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The Way Forward in Northwest Indiana: Ethics as a Vehicle for Urban Renewal

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Abstract

In this article, the authors do not examine urban renewal per se. Instead, they focus on the link between ethics and democracy. Because democracy presupposes ethics for its own legitimacy, a good government must comply with ethical standards. Given that ordinances, which contain such standards, already exist in Northwest Indiana, one concrete step toward the creation of a sustainable future in that same region has been taken, providing officials with a vehicle for democratic cum ethical urban renewal. In an attempt to identify the kind of ethics that went into the ordinances, the authors

emphasize general theory.

Introduction

We wish to show that ethics is a vehicle for urban renewal, a form of getting away from unfair or unjust practices and of moving toward flourishing communities that secure the best interests of all citizens. In a democracy, racial segregation and substandard living conditions for the poor are paradigmatic examples of unfair or unjust practices. This is to say that in a democracy, society should not tolerate ghettos and slums. The expression “should not” refers to norms about what is wrong [in a moral or ethical sense.] If the wrong is not put right again, if justice is not done, democracy itself fails. The point is that certain practices, such as racial segregation, are deemed unacceptable and inconsistent with democracy because they are unethical.

In this article, we do not examine urban renewal per se. Instead, we focus on the link between ethics and democracy, to go behind the scenes to the criteria for good urban renewal. It is our claim that ethics belongs in the urban renewal equation in the same way and for the same reason that it belongs in the democracy equation.

In a democracy, as well as checks-and-balances in the event of a conflict with the law, ethics constitutes the foundation for good government. In a democracy, good government is synonymous with moral or ethical government, with fair and just leaders, laws, policies, and practices. The link in question is so tight as to make it true to say that a democracy presupposes ethics for its own legitimacy. Therefore, a good (democratic) government must comply with standards that derive from ethics. By analogy, urban renewal will necessarily fail to do justice unless it is driven by the vehicle that separates right and might, namely ethics.

As it happens, various ordinances, pledges and codes, which contain ethical standards, have existed in Northwest Indiana since 2005. One concrete step toward the creation of a democratically sustainable future in that same region has, therefore, already been taken; a step that also provides officials with a set of guidelines for ethical urban renewal, at least pertaining to decision-making at the local and governmental level.

In the next section, we provide a brief summary of the history of the ethics effort in Northwest Indiana. Thereafter, we distill the essence of the kind of ethics that went into the relevant documents, which are premised on the assumption that good (democratic) government is synonymous with ethical government. For this purpose, we emphasize general theory, including the positions and norms that underpin the standards that are set forth.

A Brief Summary of the Effort to Promote Ethics

Historically speaking, the effort commenced in the new millennium, at least as an organized and collective effort involving politicians, community leaders, and professional experts on business, law and ethics. Below we include the basic timeline for these efforts:

2003: Step 1: The Northwest Indiana Quality of Life Council (NIQLC) endorses the concept of “the development, adoption, and full implementation of ethics ordinances in all municipalities and county governments in Lake, Porter, and LaPorte Counties” (NIQLC, 2003).¹

2003: Step 2: The Lake County Community Development Committee (LCCDC) decides to endorse the same concept.

2004: Step 3: The Ethics in Government Taskforce (EGT) is established as a sub-committee of the LCCDC.

2004: Steps 4 and 5: The EGT designed, respectively, The Ethics Pledge for Candidates for Public Office and The Ethics Pledge for Employees of Governmental Entities.

2005: Step 6: The EGT, together with leading public officials from Crown Point, Highland and Munster designed The Municipal Code of Ethics and Values.²

2006: Step 7: The EGT, together with the NIQLC, the Local Government Academy, IUN, and the League of Women Voters of the Calumet Area designed The Compact with Voters of Lake County.

2006: Step 8: The Shared Ethics Advisory Commission (SEAC) is established to develop ethics training for all levels of local government.³

2007: Step 9: Ethics training is implemented. In the light of this, it appears that ordinances, pledges and codes constitute the third and fourth steps have been taken in the effort to promote ethics in Northwest Indiana. The effort encompasses theory and practice, as well as the means for facilitating a transition from theory to practice. The various documents are intended to be guidelines for conduct and behavior, decision-making, and action in the real world. The ethics training removes any excuses for a lack of compliance because such a lack will be perceived as an expression of unwillingness to do the right thing, rather than an inability as a consequence of ignorance.

Ethics as a Set of Standards for Good Government

The ordinances, pledges and codes that have become a reality contain standards for candidates for public office (cf. The Ethics Pledge for Candidates for Public Office in Lake County and The Compact with Voters of Lake County), elected and appointed officials (cf. The Municipal Code of Ethics and Values), public employees (cf. The Ethics Pledge for Employees of Governmental Entities and The Municipal Code of Ethics and Values), and volunteers and others who participate in the town/city of Crown Point, Highland and Munster (cf. The Municipal Code of Ethics and Values).⁴

For this reason, all the listed documents define the concept of “good government,” which also has supporters at the level of regional and state politics in the case of Northwest Indiana.⁵ Furthermore, the standards that these documents contain share certain characteristics.

From the point of view of ethical theory, the standards require decision-making, action or omission of action in accordance with utilitarianism and, therefore, the Principle of Utility, which says, “You should maximize the good of the majority.” In other words, public officials, employees, etc. are duty-bound to always prioritize the well-being of society as a whole. Next, the standards appeal to paternalism as a position in ethical theory. According to the particular version that is advanced, paternalism holds that “you should protect the best interests of the public.”⁶ This principle can be seen as a logical correlative to utilitarianism because it is not practically possible to protect “the best interests of the public” without, at the same time, promoting the good of the majority.⁷ In turn, utilitarianism and paternalism are linked with altruism. This is to say, thirdly, that public officials, employees, etc. should think of others (read: the citizens) as a matter of principle,⁸ whereas their own private good is an irrelevant, even an illegitimate consideration, being who they are.⁹ In other words, while making decisions or acting in a public capacity, decisions, actions or omissions of action should be for the sake of the people. If public officials, employees, etc. commit the wrong of prioritizing their own private good at the expense of the public’s best interests, thus violating the Principle of Social Utility, they behave as egoists instead of altruists, as they should.¹⁰ Finally, the standards that are listed in the ordinances, pledges and codes take democracy as a meritocracy seriously while acknowledging the distinction between private and public interests. In practice, this means that public officials, employees, etc. should, as a matter of principle and indeed duty, emphasize competency. For example, public officials, employees, etc. commit a wrong, as members of a particular local government, if they hire their own relatives, friends or close associates just because these individuals are who they are (namely their own relatives, friends or close associates), and not for any reasons having to do with merit. The principle that regulates ethically acceptable conduct or behavior prescribes that “you should only elect, appoint, employ, etc. those who are deserving of election, appointment, employment, etc.” Therefore, it is required that candidates be able and willing to fill a particular office or position competently and, for the same reason, efficiently. If those who are elected, appointed or employed to work for the constituents of a particular local government are lacking in terms of credentials or professional qualifications, a serious disservice is done to the public. If so, the correct judgment is “this local government is a bad one,” at least in the relevant respect (cf. competency). Ethically and (ideo)logically, this means that ethics constitutes the constant in what might be called the “local government equation”. Thus, low ethical standards will adversely affect competency and, for this reason, efficiency. Low ethical standards will result in low professional standards. As a consequence, the public’s best interests are not served, which is an ethical wrong (cf. utilitarianism, paternalism, and altruism).¹¹

With the standards, as set forth in the relevant ethics ordinances, pledges and codes, all citizens have

something very fundamental at stake, namely their well-being. If people belong to a community devoid of a moral culture, they cannot reasonably be expected to do good --- not in any sense of that expression (cf. to do good).

Without ethics, public officials are almost bound to adversely affect the citizens' economic and social well-being, which is one component of a decent life quality.¹² Without ethics, there are no limits, no brakes as it were, on the conduct and behavior of public officials. As a consequence, so-called "bad apples", be they politicians, city employees or other kinds of representatives of government, who consciously disregard ethics, may get the upper hand simply by (non)virtue of being capable of things that good people are not, such as accepting bribes, committing fraud and deception, misusing public office for their own private gain, and so forth.

However few in numbers, those who engage in wrong-doing may be powerful enough to destabilize civil society. For example, if elected officials and business people are "in it" together by practicing "pay-to-play" politics, the corrupt culture or environment that results may be too costly for society in terms of the money, time, and other resources that are used for the purpose of promoting their narrow goals at the expense of the public's best interests.¹³ If such behavior is allowed to continue, the citizenship as such is deprived. In the case where "only" a minority has been victimized by corrupt practices, an already vulnerable stakeholder group comes to face (more) poverty that is objectively avoidable. In other words, the poverty is tantamount to a manmade tragedy that did not have to occur in the first instance. The money, time, and other resources were made scarce through particular decisions of unethical representatives who chose not to consider the well-being of their constituents; instead those representatives chose to take advantage of those constituents. By doing so, the representatives' perception of others is inconsistent with equality. While unethical representatives may not even care to think about how they perceive their own victims, the most common logic of wrong-doing introduces a distinction between superior and inferior people. Thus, to be subjected to corruption is humiliating in that the assumption is that "we, who are subjected" do not count or matter. It is hardly surprising that the victims themselves are, as a minimum, skeptical about virtue --- the idea of being good to others --- after having been mistreated and disrespected: "Why should we? They made us suffer and lose out! What can we possibly owe them except, of course, to see to it that they come to suffer and lose out --- just like us!"

The spirit of retaliation or revenge differs from the requirement of justice, which falls under ethics. The law does not permit revenge. Certainly, a modern society such as the American one makes impartial application of rules cum standards a condition for just punishment because the notion of "a modern society" refers to "a representative democracy."¹⁴ Only third-party agents are able and willing to apply rules impartially. Again, in a representative democracy, the citizens deserve impartiality because, without impartiality, equality cannot be secured. A representative democracy presupposes standards from ethics to explicate the exact content of the concept of equality. As a

principle, it holds that “you should not discriminate against other people on the basis of characteristics, traits or features over which they (cf. other people) have little or no control.” Paradigmatic examples of unfair discrimination include discrimination on the basis of race, skin color, ethnicity, gender, and age. It follows that equality translates into a requirement for equity.¹⁵

The idea that democracy presupposes ethics is sufficient to prove the special status of ethics. Ethics is the foundation for democracy. Furthermore, ethics is higher than the law. Logically, this has to be because, in a democracy, right does not reduce to might. In actual fact, this is the single most important characteristic of a democracy. For the same reason, right (cf. ethics) must be separated from might (cf. law), so as to establish a distinction.¹⁶

Although it is true that the law imposes limits by prescribing particular types of behavior or conduct as permissible and yet others as impermissible; alternatively, prescribing behavior or conduct in which citizens are free to choose to engage versus behavior or conduct that they should not pursue, say, in the case of the criminal law, theft, assault, and murder (which should be omitted), legal limits are not necessarily ones that secure ethical conduct and behavior, which is first and foremost, required. For example, it may be permissible (under the law) for politicians to accept campaign contributions from public utility companies, although the implied practice is unethical. Why? Because the campaign contributions constitute a conflict of interest, that is, a conflict between one’s own private interests and one’s duties as a person in a position of trust. It is too predictable that incumbents and/or new and successful candidates will feel obligated to return the favor and, consequently, end up on the wrong track pertaining to the nature of their service.

The law may be so morally defect as to require a new set of legal rules. The point is that ethical standards, norms or principles, (to include the different levels of general application of “should” and “should not” or, alternatively, “ought” and “ought not,”) function as the Ultimate Criteria of Validity. Therefore, only law that accords with ethical standards, norms, or principles has status as “good law:” law that is morally valid and, for the same reason, law that is binding in practice. Typically, what is meant by “good law” is “law (or law enforcement) that is fair and just.” After this, it follows that law (or law enforcement) that is fair and just can be subsumed under that which is right cum legitimate --- as opposed to wrong cum illegitimate. As criteria, ethical standards, norms, or principles delineate democracy, as opposed to the failed state defined as a tyranny. With the standards in question, our way of life is at stake.

The Essence of the Ethical Standards: Two Fundamental Principles

In the previous section, the analysis of the various codes, pledges and ordinances that exist in Northwest Indiana showed that ethics describes a particular (political and economic) culture. If ethics is recognized and accepted as defined in this paper, the bar is raised. Being successful in government will not translate into (political and economic) cynicism, as in “What’s in it for us?”

In what follows, a number of further principles are operationalized in a manner that links the standards, as set forth in the relevant ordinances, pledges and codes, with core concepts in ethics. The purpose is to detail the compelling logic of ethics.

The first principle says, “You should not inflict harm on other people.”¹⁷ Omission of harm is necessary for the purpose of securing well-being. Rather than inflicting harm, public officials, employees, etc. are duty-bound to benefit those who fall under a particular government’s jurisdiction. As previously pointed out, any decision, action, or omission of action should be in favor of the majority. Thus, to benefit, to do good, is, by definition, to serve as many people within the community or society as possible. If, say, elected officials believe that they are only required to do good for the citizens who actually voted for them, they labor under a very serious misconception. A representative democracy is a form of government that requires that all stakeholders should be considered, although particular interests of particular individuals and/or groups may have to be sacrificed in order to maintain balance, as far as fairness and justice is concerned.

The Municipal Code of Ethics and Values explicitly prescribes that representatives should “be effective, independent, objective and accountable to the people they serve” (MCEV, 2005, Sec. § 37.01(B)). A lack of independent and objective representation and, in broader terms, administration and enforcement of rules and standards, is synonymous with partiality. In turn, partiality, which may manifest itself in nepotistic practices or other forms of favoritism, is a subjective concept and, for the same reason, something that characterizes a dictatorship or tyranny, as opposed to a democracy. Furthermore, the term “effective” prescribes pragmatism. The measures, methods or means that are effective for the promotion of a democratic order, for a good government, are, therefore, ones that rational agents should choose. However, the possession of rationality or reason does not necessarily entail that an agent is able and/or willing to conform to the reasonable person’s standard, which is essential in a democracy.¹⁸ If and only if public officials, employees, etc. are reasonable, can they be said to be fair or just because, in that case, they are consciously choosing to base their decisions, actions, or omissions on principles that ultimately derive from ethics.¹⁹

Concerning measures, methods or means, there is, secondly, an ethical principle that permeates all standards, as set forth in the relevant documents, namely the Principle of Respect. This principle holds that, “you should treat other people as ends in themselves, and not merely as means.”²⁰ Applied to practice, the principle in question entails that public office, public trust, together with public time, money and other resources should not be reduced to tools or instruments for private ends --- regardless.

As an individual, one may think that other people overreact if, say, they show indignation while, at the same time, complaining about a lack of integrity if and when (allegedly) trivial crimes occur. Why, for example, insist on accountability in the presence of a Clerk Treasurer who uses the office phone during office hours to place calls to his elderly and sick mother?

It is probably true that the term “crime” is too strong because, in a democracy, it tends to be monopolized by one particular branch of the law, namely the criminal law. It is also true that ethics ordinances, pledges and codes, unlike the criminal law, are not punitive in nature, but instead aspirational.²¹ That granted, the claim that the violation is “trivial” is bound to come out false once people consider the consequences for the common good if all public officials, employees, etc. were to call their elderly and sick mother. Besides the public time that is wasted, public money and other resources, too, are channeled away from their rightful recipients, just as competency is lost since no work is being done. The main point is that if the relevant telephone practice is universalized (cf. everybody is doing it), then it is no longer “trivial!”²²

This is why it is reasonable to expect that public officials, employees, etc. be principled, that is, be able and willing do the right thing (cf. do good for the public) for the sake of doing the right thing. If each and every official, on an individual basis, complied with the standards that are designed for him in his public capacity, then the effort to promote ethics in Northwest Indiana would be one step closer to completion.

Securing --- through ethics training --- that each and every official, employee, etc. understands what is right and consistently acts in accordance with that which is right, is really the only enforcement measure that the various documents allow for, at least at this point in time. Given that the step from understanding standards to action is not an automatic one, the practical successfulness of ethics ordinances, pledges and codes comes to depend on the character of the official, employee, etc. More precisely, the possession of integrity is required.²³ Integrity is the virtue that unites theory (cf. standards, norms and principles) and practice (implementation or enforcement). Without integrity, there can be no ethics, and, without ethics, there can be no democracy. Furthermore, without democracy, there can be no (good) government that distinguishes between right and might, between ethics and law.

As long as there is a gap between theory and practice, ethical public officials, employees, etc. must and, indeed, should exhibit courage.²⁴ For example, they are obligated to expose corrupt practices and, “if empowered to do so, protect any public employee from retaliation who has exposed corrupt practices and/or behaviors” (MCEV, 2005, Sec. § 37.02(A)(5)). The reference to retaliation is, unfortunately, necessary whenever it is true that the prevailing perception is either indifferent or supportive of unethical conduct, behavior or decision-making. However, if things are so bad that “it is normal to consciously disregard ethics,” then courage may have to be praised as a mark of nobility that characterizes the superhuman rather than ordinary men and women. Why? Because so-called “whistle blowers”, those who expose wrong-doing, cannot be expected to do good within an unethical culture. Given that whistle blowers are, by definition, doing good, this statement may sound like a paradox. However, it is not. The sense in which whistle blowers cannot be expected to do good is not the ethical one, but instead it refers to their own personal well-being. More precisely, it is not realistic

to think that whistle blowers will be able to keep their jobs or positions in an unethical culture or environment. Instead, they will be forced out, ex-communicated.

But, even in circumstances where only one official is principled, the ordinances, pledges, and codes that apply to Northwest Indiana demand integrity, consistency, and courage, and do so for good reasons. It is simply not possible to break a vicious circle unless somebody does something, although the action may constitute an analogy to the action of a hero or, according to Christianity, a sacrificial lamb. As it happens, Christianity has directly inspired one part of the Municipal Code of Ethics and Values, as will be explained below.

According to The Municipal Code of Ethics and Values, “You should treat others as you would wish to be treated” (MCEV, 2005, Sec. §37.03(A)(1)). Several important insights or lessons are conveyed by this standard, which is commonly called the Golden Rule. Among the most crucial lessons is the fact that people who have been mistreated and disrespected in the past must rise above the violations in that --- if they do not do this --- no good will come of their own present or future decisions, actions or omissions of action. Instead of facilitating best practices, they will engage in pay-back, in revenge. And, in this case, they return the wrong with a new wrong. Consequently, no progress has been made, to the contrary, since the vicious circle continues. For the same reason, the harm accumulates.

Another lesson, which is noteworthy, is reciprocity construed as an aspect of equality. The implied logic is that the standards that you want applied to you are also ones that you yourself should apply to all others in principle. Furthermore, the link between equality and universality presupposes that you are reasonable, that you have, in one sense, “seen the light” and, therefore, would only prescribe norms or standards that are morally good, right, just, and fair. Only good decisions, actions, or omissions of action would be pursued, proposed, and/or returned.

Golden Rule behavior or conduct invites all public officials, employees, etc. to undertake one particular thought experiment: Imagine that you are an ordinary citizen, and not a public official, employee, etc. Now, ask, “How would I want to be treated?” The answer would definitely be something to the effect of “I would want respect, to not be treated merely as a means; to not be harmed.” You would ask for standards, ethical standards.

Conclusion

With ethical standards, as set forth in the ordinances, pledges and codes that are analyzed in this article, certain notorious practices or customs that have plagued Northwest Indiana, such as poverty infliction, segregation, discrimination, and oppression of marginalized stakeholder groups, especially African-Americans, Latinos and women, would, as a minimum, come to a halt.²⁵ Consequently, the concept of urban renewal would become synonymous with the absence of racism and sexism and, ipso facto, with improvement and progress. Rather than reproducing the social, economic, and political status quo, democracy would be (re)united with ethics, its foundation stone.

Once again, without ethics, there can be no democracy. In so far as the standards presuppose a singular concept of ethics, one that can be extended to any government, whether local, national, or international, it can be interpreted as a carrier of globalization.²⁶ Therefore, the effort to promote ethics in government is one that can and, indeed, ought to be shared by all municipalities, communities, and societies. If ethics is missing from any part of the human world, the inadequacy that results cannot but affect the places and people who actually have raised the bar.

In a local context, Crown Point, Highland and Munster are, in one sense at least, undermined by other towns/cities whose officials, so far, have decided to abstain from participation in the effort to promote ethics. Why? Because it is difficult, if not impossible, to require standards if the surrounding municipalities are not cooperating, not doing the same.

Historically speaking, it is still too early to ask the question "What difference, if any, has the Municipal Code of Ethics and Values made in Crown Point, Highland and Munster?" These three municipalities belong to an avant-garde. They are trying to set an example. They are trying to make ethics the norm in local government. Currently, they and SEAC are engaged in an out-reach effort to recruit more municipalities. Local governments are invited to adopt the Municipal Code of Ethics and Values. At the same time, the ethics training is being developed, step by step, and on a trial-and-error basis pertaining to its format and exact parameters for implementation. At this point in time, a summative assessment of this part of the effort is not realistic. It is too early. That granted, there is too much at stake to passively tolerate a negative mind-set, especially within a regional culture or environment where the conventions do not necessarily include ethical standards. A pro-active attitude is required and, in the event of serious violations in other places, protest, indignation, perhaps even intervention. Certainly, indifference is not an appropriate response to unethical practices --- regardless of time, place or circumstances.

Concerning theory, the Municipal Code of Ethics and Values is fully consistent with modern human rights ethics and humanism, as well as universalism. In the final analysis, all citizens in the world are entitled to decent treatment, consideration, respect, and equality. No appeal to relativism can undo this fact. Why? Because everybody everywhere is vulnerable, if subjected to practices that amount to oppression, discrimination, exploitation, or deprivation, and ultimately, to loss of well-being. The unfairness and injustice of this kind of loss is maximized, of course, whenever it is true that public resources, facilities, and services are wasted on irrelevant goals. Practices like fraud and corruption are instances of theft. It is that simple.

From the point of view of ethics, therefore, a lack of cooperation cannot be justified. The municipalities that have not yet joined in the effort should adopt the Municipal Code of Ethics and Values. To do so will put more local governments on the right track pertaining to standards. If they continue to abstain in the future, they are not taking ethics seriously or, worse still, they have a hidden agenda, one that does not prioritize the best interests of the public. After all, the ethics that is

contained in the standards pulls in one particular direction: to do good for the citizens. If a government subscribes to this objective, then it has every reason to participate in the effort in Northwest Indiana.

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APPENDIX 1

SHARED CODE OF ETHICS AND VALUES

(as adopted by Crown Point, Highland & Munster)

Preamble

The proper operation of the government of our communities requires that all official representatives be effective, independent, objective and accountable to the people they serve. To ensure these qualities are upheld, the communities have adopted this Code of Ethics and Values to promote and maintain the highest standards of personal and professional conduct in our community. All elected and appointed officials, employees, volunteers, and others who participate in our government are required to subscribe to this Code, understand how it applies to their specific responsibilities and practice these core values in their work. Because we value the public's confidence and trust in our services and its decision-makers, our character and behaviors must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.

Our Values

Honesty/Integrity

- To act with moral courage.
- To make decisions for the public's best interests, even when they may not be popular.
- To not engage in any business that would be – directly or indirectly – inconsistent with the conscientious performance of my public duties.
- To make no private promises of any kind that may unduly influence my public duties.
- To accept the responsibility to: (1) expose corrupt practices and/or behaviors and, (2) where empowered to do so, protect any public employee from retaliation who has exposed corrupt

practices and/or behaviors.

Respect/Civility

- To treat others as I would wish to be treated.
- To accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team and the community at large.
- To act in a professional and responsive manner.
- To work together in a spirit of tolerance and understanding.
- To work to build consensus and accommodate diverse opinions. □ To communicate effectively by listening carefully, asking questions and responding in a way that adds value to conversations.

Accountability/Responsibility

- To not participate in any decision where I have a conflict of interest or from which my family, business and professional associates or I may personally benefit.
- To not use my position, public property or public resources for the personal benefit of myself, my family or my business and professional associates.
- To never solicit or accept any favor or benefit for my family, my business and professional associates or myself that might be construed as influencing the performance of my public duties.
- To make full public disclosure of the nature of any conflict of interest prior to any action taken.
- To avoid disclosing or abusing the information that I gain by virtue of my position for the personal benefit of myself, my family or businesses and professional associates.
- To not engage in direct competition with our respective community while I am an employee, an appointed official, or an elected official.
- To support the public's right to know the truth and encourage diverse and civil public debate in the decision-making process.

Fairness/Justice

- To promote non-discrimination in my decision-making for our respective community and to make decisions based upon the merits of the issue at hand.
- To recognize the function of government to serve the best interests of the citizens.
- To use my authority to promote the efficient and effective delivery of public services.
- To refrain from proposing services where adequate resources are not available.
- To work to remedy the imbalance where inadequate resources adversely affect the best interests of the citizens.

Behavior inconsistent with the values set forth in this code may be redressed by the traditional instruments of governance including state law, ordinances, and work rules.

¹ See Resolution of September 5, 2003.

² This document was adopted as a shared ordinance by Crown Point, Highland and Munster on November 21, 2005. It is sometimes referred to as The Shared Code of Ethics and Values. As the more comprehensive document, it best illustrates the concept of ethics ordinances. For the same reason, it is attached as Appendix 1.

³ SEAC was established in accordance with the 2005 Interlocal Cooperation Agreement for the Acquisition and Utilization of Services for Mutual Benefit, Regarding a Cooperative Ethics Entity.

⁴ In this way, The Municipal Code of Ethics and Values accommodates all levels of government. See MCEV, Sec. § 37.01(B).

⁵ Congressman Peter Visclosky's Good Government Initiative is explicitly recognized in, for example, The Compact with Voters of Lake County. The first part (cf. 1.) calls for "Full participation in the 'Good Government Initiative'" (CVLC, 2006). Senator Ed Charbonneau is another high-ranking political figure who has promoted the cause over a number of years. He also directed the effort to draft The Compact with Voters of Lake County. Outside the political arena, certain prominent community leaders have played a crucial role. One example is Calvin Bellamy, former Chairman and CEO of Bank Calumet, Hammond, IN. The EGT, which designed the various pledges and ordinances, was established on his initiative. In addition to Calvin Bellamy himself, advisors and key members of the EGT included Senator Ed Charbonneau, Msgr. Joseph Semancik, Chancellor Howard Cohen, Purdue University Calumet, Dean Anna Rominger, School of Business & Economics, Indiana University Northwest, and Assistant Professor of Ethics, Dr. Anja Matwijkiw, Indiana University Northwest.

⁶ Sec. § 37.02 of the MCEV highlights this to the extent of being obligated to set aside all consideration for one's own reputation. The relevant norm states that (all elected and appointed

officials, employees, volunteers, and others who participate in the town/city of Crown Point, Highland and Munster) shall “make decisions for the public’s best interests, even when they may not be popular.” The same document cum ordinance also adds that officials, employees, etc. shall “recognize [that] the function of [the] town/city of Crown Point, Highland and Munster is to serve the best interests of the citizens” (MCEV, 2005, Sec. § 37.05(A)(2)).

⁷ American democracy is utilitarian to the extent that it constitutes a majority rule. Therefore, numbers matter. This is to say that the more people are benefited, the more good is done in an ethical sense. However, the good of the majority should not be done at the expense of the numerically few. In a democracy, there are checks-and-balances, derived from ethics, which serve to balance consideration and treatment. On behalf of the individual and his/her good, rights exist to protect fundamental freedoms (cf. religious freedom, and so forth). On behalf of minority groups, rights are also in place to make it possible for the members of these to maintain their unique identity. In terms of ethical theory, utilitarianism is regulated by, respectively, individualism and pluralism.

⁸ Very generally, altruism is the norm whereby “You should consider the good of others as a matter of first and/or sole priority.”

⁹ The distinction between the public and private spheres permeates all the documents that are analyzed in this article. See the MCEV Sec. § 37.02(A)(3) & (4); and Sec. § 37.04(A)(1) - (6). See also the CVLC 2. & 3. See also The EPCPO 2 & 4 - 8.

¹⁰ Very generally, egoism says, “You should consider your own good as a matter of first and/or sole priority.”

¹¹ For the relevant documents’ emphasis on merit, competency and efficiency, see the MCEV, Sec. § 37.03(A)(2) & (3); Sec. § 37.05(A)(1) & (3) - (5). See also the CVLK 4. & 5. See also the EPCPO 3 & 4. See also the EPEGE 2 & 4 – 8 See also the EPEGE 3 & 4. It should be noted that the concepts and norms that pertain to merit overlap, in some cases explicitly, with issues having to do with discrimination, unequal opportunities, and underrepresentation.

¹² As a very progressive measure, and one which is unique to the MCEV, officials, employees, etc. are required to “work to remedy the imbalance... [w]here inadequate resources adversely affect the best interests of the citizens” (MCEV, 2005, Sec. § 37.05(A)(5)). It follows that officials, employees, etc.

are duty-bound to secure equality in connection with the interests that all citizens can reasonably be said to share, e.g. decent (cum equal) housing (opportunities), decent (cum equal) opportunities for hiring and promotion, decent (cum equal) salaries, decent (cum equal) access to hospitals, decent (cum equal) access to education, and so forth. If deprived, people “sink” to the bottom of the economic and social hierarchy, which is unfair. Thus, justice requires a restorative effort in accordance with the interests in question.

¹³ Corrupt practices are mentioned, *inter alia*, in Sec. § 37.02(A)(5) of the MCEV. See also 9 of the EPPO. See also 9 of the EPEGE. Because corrupt practices cannot be separated from conflict of interest issues (in that corrupt practices are advancements of one’s own private interests at the expense of the public’s best interests), the documents that are analyzed in this article make no distinction. Furthermore, the concept of “conflict of interest” is the commonly used one. See Sec. § 37.02(A)(3) - (5) & Sec. § 37.04(A)(1) - (6) of the MCEV. See also 3. of the CVLC. See also 4 & 9 of the EPCPO. See also 4 & 9 of the EPEGE.

¹⁴ While the MCEV and the CVLC both presuppose democracy, the EPCPO and the EPEGE explicitly include it, stating, “I will adhere to the fundamental principles of representative democracy” (EPCPO & EPEGE 2004, 1).

¹⁵ While the EPCPO and the EPEGE are the only documents that explicitly mention the requirement of equity, discrimination is treated as indistinguishable from this. At the same time, discrimination, according to the same two documents, may manifest itself as a broader issue pertaining to “special favors or privileges” (for, *inter alia*, one’s own close associates, at the expense of deserving vendors with whom one has no personal relationship) (EPCPO/EPEGE, 2004, 3 & 5).

¹⁶ This is explicitly recognized in 1 & 2 of the EPCPO and the EPEGE, as well as indirectly in the MCEV, which says that ethical standards function “more to affirm what is desirable rather than rebuke what is not, to encourage a proactive scheme of counsel and consultation rather than a reactive scheme of admonishment and censure, to craft a system that honors virtue, and clearly expresses what is prohibited while not inhibiting initiative and imagination in the public service” (MCEV, 2005, preamble to ordinance no. 1292).

¹⁷ In traditional liberalism, as defended by John Stuart Mill, the Harm Principle functions as a freedom-limiting norm. In other words, the limit for free action is defined by harm to other people.

¹⁸ This is explicitly recognized in 5 of the EPCPO and the EPEGE.

¹⁹ The point is that it takes more than rationality to conform with the reasonable person's standard; it takes ethics. The reasonable person's standard is fulfilled if and only if the (rational) agent is also principled. Bernard Williams is one of the contemporary theorists who explains the importance of not equating rationality and morality.

²⁰ This principle was originally formulated by Immanuel Kant in terms of the so-called "categorical imperative".

²¹ According to the NIQLC's Resolution of September 5, 2003, the development of "aspirational" ordinances is contrasted with the (legal) effort to "create more criminal codes" (NIQLC, 2003).

²² The distinction between proper versus improper use of public time, money, property, facilities and other resources (automobiles, phones, etc.) is both central and controversial because, in one sense, officials, employees, etc. cannot but bring themselves to work. At the same time, however, they are or at least should be able to distinguish between acting in a private and in a public capacity.

²³ For integrity as a virtue, see the MCEV, Sec. § 37.02. See also 3 of the EPCPO. See also 3 of the EPEGE.

²⁴ For courage as a virtue, see the MCEV, Sec. § 37.02(A)(1).