The Don Dunstan Oration on Public Administration

"Ethics and aesthetics in public administration"

18 September 2008
Institute of Public Administration, SA Division

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Good evening. May I begin by thanking the Institute of Public Administration Australia for extending to me the honour of delivering the Don Dunstan Oration on Public Administration for 2008. As always, it is a pleasure to visit Adelaide. I am the first of many generations of my family not to have lived in South Australia. As a child, I grew up with constant references to our connections with the State. In particular, I recall hearing conversation referring to the role played by my great grandfather as a surveyor of some note. I assumed that he must have been a grand figure in South Australian life – perhaps a surveyor-general – leading expeditions into the uncharted interior. As it happens, he was based at Goolwa where he worked as surveyor of boilers – less glamorous a role than I had imagined, but essential to the maintenance of safe commerce by the steamers that plied up and down the navigable reaches of the Murray.

I note that the last two orations have been delivered by people who have an intimate working knowledge of the practice of public administration. Peter Shergold and Kim Beazley were well-equipped to provide an 'insider's' view – from the public servant's and politician's perspectives, respectively. I have not worked within government. So, tonight's presentation is

necessarily that of an outsider. As such, I have tried to look at the issue of public administration through relatively fresh eyes – with a view to reframing questions that may otherwise have been set aside as settled. I think that Don Dunstan would have approved of this approach. While undoubtedly a notable reformer, Dunstan seems not to have been one to impose radical ideas on an unwilling community. Rather, he was able to identify and speak to the latent truths and aspirations at work within those he led. So**,** that is my goal tonight – to touch on latent truths and aspirations that might help to reframe at least some of our thinking about public administration in Australia.

Markets and the professions

I want to begin by describing two worlds – that of the market and that of the professions. These two worlds overlap – and as individuals we may participate in both worlds simultaneously. However, there are some radical distinctions between the two that are of relevance to tonight's discussion.

Adam Smith was not an economist (at least not in any sense we would recognise today). Rather, he was Professor of Moral Philosophy at the University of Glasgow – an eminent contributor to the Scottish Enlightenment and the author not only of *The Wealth of Nations* but also *The Theory of Moral Sentiments*[i]. One needs to read both works in order to obtain a complete understanding of Smith's thought – which is often surprising to a modern reader exposed only to selective quotations. Far from

being a dedicated champion of the commercial class, Smith was deeply critical of the ‘masters’ and their proclivity to skew the mechanisms of the market to secure personal gain at the expense of others. Although hardly remembered these days, Adam Smith accorded no intrinsic value to markets and their associated mechanisms. Instead, Smith saw markets as means to an end; as ‘tools’ best designed to achieve his ultimate purpose – an increase in the stock of common good. That is, for Smith, markets were only justified if their operation increased prosperity for all. It is for this reason that Smith abhorred monopoly or any other distortion that might lead to an unwarranted increase in the private advantage of the few.

However, Smith argued that he had discovered an important truth about what drives people to act. Rather than appealing to a love for others, Smith famously argued that we should expect a love of self (self-interest) to act as the primary source of motivation:

> It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own self-interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages.

Earlier in his career, Smith had invoked the idea of an ‘invisible hand’ that works for the common good – in this case guiding an uncorrupted market to achieve its proper end – a general increase in welfare. In passing, it should

be noted that while the famous passage from *The Wealth of Nations*, quoted above, explains Smith's view of why people will trade within a market, it says nothing about how they should trade – where Smith presumes the existence of an ethical framework, based on *sympathy* and *reciprocity*, within which people do not lie, cheat or use power oppressively (all recognised as causing 'distortions' in the market).

That aside, wherever modern societies have embraced Adam Smith's core idea, the pursuit of self-interest has been widely licensed and encouraged, with the expectation that the invisible hand of the market will do its work.

It is against this background that the decision to join a profession can be seen to be such a counter-cultural decision. Members of the professions may serve participants within the market economy. However, they explicitly renounce one of its fundamental tenets through their commitment not to pursue self-interest but, instead, to act in a spirit of public service. [ii]

We can see this idea at work in Australia today. For example, lawyers have overriding duties to the courts that require practitioners to place the public good (the administration of justice) before those owed to a client. Similar examples can be cited in relation to medicine, accounting, engineering and so on.

If the *idea* of a profession is to have any significance, then it must hinge on this notion that professionals make a bargain with society in which they promise conscientiously to serve the public interest – even if to do so may, at

times, be at their own expense. In return, society allocates certain privileges. These might include one or more of the following:

- the right to engage in self-regulation;
- the exclusive right to perform particular functions;
- special status.

A further requirement of professional life is that practitioners seek to understand and promote a particular, defining good. For example, a good society is likely to be one in which people are treated with justice, in which good health is commonplace, in which the environment is rich, rewarding and safe.

As Davis and Elliston note:

> One of the tasks of the professional is to seek the social good. It follows from this that one cannot be a professional unless one has some sense of what the social good is. Accordingly, one's very status as a professional requires that one possess this moral truth. But it requires more, for each profession seeks the social good in a different form, according to its particular expertise: doctors seek it in the form of health; engineers in the form of safe efficient buildings; and lawyers seek it in the form of justice. Each profession must seek its own form of the social good. Without such knowledge professionals cannot perform their social roles.

Public Service as a profession

If anyone acts in a spirit of public service, then (paradigmatically) it is public servants. So, it may seem obvious that public servants belong squarely within the world of the professions rather than that of the market. Yet, the institutional settings within which professional public servants are required to act create some unique challenges.

First, public servants are unique in having employers who claim a right to define what constitutes the public interest. I recall meeting with a senior political adviser, working with the Prime Minister of one of Australia's near-neighbours, who explained to me that the democratic mandate provided to their government authorised it to define the public good as it thought fit. While conceding that her government had the power so to act, I asked her to consider that having invoked the idea of democracy as the source of legitimacy, then her government was presumably bound to act only in a manner that was consistent with the principles and practice of democracy. For example (I suggested), no government could claim the legitimacy of democracy while at the same time refusing education to a section of its polity (say, people with red hair). Denied an education, red-haired people would effectively be disenfranchised. The same might be said in relation to the withholding of access to health care – or any other of the goods that enable a citizen to participate in a democratic polity.

The point is a simple one: elected politicians are quick to invoke their democratic mandate as a reason for requiring the Public Service to be

responsive. However, they rarely address the issue of what should be done when policies proposed by the political class are themselves inimical to democracy. My own view is that under no circumstances may the Public Service substitute its judgement for that of those elected to parliament (or equivalent deliberative assemblies). However, this is not to say that public servants are bound to collude in the commission of acts that they deem to be wrong. In the end – principled resignation is an option. However, between the twin extremes of collusion and resignation remains what I consider to be the principal duty to provide full and frank advice.

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When confronted with the evidence of Singapore's lack of adequate protection from an attack from the north, Churchill responded by saying, "I did not know, I was not told, I should have asked". In modern times, within Australia, it has become common to hear politicians offer two-thirds of Churchill's reply; namely, "I did not know, I was not told …". Alas, amongst contemporary politicians, the obligation to ask is less commonly recognised than in Churchill's time. Given this, it is essential that the Public Service give comprehensive advice – based on a competent and sincere attempt to discern the public interest. In my opinion, the advice should always be developed and tendered to ministers – whether requested or not.

A defining good?

As noted above, each profession ought to care about and strive to secure a defining good – lawyers should care about justice, doctors and allied health professionals should care about human health and well-being, accountants should care about truth … and so on. So what is the defining good of public administration? In posing this question I realise that there are many public servants who work as members of the other professions – as doctors, lawyers, engineers, teachers, nurses and so on – all employed by governments. But I am interested to reflect on the nature of work done by those engaged predominantly or exclusively in public administration – those who develop and implement policy and programs.

A moment's reflection leads to the obvious point that while those engaged in public administration may not be directly involved in the provision of distinct public goods, they play an essential role in creating the conditions under which such goods can be delivered. Whether it is the good of justice, or health, or security – public servants are the midwives to their delivery to the community. I do not know (and have not been able to coin) a simple term that can be applied to the good that I have described – 'enablement' is too lame.

However, I wonder if there is another kind of good that the Public Service can and should deliver; a good that is more closely connected with democracy. We are used to the idea that the principal responsibility for representing citizens should fall on elected politicians. This is an idea that I, for one, do not wish to disturb. However, while politicians are best placed to

represent citizens, it does not necessarily follow that they are best placed to consider the interests of those citizens. Indeed, I would like to propose that one of the critical tasks of the Public Service is to ensure that the interests of all within society – even the most marginal – are taken into account in the development of advice and policy for government. As you may have noticed, I am speaking here of citizens' interests – which I would distinguish from 'wants'. Typically, the market responds to the articulation of wants. Professions should only ever serve interests.

Being subject to popular election, many politicians will find it practically difficult to look beyond what people want – and as such, politicians participate in the 'marketplace' for votes. It is a credit to the political class that so many of our politicians are prepared to accept political risk by promoting the interests rather than the wants of their electorates. Yet, representative democracy is under strain – severe strain caused by the overwhelming dominance of party machines (that often make parliamentary deliberation an irrelevance) and the influence of unaccountable ministerial advisers who shield ministers from the consequences of their actions. Both major parties have a case to answer in relation to the way in which they have misused ministerial advisers to dismember the doctrine of ministerial responsibility; a doctrine that is central to the constitutions of this land. It may not be fair to hold ministers to a practically impossible standard, in which we presume that they truly know what is being done in their name. However, it is essential that this presumption be maintained. Not fair to some, I agree. But politicians volunteer for the role – and to be frank, the consequences of error are far less than those risked by others who choose to

serve in the military, police or a host of other public services involving risk to life and limb.

But back to the main argument …

It is against this wider background of the market – in general and in democratic politics – that the idea of a professional Public Service actively seeking to ensure that all voices are heard and considered in the development and implementation of policy makes sense, not as a substitute for the political process, but as its complement.

Developing and maintaining a culture of good government

Anyone who has been exposed to the corrupt conduct of government officials will recognise the fragile nature of our public goods. Any one of those goods listed above – health, justice, security and so on can be denied the public by corrupt officials. Fortunately, we experience relatively low levels of corruption in Australia. That said, there are some jurisdictions where the maintenance of standing commissions to investigate corruption is an essential safeguard – but one that can only be expected to go so far. For all of their skill and endeavour, such entities embody a 'negative' mission – namely, to prevent or detect corruption. As such, they are bound to focus attention on eliminating the odd rotten apple. Of equal or greater importance is the need to promote a positive vision of public service and the values and principles that should inform the practice. This is primarily a role for the leadership of the public service.

In general, people wish to be employed in organisations for which they feel proud to work. Such a desire can be harnessed to positive effect – especially when advanced techniques are used to select employees whose values and principles are congruent with those of the organisation; that is, to recruit and retain people who are not merely willing to comply with the organisation's rules and regulations but who embrace and apply the underlying principles. However, the greater the alignment between people and their organisation's values and principles, the greater the risk that any perception of hypocrisy (especially in the conduct of the organisation's leadership) will give rise to disappointment and then cynicism.

Again, the reality of politics (as opposed to public administration) can present a particular challenge to the Public Service. Where a minister acts in a manner not entirely consistent with the public interest, then there is a risk that public servants might conclude that 'what's good for the goose is good for the gander' or, less prosaically, 'If our leaders don't believe in what we say about the public interest, then why should we?' It is but a small step from there to see the ideology of the market embraced – with the pursuit of self-interest progressively holding sway. Wherever this occurs, the integrity of public administration is undermined – literally at its foundation.

Therefore, an additional burden falls on the professional leadership of the public service – to defend and promote the professional ideal even when, on occasions, that ideal is not honoured by the government of the day or even celebrated by the vast majority of fellow citizens – who are content to pursue self-interest. To do this; to preserve the ideals of Public Service in the face

of either indifference or hostility and to do so at a time when the tenure of many public servants is limited, takes considerable moral courage. Yet, the power of positive example will often do more to preserve the integrity of an organisation than all of the other control measures put together. As Peter Shergold observed, when delivering this oration in 2005, "Independence, I surmise; is a matter of character not contract". 'Or compliance', I would add.

If the majority of citizens belong to the world of the market, if political leaders cannot be assumed to look to promote the public interest as a matter of course, then what might be done to promote and enhance the cause of good public administration with both the 'good and the great' and the wider public?

It is here that an unexpected ally emerges from the past.

Back to Adam – the 'aesthetics' of public administration

As noted at the beginning of my address, Adam Smith has been adopted as the ideological father of the market economy. However, I also cautioned that many of those who embrace Smith do so without having read much of what he wrote – especially the great companion work to *The Wealth of Nations,* the *Theory of Moral Sentiments*. Yet, within the pages of the *Theory*, Smith makes some illuminating comments on what might be regarded as the 'aesthetics' of public administration and their power to promote action for the common good.

The discussion of public administration appears in Chapter One of Part Four of the *Theory* under the title, “Of the beauty which the appearance of Utility bestows upon all the production of art, and of the extensive influence of this species of Beauty” (In passing, I should note that the words ‘utility’ and ‘beauty’ are capitalised by Smith). In the paragraph immediately following that which refers to the “invisible hand”, Smith takes his central idea concerning the motive power of a beautiful system and applies it to the art of government (if you will excuse this 18th Century pun). Smith is worth quoting at some length:

> … All constitutions of government, however, are valued only in proportion as they tend to promote the happiness of those who live under them. This is their sole use and end. From a certain spirit of system, however, from a certain love of art and contrivance, we sometimes seem to value the means more than the end, and to be eager to promote the happiness of our fellow-creatures, rather from a view to perfect and improve a certain beautiful and orderly system, than from any immediate sense or feeling of what they either suffer or enjoy. … if you would implant public virtue in the breast of him who seems heedless of the interest of his country, it will often be to no purpose to tell him, what superior advantages the subjects of a well-governed state enjoy; that they are better lodged, that they are better clothed, that they are better fed. These considerations will commonly make no great impression. You will be more likely to persuade, if you describe the great system of public police which procures these advantages, if you explain the connexions and

> dependencies of its several parts, their mutual subordination to one another, and their general subserviency to the happiness of the society; if you show how this system might be introduced into his own country, what it is that hinders it from taking place there at present, how those obstructions might be removed, and all the several wheels of the machine of government be made to move with more harmony and smoothness, without grating upon one another, or mutually retarding one another's motions. It is scarce possible that a man should listen to a discourse of this kind, and not feel himself animated to some degree of public spirit.

The rest of the chapter is worth reading – not just for the original description of the invisible hand (a gift of divine providence), but also for the way in which Smith makes clear that the typical luxuries of the rich are mere baubles when compared to simpler goods of enduring value.

However, it is Smith's idea of good government, of good public administration being beautiful – and that this beauty should entice the allegiance of all citizens that is so interesting. By 'beautiful', Adam Smith means (in effect) 'fit for purpose' – that being to promote the happiness of society. Yet, there is something more to beauty than the harmony of a system's parts – all of which could be achieved as a matter of form. There is also an older idea of beauty, which incorporates the depth of things.

At this point, it may be interesting to note a curious fact about the language of ethics (at least as developed in the Western world). In its earliest

recorded form, the discussion of ethics was conducted in Ancient Greek. Socrates, Plato, Aristotle and their contemporaries typically made use of words like *aischron* and *kalos*. *Aischron* is usually translated as meaning 'shameful', *kalos* as 'honourable'. Yet each word had an additional meaning. *Aischron* also meant 'ugly' and *kalos*, beautiful. I mention this because it suggests that there was a time when the link between ethics and aesthetics was somewhat closer than might be recognised, at least at a formal level, today. Furthermore, it makes clear that there was a time when 'dishonourable' deeds were also considered 'ugly'.

Although Smith makes no comment about this older idea of beauty, I think that he would approve of my doing so. That is, I think that he would endorse the idea that the character of those engaged in public administration matters at least as much as the form of government that they help to create and sustain. In this, I believe that he would be joined by Don Dunstan – perhaps as unlikely an ally of Adam Smith as ever contemplated.

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[i] In the course of this paper I have referred to Adam Smith's major works by their commonly used short titles e.g. *The Wealth of Nations* and the *Theory of Moral Sentiments.*

[ii] The idea that members of the professions should act in a spirit of public service has been a defining concept for many years. For example, one particularly influential definition of a profession was offered by Roscoe Pound. It goes as follows:

> The term refers to a group ... pursuing a learned art as a common calling in the spirit of public service - no less a public service because it may incidentally be a means to livelihood. Pursuit of the learned art in the spirit of public service is the primary purpose.

Professions Australia (the Australian Council of Professions)defines a profession as:

> ... a disciplined group of individuals who adhere to ethical standards and hold themselves out as, and are accepted by the public as possessing special knowledge and skills in a widely recognised body of learning

> derived from research, education and training at a high level, and who are prepared to apply this knowledge and exercise these skills i**n the interest of others**.

The Australian Council of Professions has formerly argued that members of the professions, in Australia:

> ... must at all times place the responsibility for the welfare, health and safety of the community before their responsibility to the profession, to sectional or private interests, or to other members of the profession.

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