'pillars of integrity' formulated by Transparency International. In this approach, individuals perform their important role by maintaining institutions and improving the reach of institutional values. Corruption analysts know that virtuous individuals are a scarce commodity and that friends of integrity should not rely on or presume that virtuous individuals will always be in place to safeguard integrity. More reliable are institutions or indeed a framework of institutions which can hold misconduct in check.

Virtue v Probity

Another difference relates to virtue versus probity. As seen by ethics analysts, integrity is a matter of individual choice or commitment to 'do the right thing'. Again, Terry Cooper's gallery of exemplars serves to make the point that personal virtue animates public integrity and that the ideal best case is one where personal and public qualities converge. Thus it comes as no surprise that many ethics analysts favour one or more of the varieties of 'virtue ethics' and that examinations of personal character feature prominently in many ethics contributions to the integrity literature.

By contrast, the corruption approach tends to stop at lower levels of expectation of personal virtue, with a focus on personal probity rather than individual ethical excellence. Integrity understood in terms of probity has a lower but more achievable and therefore feasible profile. Probity here refers to the absence of personal gain, in contrast to ethics' models of virtue which focus on the presence of an ethical character. In the anti-corruption approach, probity takes on a self-effacing look consistent with this model of integrity as the avoidance of self-interest. By way on contrast, the ethics approach assembles a wide range of stories about different substantive virtues to illustrate the public benefits of private character. The virtue of courage might appear common to both approaches, but the versions of courage found in the anti-corruption approach usually have to do with the very real hazards of law-enforcement, unlike the versions in ethics approaches which go further into the courage of law-making (and, occasionally, even law-breaking).

Integrity Testing

It is worth exploring the subject of 'integrity testing' in another twist in our story of differences. The practice of 'integrity testing' is common in corruption approaches but uncommon in ethics approaches. Corruption approaches put integrity to the test by tempting officials with opportunities for illicit gain under carefully moni-

tored circumstances. Ethics approaches pay much less attention to this sense of integrity testing. This reveals a larger difference over public duty and private interest.

Both approaches appreciate that integrity is displayed when public duty wins out over private interest. But the reliance on 'integrity testing' in corruption approaches indicates that the corruption focus is on private interest as the driver, with public duty as the restraining brake. By contrast, ethics approaches place greater importance on education and training than on this sort of testing of job-fitness. In ethics approaches, the driver is public duty and the restraining brake is private interest. Hence the ethics' preoccupation with general motivating principles in contrast to the corruption preoccupation with specific instances of self-interest.

One can dramatise this difference between the approaches in terms of two contrasting portraits of Socratic integrity. The ethics approach reflects the image of Socrates in Plato's *Apology* where we see Socrates defending himself against charges of subversion: subverting the gods of the city and corrupting the young. Socrates takes it up to Athens and defends his philosophical vocation as a model of integrity, even if it breaches the laws and the authority of the Athenian regime. In this picture, the self-possessed Socrates and not paternal Athens is the model of integrity. By contrast, the corruption approach reflects the quite different situation illustrated in Plato's short dialogue the *Crito*, where Socrates faces a bit of 'integrity testing' of his own. His friend Crito bribes his way into the jail where Socrates is being held after his conviction and reveals a plan to bribe their way out again, allowing Socrates a chance to flee Athens and escape the death penalty. Socrates passes this integrity test because he refuses to act on Crito's scheme of corruption; in fact, Socrates lectures Crito about the importance of civic loyalty and compliance with legitimate authority. By trying to reconcile these two classical accounts of Socratic integrity we can begin to appreciate the subtle relationships between the two faces of integrity.

Conclusion

The list could go on. My aim here is simply to highlight the significance of the complementary differences rather than to document the complete range of differences. What does all this add up to? One way of formulating the complementary difference in perspectives on public integrity is to say that the corruption approach deals mainly with and measures issues of *accountability* while ethics approaches deal mainly with issues of *responsibility*. While accountability is external, responsibility is internal; while accountability is something asked of officials, responsibility is something given to officials. They come together when processes of accountability demand an account of the use of official discretion within the responsibility of public officials. In the world of corruption, public integrity is advanced by forms of

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external accountability that hedge in undue private interests which detract from official responsibility. In the ethics world, public integrity is advanced by a sense of internal responsibility motivating officials and restraining them from irresponsible conduct. Measuring integrity means accounting for both developments.

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CAP

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Serious questions have been raised about the adequacy of Australia's response to the problem of refugees and aid to reduce poverty and human rights abuses in many countries around the world today. The conference addresses the issue of what we owe to people other than our own citizens, and covers at least the following issues: Does our current policy of mandatory detention violate the rights of asylum seekers? Does our present overseas aid policy meet the claims of those in dire need as a result of avoidable poverty or human rights abuses? The aim of the conference is to advance debate on these issues from philosophical, legal, religious, or political perspectives.

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