INTEGRITY IN GOVERNMENT

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Others have direct experience with the problems of promoting integrity in government and policing its lapses. I shall leave that difficult subject to them. I want to make some comments about what we mean by integrity in the context of government, and to suggest that the circumstances of governance today weaken its meaning. Few disagree that integrity is one of the qualities most to be valued in public officials. We use the notion of integrity expansively as a general, all-purpose yardstick against which to measure public conduct. Yet it is an elusive concept, especially in relation to government and government officials.

The least that integrity requires of a public official is that he or she not be corrupt in obvious ways: soliciting or accepting a bribe, or accepting a gift or favor in return for official action. Such conduct is generally criminal; so the added fact that it displays a lack of integrity is beside the point. So also, integrity requires that one not take some action or fail to take some action because of a perceived benefit to oneself, even if the benefit is incidental and not a reward. But again, profiting from a conflict of interest also is generally subject to criminal or regulatory sanctions. Although we sometimes have to draw painful distinctions between what is and what is not within bounds, the principle is reasonably clear. Formal mechanisms for preserving integrity in government go no further than corruption and near corruption of this kind. There is also much conduct for which official sanctions are out of the question and which we should hesitate to call corrupt, but which nevertheless raises issues of integrity. It is in this area that we are most in need of a better understanding.

The meaning of integrity that comes easiest to mind is Polonius's advice to Laertes: "This above all, to thine own self be true." ¹ Authenticity—being what one is, without deceit or dissembling—is surely at the core of integrity. Adopting that meaning, John Rawls identified the virtues of integrity as "truthfulness and sincerity, lucidity and commitment."² They are, he said, "virtues of form" and

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consistent with great wickedness.\textsuperscript{3} For that reason, he called them "secondary" virtues.\textsuperscript{4} With respect to government, at any rate, that diminishes them too much. Integrity in government is not a large matter for a despot. He may be benign or malevolent, but because what he does is not dependent on his subjects' wishes, so far as matters of governance are concerned, integrity has for him only instrumental value. It is quite otherwise for a democratic government. For it, integrity enables, and a lack of integrity undermines, its democratic nature. Integrity, as Rawls insists, does not guarantee right conduct. Nevertheless, for all the same reasons that recommend democracy, integrity ranks among a democratic government's primary virtues.

A democratic government has an obligation arising from its democratic nature to practice authenticity toward its citizens, those to whom it is responsible. I do not suggest that government should be transparent in all things. If we want to make integrity a virtue, we ought not set the standard so high that it is unattainable as a practical matter. Some governmental responsibilities, in some circumstances, depend on secrecy, even, at times, dissembling and pretense. I should state the matter this way: integrity requires that government not conceal or dissemble simply in order to secure the citizens' approval, or to avoid their disapproval, of what it does. Deception is permissible only if it is necessary to serve an end that is or would be approved, and only if the case can conscientiously be made that the deception itself would be approved were it made known. That is a difficult and troubling distinction to draw. Hypotheticals—the subjunctive mode—are treacherous. "Would approve" too easily becomes "would approve if they were right-thinking." Efforts to avoid criticism or disapproval are too easily rationalized on the basis that right-thinking persons would not criticize or disapprove. But the distinction I have in mind marks the difference between a provisional lack of authenticity in order to advance the public good, on one hand, and a lack of authenticity to serve one's own political fortunes, on the other.

I should add another, less obvious criterion. Preparing for this afternoon, I asked myself what examples of government action exhibit the greatest lapse from integrity. I came back again and again to experiments involving dangerous, potentially fatal interventions affecting specially selected, unknowing human subjects: exposure to radiation, withholding treatment for syphilis, inoculation with the influenza virus, even withholding orange juice from infants in order to observe the symptoms of scurvy.\textsuperscript{5} Although I believe that such

\textsuperscript{3} See id.
\textsuperscript{4} Id. at 520.
\textsuperscript{5} See Ed Williams, In the Nature of Science: How Modern Medicine Confronted its Inhumane Past, Charlotte Observer, Aug. 31, 1997, at 4G.
conduct is profoundly immoral, it is not self-evidently so. There is a respectable ethical view that might apply a utilitarian calculus and defend some such practices as instrumental to the good. Nevertheless, practiced by the government on some of its citizens, it is to be condemned as lacking integrity.

It may seem trivial in relation to such gross immorality to emphasize the lack of integrity. But it is only this lack of integrity which makes the case against the government clear. A government may not secretly single out some of those who are governed for especially harmful treatment—or for that matter, favorable treatment—even if it is thought to benefit the public good generally. If a case can be made for such treatment (which I doubt), it must in fact be made. As Rawls noted, having integrity does not guarantee a moral course of conduct. Nor does pursuing the good as one sees it excuse a lack of integrity—although I should add that if the moral principles themselves are not a sham, there is an affinity between morality and integrity.

That is a skeletal view of what I think integrity in government means. The implications extend beyond extreme cases like the secret experiments. They also include failure to disclose fully and forthrightly the nature and effects of ordinary, ongoing programs—the regular business of government—that affect people unequally. Each of us will have his own examples. Those that come to mind for me include the brutal, degrading conditions in many American prisons; prolonged detention of persons who may be subject to deportation, also in degrading conditions; and the withholding of promised medical benefits from veterans. Or, on the other side of the ledger, the granting of special subsidies or tax breaks to specially favored groups. Such practices are usually not wholly concealed. But disclosure that is deliberately obscured by misleading statistics and trumped-up explanations and justifications also—whatever other ethical judgments apply—bespeaks a lack of integrity. There is a lack of integrity in the government’s current ad hoc, evasive, euphemistic defense of the detention of persons without access to a lawyer—or indeed to anyone to act in their behalf—and their subjection to torture, by whatever name it is called, assertedly in connection with the so-called war on terrorism.\(^6\) Whatever would be the public response were these practices forthrightly acknowledged—I recognize that judgments will differ—the government’s avoidance of informed debate lacks integrity.

There are several recent developments in the conditions of politics in this country that might be thought to serve the values of integrity in government by increasing the transfer of information in both

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directions between those who govern and those who are governed, but that have, in fact, done integrity a disservice. Increasingly, it seems to me, we are able to preserve integrity in government as an ideal only by making its content thinner and thinner in practice. I have in mind the explosion of means of public communication, the increased use of polling and the rise of special interest groups.

In private life, we are rarely called on to declare our commitments explicitly. Mostly, we display them over time by our conduct. We are able to reflect, reconsider, even to change our minds. For public officials or persons seeking public office, however, the situation is different. The insatiable appetite of news media—mainly television—for new stories, the intense competition among networks, and the advent of round-the-clock news channels have put public officials under intense, unceasing scrutiny. They are expected to declare their views on current issues and events on a daily, almost hourly, basis. And, attentive to the nature of the medium, they express their views in short, easily digested phrases and slogans—sound bites—without qualifications, reservations, or careful analysis of any kind. Inevitably, they think about what to say and leave serious consideration of what to think for later. Forthrightness and commitment are replaced by "spin." Walter Mondale’s honest declaration in the presidential campaign of 1984 that it might be necessary to raise taxes is recalled not as an example of integrity, but as a cautionary tale.7

Nor is the retreat to inauthentic, uninformative public discourse limited to political campaigns. Political appointees—judges and high government officials—are subjected to a confirmation process that is supposed to provide a basis for senatorial judgment but has become on one side an exercise in meaningless, fawning admiration and, on the other, a game of Get the Guest.8 An appointee does not prepare by working out a careful statement of her views. Rather, she is prepared by “handlers,” as they are called, who are interested not in what she believes, but in what she should or should not say. No one is in doubt about how to conduct herself: follow your handlers’ script, avoid any direct response, and deny having ever thought about any matter of any consequence.

Once in office, an official whose views might otherwise be of interest is expected above all to be a team player. We have recently had an example of forthright dissent. National Security Adviser Condoleezza Rice and Secretary of State Colin Powell openly disagreed with the President’s position about race-based affirmative action.9 Would anyone say that public debate would have been

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9. Brent Staples, Pondering Condoleezza Rice's Affirmative Action Problem—
improved, or that the integrity of the government’s stance would have been greater, if they had been persuaded to remain silent? The example is so notable because it is so rare.

A second change that has depreciated integrity in government is the unremitting polling by candidates for office and persons in office. One’s approval rating is tested and updated constantly and carefully broken down into categories: age, gender, race, and anything else that comes to mind. It is naïve to suppose that such polling is intended only to help an elected official keep in touch with his constituents. Rather, it is intended to keep him in office, which is a different matter. How little it has to do with integrity is indicated by President Clinton’s apparent reliance on his pollster-in-chief to decide whether to lie publicly about his relationship with Monica Lewinsky,10 surely the nadir of this practice. What is so startling is not consulting a poll as such, but the fact that even so personal a moral decision is put to that test.

The third development is the rise of special interest groups, for whom a single issue excludes all others: the gun lobby, retired persons, and advocates or opponents of such topics as capital punishment, women’s reproductive freedom or the right to life, and affirmative action. Again, the effort is not to encourage public discourse by communicating the group’s views and the strength of their commitment. Rather, it is to hold public officials hostage. The predictable reaction of officials who are thus threatened is to avoid an honest statement of their position and, so far as possible, to temporize and equivocate.

Whether or not official government policy is at stake, such conduct has become routine, simply the way public officials behave and are expected to behave. It is not, I think, because public officials individually have less integrity today than in the past. I do think, however, that what passes for integrity in government and public life is diminished. There is less expectation of honest, forthright, committed behavior, and so we take less notice when it is absent. We are used to spin, to handlers, to glib phrases and euphemisms as part of government. The likely consequences for democratic society are not encouraging.