Beyond Serving a Purpose: Additional ethical focuses for public policy agents

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From the point of view of a theorist in ethics, the ethical purpose of public policy making is to develop and implement policies that appropriately address the public, as conceived by one's preferred ethical theory.[1] But this point of view does not take much account of the roles and practices through which public policies are enacted. What additional ethical focuses for the public policy agent might these entail? A brief outline linking the approach of three ethical theories to their views of the public will show their conceptions of the ethical purpose of public policy. Following this, brief sketches of the general purpose of some public policy roles set the context for the discussion. Four features of policy-making roles and practices that go beyond the main purpose of developing ethical public policies are noted, along with the ethical responsibilities these raise. These four features involve: the nature of the policy process; the definition of the public; the treatment of policy agents; and accounting for public policy decisions. Brief examples are used to illustrate the issues and support the conclusion that these present additional ethical focuses for agents in public policy roles.

Ethical theories, public policy and the purpose of policy roles

Defining what counts as 'acting ethically' is a difficult question in the field of moral philosophy, not helped by widespread disagreement among those working in the field (Bourget and Chalmers, 2009). Different ethical theories specify the matter in completely different ways. Utilitarianism, for example, says the consequences of our actions is what ethics is about; we should value the benefits or harms our actions create for people (or other creatures). Rights theory says we should value people as equally deserving of what is necessary to live a decent individual human life in society; respecting or protecting the equal rights that let us live such lives is what ethics is about. Virtue ethics says we should value our ability to develop and express particular strengths of character – virtues – through our actions in life and our reflections on those actions; developing and expressing a virtuous character is what ethics is about. These few examples of ethical theories show their very different conceptions of the nature of ethics.

In the broadest sense, the purpose of public policy is as a means for the state to provide for the public and account for the provisions made. Each ethical theory offers a different ethical standpoint from which policy makers could view the public on whose behalf they make decisions. From a rights theorist standpoint, the state ought to serve the basic and equal individual rights of all of its citizens. Consequently, it would appear that the overall ethical purpose of policy making is the development and implementation of decisions that provide this service to its citizens. This position conceives of the public for which these agents make decisions as a group of 'rights-holding' individuals. A utilitarian viewpoint requires policy making that impartially considers the consequences for all those affected before selecting and implementing the policy option likely to produce the greatest good with the least harm for the most people. This position conceives of the public for which these agents make decisions as an aggregate of individuals with an equal interest in being happy and avoiding suffering.

Both the rights theorist and the utilitarian positions require an impartial consideration by policy makers of, respectively, the rights or interests of the people affected by decisions. Virtue ethics, by

contrast, does not necessarily require strict impartiality in decision-making (although it may require this in certain situations or types of situation, depending on the demands of relevant virtues). A virtue ethics viewpoint would require consideration of what virtues can be expressed through policy making, and how policies can facilitate the conditions that help people develop and practice strengths of character, so they may live flourishing lives. The ethical purpose of policy making is the practice of an admirable governance that facilitates conditions helpful for the public to flourish.

So far, so generic. But public policy decisions are not made by a generic policy maker or set of generic policy makers. The development and implementation of these decisions is performed by agents in particular policy roles. From an ethical theorist's point of view, discussing the ethics of the outcome of this performance – that is, a specific public policy – is a fairly straightforward process. We apply ethical criteria, such as those noted above, to evaluate the policy. But what about the performance itself: the role-related decision-making agents engage in when developing policies? And how might this look if we take the perspective of the agents making the decisions? The following discussion of some ethical issues in public policy decision making considers agents' roles and their associated practices, and what these mean for the agents' decisions.

Categories of public policy roles

Very broadly, New Zealand has three main categories of public policy roles: 1) politicians; 2) policy analysts and advisers, and their managers, who work in public service departments;[2] and 3) decision makers with expertise in a particular field, whose decisions are or can be public policy decisions. The third category includes, for example: judges; members of commissions such as the Broadcasting Commission, the Commerce Commission or the Electoral Commission; members of other authorities, corporations or agencies, such as the Environmental Risk Management Authority, Housing New Zealand Corporation or

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2   These are the main body of public servants, who work in the government departments listed in the First Schedule to the State Sector Act 1988 (Shaw, 2010, p 243).

the Crown Health Financing Agency; and members of boards such as district health boards (State Services Commission, 2009).

The following discussion will bear on the first two categories of public policy roles only. This is primarily because the particular fields of expertise required or common in many third-category roles often have their own ethical standards (standards that the relevant professional bodies see as important for properly maintaining the knowledge and practices of those fields). Judges, health professionals and accountants, for example, are bound by professional codes. The scientific and engineering communities also set standards for their professions. Professional standards require the professional to have certain focuses and priorities in their decision-making that could influence the ethical focuses of their public policy roles. In general, the third category is more complicated than the following discussion allows for.

Of the two remaining categories of public policy roles – politicians and public servants – the purpose of the former may be easier to define. (Of course, individual politicians may have their own particular saintly or nefarious purposes for wanting to be politicians, but these are not our concern.) Broadly speaking, the role of a politician is to discern or frame issues that are of concern to constituents, locally or nationally, and either commit to working on these issues, or propose policy solutions to these issues, in a way that will get them elected. Once elected, their purpose is to carry out the above commitments and proposals where possible (and any new commitments or proposals) and to stay elected.

Defining the purpose of a public servant presents a complication. The State Services Commissioner (2007b, p 7) gives this overview of the functions of public servants in New Zealand (note 'State servant' is used in place of 'public servant'):

> The State Services is collectively responsible for putting the law into practice, implementing policies of the Government, and administering a wide range of public functions and services. State servants are guardians of what ultimately belongs to the public; New Zealanders expect State servants to serve and safeguard their interests.

New Zealanders external to the public service may indeed expect public servants to serve and safeguard their interests, and the State Service Commission's guidance for understanding the sector's code

of conduct (2007b, p 23) does say that public servants 'must always act in the public interest'. However, the rest of the document gives the impression that the internal conception of the primary function and ethical focus of public servants is largely about serving the government. Less than a quarter of the guidance offered for understanding the code has a focus on serving the public. The rest focuses either on serving the interests of both present and future governments or on serving one's own interests while employed in the state sector. While all three focuses are appropriate, perhaps the amount of detail expended on guidance for each says something about the organisational focus expected of employees. Nonetheless, as the government is responsible for serving the public interest (and is the voting public's agent of choice to do so), then state servants are, in effect, serving the public through serving the government. They do this by helping to develop and implement particular government policies for the public.

These are but brief sketches of the main purpose of the politician and the public servant, but they should provide sufficient background context for the following discussion. The other background presumption to note is that the main ethical focus of politicians and public servants ought to be on producing ethical policies for the public. Bearing this in mind, the question to be answered is how the practice of these roles may require a focus on something other than their main purpose. Four features of the policy-making process will be outlined that present additional ethical focuses for agents in these policy roles.

Nature of the decision making may require an ethical focus on addressing the decision-making process itself

An ethical agent is typically conceived, by various ethical theories, as a single individual, team, or group of peers who has to decide between a set of alternatives and act on that decision. Public policy making is obviously not an individual endeavour, however, nor is it the joint endeavour of a single team or group of peers. There are multiple persons involved in the process of identifying the task to be done, specifying the project team, scoping the problem, defining the issues and the stakeholders, gathering relevant evidence, consulting stakeholders and producing background papers, analysing the information and drafting a policy document, working on policy instruments (such as drafting the

required legislation changes), distributing the draft policy document and analysing feedback from stakeholders, conducting ministerial cross-party discussions, revising the draft document according to ministerial direction, briefing the minister, making a Cabinet decision, implementing the policy, and finally evaluating the policy (E-government SEE, no date, chapter 6). But the multiple persons involved, taken together, are not a group of peers or a team, although subsets of them may be teams. They work in different departments or areas and are subject to a bureaucratic hierarchy. Those assigned to the research and analysis work usually have less authority than those who specify project teams, or those agents (minister or Cabinet) who later decide upon or approve the alternative/s to be adopted.

Moreover, the form and features of this policy making, by and large, are not up to the policy agents involved. Instead, there is a structured process to be followed, as indicated in the outline of the process in the previous paragraph. So for public policy, overall agency is spread across multiple people and is enacted through a structured hierarchical process. These features of bureaucratic process can impact on the abilities of agents to appropriately develop policy. Any consideration of the ethics of public policy making should therefore include consideration of the ethics of the process itself.

Some pressures of the policy-making process are explicit and clearly obvious; for example, Hughes and Calder (2007, p 56) note that '[t]here may be instances where ministers or government officials set unrealistic time-frames to complete significant pieces of policy advice'. For politicians, the three-year election cycle puts pressure on the amount of time available in which to develop and implement any policies to which they have committed themselves. On top of this, the public, through the influence of opinions expressed in the media and in polls, can pressure members of parliament to take action quickly on issues of public concern that flare up intermittently. For example, the public might get upset over a case of abuse resulting in a child's death and demand more resourcing of child protection services so that these services can intervene to prevent such occurrences. This sort of pressure can put members of parliament in a difficult position if a quick response to what the public demands would be counter-productive in terms of a

policy response to the issue as a whole (Munro, 2006; Mansell, 2006).

Politicians may acknowledge a responsibility to respond to the public's concerns, but rightfully note that the media and polls may not present the public's considered view on an issue. The policy process provides for more in-depth consultation with stakeholders. Consultation may have positive results, bringing useful information and perspectives to the table, and engaging stakeholders who can help with forming and delivering solutions that take account of their interests. However, this is not necessarily the case. Pidgeon and Gregory note that for some policy issues, termed 'taboo trade-offs' (Fiske and Tetlock, cited in Pidgeon and Gregory, 2004, p 615), consulting may be inherently negative. These policy issues 'involve situations where choices bring up emotional, moral, or ethical issues that are fundamentally hard for individuals to think about' (Pidgeon and Gregory, 2004, p 616). Individuals may not welcome the opportunity to have a say, but instead feel deeply offended at the nature of the issue presented. As an example, let's consider the aforementioned issue of preventing child abuse.

Say that lowering the bar for intervening, in order to prevent more cases of abuse, means sharply increasing the rate of 'false alarms', where innocent parents are subject to distressing investigations that may destabilise their families. Bear in mind also that 'false alarm' interventions uselessly consume resources that could be spent helping needy families, or on other public services (Mansell, 2006, pp 81–82). The issue is where to set the bar. What level of risk of abuse to children is acceptable in order to avoid, say, a ten-fold increase in destructive interventions on innocent families? What if it were a hundred-fold increase? What level of child deaths from abuse are we willing to specify as 'acceptable'?

The point is that the whole idea of having to consider some level of child deaths from abuse as acceptable would be anathema to many members of the public. Munro (2006, p 94) notes that:

> in the United Kingdom there is an official 'acceptable level of deaths' from radon gas that determines the level of state intervention in reducing radon gas. However, the topic of child abuse is so emotionally charged that it is hard to believe

that society would accept an equivalent statement with respect to an acceptable level of risk of abuse to children.

Consultation that clearly and carefully presents the relevant information for stakeholders to consider may bring benefits in terms of developing public sympathy for the difficulties involved in the issue, and encouraging a more sober debate. However, Mansell notes that 'while improved knowledge of trade-offs may improve the ability to manage public expectations, it will not wholly mitigate the risk that public sentiment may be stirred up in unreasonable ways that lead to demand for a reaction' (Mansell, 2006, p 90). So, for ministers and state servants alike, listening to the public's voice is a part of the policy process; but this in itself can present complex ethical issues and pressures to be managed.

State servants could also face an internal pressure; one that stems not from outside stakeholders, but rather from other agents in the process. For example, a state servant could face implicit pressure to present policy options in a light that favours their minister's preferences. Consider the following mini-scenario.

> You and your policy adviser colleagues are preparing a list of policy options regarding a particular issue on the agenda for your minister, outlining the pros and cons for each option. To you and your colleagues, based on the information that is there, option A seems fairly obviously the best choice. You think option B is a somewhat poor second best that does rather less well at serving the public interest. However, you know that your minister does not like option A, for political reasons (perhaps he or she has spoken out publicly against option A in the past, or perhaps it is ideologically unpalatable). So you are aware that your minister does not want advice that suggests option A is obviously the best choice. Your minister favours option B (for one of the aforementioned political reasons). Do you:
> i) provide the advice based on your research that suggests option A is clearly better; or
> ii) expand on the good points of B to try to make B look a more plausible option than you think it is, thereby facilitating your minister's choice of option B?

Of course, the official line is that policy advisers are to proffer free and frank advice and that ministers should not pressure or influence policy advisers at this point in proceedings. And if the foregoing mini-scenario were purely hypothetical and unlikely to happen in real life, then there would be little to be concerned about. However, an outline of focus group discussions, in which public servants from across various public service departments discussed the concept of implementing a shared electronic workspace, noted that an issue commonly raised by participants, in relation to ministers, was 'protecting officials from undue pressure or influence if a minister could follow a policy debate, and have access to who said what' (E-government SEE, no date, chapter 9). This suggests that pressure from ministers is not unusual in the process of policy decision making.

In summary, the bureaucratic process of public policy decision making constrains agents across several levels of authority. Parts of the decision-making process, including, for example, the time-frames imposed, the consultation involved and the influence of authority, can present ethical difficulties for agents developing and implementing public policy. There are no doubt many other aspects of the process that bring up ethical issues; these are but a few. The agents themselves are probably best placed to identify these difficulties, and to consider what – if anything – can or should be done about them. So part of the ethical focus of policy agents should include a consideration of the decision-making process itself.

Uncertainty over how to define the public

Whether our primary ethical concern is directly with rights, happiness and harm, or encouraging flourishing, we would expect policy makers to have a reasonable idea of the ways in which various policy options might impact on the public. At the least, we would expect that policy makers, with research and consultation, are able to form a good idea of who amongst the public will be affected and how they will likely be affected. Of course, there will always be some uncertainty: courses of action can produce unexpected – indeed, unforeseeable – results, or come to mean something in practice that wasn't apparent or intended on paper. This uncertainty is nothing out of the ordinary; it is the case for many decisions people make, especially where these decisions

can affect large numbers of people or have long-term consequences. Moreover, this uncertainty does not necessarily cause ethical problems for the application of ethical theory: in general, people have to make the best assessments they can with the information they can get, and that is all ethics can ask of us.

However, from a policy agent's point of view, there is another uncertainty here that could cause ethical problems: uncertainty over who counts as part of the public, and how some interests should be counted. There may be many areas where this could arise, but to illustrate, here are four categories over which there is (potentially) this uncertainty: future generations; foreign publics; dead persons; and non-human animals. For one of these categories, namely dead persons, it is unclear whether there are interests or rights to be taken into account. In the other categories, it is unclear how far policy agents ought to take their interests into account. The main point is that a simple focus on ethically addressing an existing or commonly assumed definition of 'the public' ignores the fact that the assumed definition of 'the public' may be contestable. While there is not the space here to go into details, what follows should give an idea of the general issue for each category.

Future generations

Is it obvious that we should take the interests of future generations of the public into account? There are surely metaphysical problems with considering the not-yet-existing interests of people who themselves do not yet exist, and who may never come into existence. However, while we don't know who they are or exactly what their interests will be, we do know that there will be some people. Some of the future generations of public citizens may be as near as a few minutes away in our maternity wards; we might even have a rough idea of how many people there will be over the next 50 years. Moreover, it doesn't seem unreasonable to presume they will share our interests in access to adequate nutrition, a healthy environment, and so on. So, ethically speaking, ignorance does not excuse us from some responsibility toward future generations. The question is: how should the hypothetical interests of future generations be weighed against the actual interests of the existing members of the public?

Foreign publics

These are publics for which another state has the responsibility of governance. It is not clear how our state should consider the interests of publics other than its own. Foreign publics have not given New Zealand politicians or public servants a mandate to make decisions regarding their interests. Any mandate that New Zealand's voting public delivers to politicians through an election win would seem to focus purely on New Zealand's public interest, except where a party has an explicit position on foreign intervention or aid. Clearly, the New Zealand public is concerned about the interests of some people in foreign publics. For example, on learning of the impact of tsunamis on peoples in the Pacific, members of the public donated money to help relief efforts. We are also concerned about the interests of foreign peoples protected by our military forces (for example, the people of Afghanistan) – at least insofar as these interests can impact on New Zealand soldiers and on our foreign policy. This is a concern for what is in our national interest. But most ethical theories, regardless of whether they demand strict impartiality or allow some partiality in moral decision-making, see morality as requiring that other people be taken into account for their own sake; not simply because it suits our national interest or because some members of the public happen to be touched by their plight. So the question is: ethically speaking, how ought public policy makers give weighting to the interests of foreign publics? May they go beyond whatever level of concern is dictated by the sentiment of our public or by furthering our national interests?

Dead persons

It is clear that living people have interests concerning their own upcoming deaths, and interests concerning their dead kin and friends. But what about dead people themselves – do they have interests? Obviously, there are areas in which dead people do not have interests: physical pleasures, for example. For other areas, different cultures may have different views, based on cultural tradition and religious faith. And there might be some areas where many people, regardless of cultural background, are uncertain. One such area is where a person expressed wishes, while alive, about things to be done upon their death. For example, knowing the need for donated organs, a living person might

express a wish for their organs to be donated once there is no hope they will live. Should the person's wishes be able to be automatically overridden by family opposition when the time comes? Another such area is the use of confidential information. For example, should people retain a right to any privacy regarding their confidential medical details once they are dead? If access is allowed, should there be any restrictions on when these details can be accessed or who can access them? Here the questions are: once living people become dead, do they still have interests? And if so, how should policy makers consider these interests against the interests of the living?

Non-human animals

We take account of the interests of animal life when we act to protect endangered species to please conservation groups and other New Zealanders and tourists interested in seeing these species. We also take account of the interests of animal life when we make animal welfare provisions to protect the health and reputation of our livestock for the domestic and export markets. These sorts of reasons suggest an extrinsic valuing of animals; that whether or how much animals' interests are counted depends simply on whether they make money for us, provide us with food or materials, or fulfil our aesthetic pleasure or scientific curiosity. However, we can also take account of the interests of animals intrinsically, for their own sake; for example, when we enact and enforce legal penalties for cruelty to animals. So here the question is: are we taking proper account of animals' interests? How far should the interests of animal life be taken into account in addition to interests expressed by human members of the public or dictated by the national interest regarding their welfare?

For each category then, the key question boils down to: should we take members of this category into account for their own sake, rather than in terms of how they affect the general public or the national interest? And if so, *how* should we take them into account – especially where their interests must be weighed against the interests of the general public? Finding or developing answers to these questions in the process of making particular policy decisions requires agents to traverse a politically difficult and ethically contested terrain. Policy decisions in

these areas may effectively define who gets to count as the public, as well as how they count.

Responsibilities toward persons in policy-making roles

The suggestion that, from the point of view of ethical theory, the ethical focus of a policy role simply requires decision making that appropriately addresses the public does not obviously take account of the fact that there is a person in the role, and that being in that role might affect them as a person. After all, a job usually takes up many of our active hours each week; if our activities can shape our selves, then our jobs probably have some impact on who we are as people. The basic question here for policy agents is: how might this job or this workplace improve or compromise someone (including me) as a person?

For politicians, the obvious concern is integrity-threatening choices: being put in a position of having to choose a course of action that goes against one's values or principled commitments in order to get or retain political power. An integrity-threatening course of action could be repeatedly compromising one's political ideals; or breaking a firm promise; or betraying the trust of a colleague in order to get elected or re-elected. It could also be compromising on a deeply held personal principle; for example, former prime minister Rt Hon Helen Clark getting married, when the institution of marriage was against her personal principles, in order to increase her political viability (de Cheateau, 2001). Part of the of the politician's raison d'être is to seek power to serve principled commitments; acting against this could undermine their professional and personal integrity, so any choice made in these situations could involve a trade-off of integrity.

It is probably inevitable that politicians will face decisions where any course of action involves some trade-off of their personal principles, power or public promises. Politics may be the art of compromise, but principles that are given away, in practice, will soon cease to count as principles. How often can you do this before it changes who you are as a person? Of course, it might change you into a better person, if you become skilled at compromising to achieve policies that will work longer-term toward fulfilling more deeply held principles; or if you realised that some of the principles you held were inappropriate.

But equally it might slowly strip you of your integrity, of your sense of yourself as a particular ethical person, and of your ability to give effect to your principles. The danger is that it could be difficult to assess which way things are likely to go.

Just as a point of interest, the difficulty of assessing consequences does not mean that a consequentialist approach, such as the utilitarian approach of trying to produce the most good or least harm for everyone affected, has nothing to say on how to consider options in these situations. The utilitarian principle requires giving impartial consideration to the interests of all those affected. It would see the ethics of this decision turning on the likelihood of the political agent being able to secure power and use it for good, in comparison with what might happen – or who else might be available to do this – should the agent decide not to pursue power. Agents ought not to give greater consideration to their own interests than the interests of any others similarly affected. So if the agent reasonably estimated that no other person would have a better chance of securing power and using it to produce good consequences, or that another person who might do as well as them when in power could be more likely to be damaged or made unhappy by integrity-threatening choices, then the political agent ought to choose the path to power.

The situation is a little different for most state servants. For a start, most tend not to have the high profile and public backing that can make a decision about quitting their job (or career) a matter of more than personal import. However, there are other aspects to the role of state servant that can shape the person in the role; in particular, the demand for political neutrality. The guidance from the State Services Commission regarding the sector's code of conduct suggests explicit constraints on permissible political engagement and activity for employees involved in policy making (State Services Commission, 2007b). The more senior the role, the more significant the constraints. The guidance goes so far as to suggest that the political interests of a close family member could have the potential to conflict with an employee's obligations as a state servant (p 11). Even for persons who are not inclined toward political activism, if a conscientious attempt to maintain a public face of political neutrality means that an employee must constantly be on the lookout to

censor what they say to all but their nearest and dearest, this could place demands on their sense of self.

Senior policy staff whose jobs include hiring policy staff, or mentoring more junior policy staff, have a responsibility in regards to the aspects of policy roles that can constrain or otherwise shape agents; namely, making staff under their care aware of the constraints the jobs can impose, or other compromises the roles may involve. In this, the guidance provided by the State Services Commission for understanding the code of conduct for state servants would be quite helpful, especially if fleshed out with examples from the senior staff member's past experience. So part of the ethical responsibility of senior policy staff involves some ethical focus on the more junior staff in their charge, even if this is simply raising their awareness of potential pitfalls.

If ethics is about how people are treated, then a person in a policy role ought to consider how they are treating themselves or allowing themselves to be treated through their role. Because the activity of making or helping to make public policy could play a part in shaping the policy agent's decisions and actions, and in shaping the policy agent as a person, there should be some ethical focus by policy agents on their own selves, and those under their charge.

Accounting for public policy decisions

Accounting for public policy decisions is an element of the policy process that deserves consideration in its own right. This accounting could be to the public generally (in New Zealand, through requests for information under the Official Information Act 1982, for example) or to certain stakeholders; but it could also be to coalition parties or to other ministers or public service departments.

For politicians, accounting for the policies to other parties or to the public could raise some tricky issues of transparency. There is the question of how a policy is characterised in terms of its purposes and goals. Rogers (2007, p 39) notes the ethical value of transparency in identifying and clarifying the goals and purposes of policies, as this can enable us to 'see more clearly who or what must be sacrificed to meet these goals'. While she concedes that this transparency brings with it the politically undesirable possibility of making it easier to identify

political losers (those who will miss out or not be well-served if a policy is introduced), she nonetheless argues it is ethically imperative. The transparency is necessary in order to be able to evaluate policies' actual effects against the goals they sought to achieve. This can help to highlight when a policy is counter-productive; for example, if a policy has a goal of reducing inequality in its target area, and its principles reflect this, but in practice it has the unfortunate effect of increasing inequality.

However, Rogers (2007, p 40) suggests:

> a further potential danger of clarifying the goals of policies that may serve multiple ends is that over-emphasis on one ethical goal may be at the cost of consensus, to the detriment of groups that would have benefitted from the policy.

She gives the example of a policy response to the problem of teenage pregnancy in the form of an educational campaign aimed at reducing teenage pregnancy. A campaign that provides information on both chastity and contraception may be acceptable to feminists and to religious groups, if both 'can see at least part of the solution that fits with their beliefs, and are able to live with the other parts of the policy' (Rogers, 2007, p 40).

To relate this to transparency on the part of politicians, imagine that the goal of the minister or member of parliament who is keen to see this policy implemented is to 'encourage teens to engage in safe sexual practices'. Presumably, if this had been clarified as the goal of the campaign, rather than 'reducing teenage pregnancy', then conservative religious factions would get offside. Conversely, if a conservative religious minister or member of parliament had been sponsoring the policy and transparently presented their goal for the educational campaign as 'discouraging unwed teen motherhood', then feminist factions would get offside. Perhaps in some cases it is better to offer a less-transparent account of the goals of a policy, than a more-transparent characterisation that would only cause divisions.

For public servants too, the practice of accounting for policies has ethical implications. The accuracy and completeness of information available to the public about particular policies is dependent upon the discretion of the policy analyst or adviser. An untruthful account

of proceedings shows little respect for the recipient of the account. On the other hand, a truthful account of proceedings may produce worse consequences for either the agent giving the account or others involved in the process. To illustrate, let us return to the mini-scenario outlined earlier. You and your policy adviser colleagues were preparing to advise the minister about policy options for an issue on the agenda; you thought option A was clearly superior but that your minister did not want to hear this advice. Say you decided to provide free and frank advice. Following this, and as expected, your minister selects option B for political reasons. You and your colleagues think this is a somewhat poor choice, but you have provided your best advice to the minister and received his/her decision. So, option B is duly drawn up and as there are financial implications, the Treasury is consulted. The Treasury comes back to you asking why your department wants to do option B. Do you:

- simply say that the minister was fully informed of the alternatives and made an executive decision to go with option B?
- communicate that, as far as you're aware, the minister was swayed by political considerations in selecting B, and that now you're focusing on getting the best outcomes you can from option B for all concerned?
- expand on the reasons in favour of B to try to make B look a much more plausible option than you think it is?

In New Zealand, the Official Information Act 1982 requires much of the information about the development and implementation of policy to be made publicly available, so public accountability may be held to be a purpose of a public policy role. The preceding scenario involves an accounting to the Treasury rather than to the public. If this account were given through meetings involving unrecorded verbal discussions only, there would be nothing of it for the public to access; this might be a concern from the public's point of view. However, of greater concern is the initial scenario where policy analysts or advisers feel under ministerial pressure to circumvent such accounting when providing the advice to the minister in the first place. In other words, they feel pressured to try to spin the policy advice given to the minister

so that option B comes out looking much more plausible as a choice than the adviser thinks it is. This presumably facilitates a smoother passage of the policy and makes things easier for the minister. But it would also mean that the documents later available for the public to view tell a misleading story of the advisers' conclusions from their research and consultation. So the public would not have a chance to access accurate information about the different policy options in the decision-making process.

Conclusion

The most important ethical purpose of a public policy-making role is to address the public (as conceived by one's preferred ethical theory) in the particular policy decisions that are made. However, this paper highlights some other aspects to the practice of policy roles that may also require an ethical focus. The bureaucratic nature of the decision-making, which structures the actions of multiple agents across different levels of authority, means that a wider focus on the decision-making process itself is ethically appropriate. Where there is uncertainty over how the interests of some beings – for example, future generations of our public, foreign publics, dead people and non-human animals – should count, part of the ethical practice of policy making could involve defining the public rather than simply addressing an existing or presumed conception of it. Because policy roles might play a part in shaping the role-filler as a person, policy agents, especially those with authority over other policy roles, should take some consideration of how the role can shape and constrain agents. And, finally, accounting for public policy, whether to the public or to other agents in the policy process, is an aspect of the policy decision-making role that also requires an ethical focus.

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