

## *Original Paper*

# A Decision-making Framework for the Ethical Planning Practitioner

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### ***Abstract***

*This article describes a three-part framework for making ethical decisions in planning practice. The framework includes both process and substantive components and is based on my own perspective of ethics as a practicing planner but also informed by descriptions of ethics from the planning and public administration literatures. The framework draws heavily on Howe (1994) and Bolan (1983). In terms of process, I describe five stages of a decision-making process and recommend it as a modest contribution to normative ethical theory. The framework also describes four sources of normative ethics; that part of the framework is descriptive, not normative. A third component of the framework identifies different values of the deontological and consequentialist approaches to ethics, neither of which can be considered complete or correct in its own right.*

### **1. Defining Ethics**

In my own view, ethics seeks to cultivate an individual's awareness of moral and legal obligations, so as to guide decisions and behavior consistent with those obligations. Ethics seems to be a complex mixture of philosophy, theory, morality, and law, intended to guide right conduct and determine the best possible (though not necessarily always right or good) actions. I am quite tempted to add psychoanalysis to this mix, except that I do not mean to imply that all planners have mental illnesses. Rather, planners can have unethical behaviors, which is less excusable. Borrowing from parts of a definition of psychoanalysis, I would include in my own definition of ethics the following: a system of psychological theory that aims to stimulate or probe the interaction of conscious and unconscious elements in the mind and bringing confrontations and conflicts into the conscious mind, for subsequent resolution.

Personal views aside, let us examine how scholars of planning and public administration have described ethics. Ethics can be defined as the task of thinking through questions of right and wrong, conflicting interests, and real moral problems (Brogan, 1926). Baum (1974) defines ethics as the science of rightness, duty, oughtness, or obligation. If we were to agree with Baum's (1974) description of ethics as involving science, to which science would it be most appropriately compared? Again, perhaps a modified version of psychoanalysis is apt, leaving the mental illness treatment part of it aside. Baum (1998) recognizes that the study of ethical action is the study of human behavior, and that psychology is one of the lenses one can use to understand influences on human activity.

We might opt for a simpler explanation, that ethics equals "right conduct." But law also equals right conduct, so that simple definition does not distinguish between ethics and law (Martinez & Richardson, 2008).

To further subdivide the term, it may be useful to distinguish between normative and critical ethics. Normative ethics is the search for ethical statements which are true and valid and which can guide behavior (Denhardt, 1988). Critical ethics tends not to accept ethical standards as static. Recognizing that ethics standards are not static over time, ethics can be defined as contemporary standards at any point in time to evaluate conduct (Golembiewski, 1965). It may also be useful to also distinguish between policy ethics (macroethics) and individual ethics (microethics) (Gortner, 1991).

## **2. The Search for Ethics Frameworks**

Philosophical approaches to ethics are beyond the reasonable curriculum of professional courses of study and also require an unreasonable amount of time and study (Denhardt, 1988, p. 18). Resorting to philosophical and theoretical discourse about ethics (e.g., Hoch, 1984) may be impractical for public administrators and practicing planners; indeed, "few planners are trained in philosophy" (Howe, 1994, p. 103). Attempts to apply abstract ethical principles in planning practice have frequently failed (Kaufman, 1980). Howe (1994) found that planners' ideas of planning ethics were "often not very clearly formulated" (p. 103). Practitioners, whether in the planning profession or in public administration generally, will experience difficulty trying to apply even the most elementary aspects of ethics theory in their every-day working context. Whether informed by theory or not, applying ethics in concrete situations is challenging for a variety of reasons.

Academicians of planning and public administration have sought to develop theories and frameworks to guide ethical decision making. We desire to have methods, frameworks, and guidance tools to make ethical judgments, but there is no agreed-upon theoretical framework to guide ethical decision-making in the planning profession, or elsewhere for that matter. Despite strong traditions and countless efforts, there remains no definitive framework for ethical decision-making that is commonly used by practicing planners.

This paper examines literature in planning and public administration to discover existing ethics frameworks for potential use by practitioners, with the intent to develop one that has more practical

value. Frameworks and other seemingly valuable approaches developed by scholars offered in the ethics literatures seem to be largely ignored in practice. There is no simple answer why, but I contend it is because they do not match the thought processes that practicing planners are likely to employ (Weitz, 2016).

Let us examine selected contributions to ethics theory and frameworks by planning scholars, with attention to analytical approaches, then draw on the work of public administrators on the subject of ethics and decision making, in an effort to build a more practical framework.

### *2.1 Ethics Frameworks in the Planning Literature*

Marcuse (1976) identifies six approaches to ethics: subjective, pluralist, objective, egalitarian, process, and structural. These approaches help frame our perspective, but they may not be useful in practice given a lack of guidance on how to apply them. Klosterman (1978), while recognizing that value-free planning is impossible, urged that ethics can be approached and accepted as a rational activity. Howe and Kaufman (1979) surveyed planners for their views of ethics and why they hold their views, attributing differences mostly to technical and political role orientations.

On the basis of different moral communities which “make up the total fabric of each individual’s ethical world” (p. 24), Bolan (1983) developed a “matrix of ethical influences” (p. 23). Further, Bolan (1983) recognized that many ethical questions are not simple choices between doing good and doing harm; he produced a framework that recognizes the gray area within which many ethics choices fall. Bolan’s (1983) framework is one of the few that illustrates gray area involved in the more complex questions about ethics.

Wachs (1985) identifies four distinct categories of ethics: everyday behavior, administrative discretion, planning techniques and models, and major policy alternatives. Wachs’s framework is useful because it recognizes that the nature of ethics questions can vary depending on the context in which those questions arise; yet the framework does not advise planners whether their ethical questions should be approached any differently based on the various contexts. Howe (1992) articulates four concepts of the public interest and suggests that planners practice all of them. None of the four concepts of the public interest described appears to be satisfactory on its own—though a locally specific combination of those concepts is likely to emerge.

The defining work on planning ethics is by Howe (1994), who describes how some public planners have thought about and acted on ethical issues. Building on earlier work (Howe & Kaufman, 1979), and after personal interviews with 96 public planners, Howe (1994, p. 8) developed a typology of planners. Howe contends that planners draw on one of three “images of the purpose and role of the profession” (p. 6) as a starting place: responder to the public through loyalty to elected officials; political activist with autonomy; and facilitator of the planning process. These images translate into six possible roles of planners, five of which lie along a technical to political continuum: traditional technicians, passive hybrids, technician activists, active planners, and closet politicians. A sixth role lies in between: the process planners who negotiate and mediate (Howe, 1994). Howe’s (1994) work is

primarily a descriptive study, but she contributes importantly to normative substantive ethics by suggesting a hierarchy of principles, with adherence to the law being at the top of the hierarchy, followed by adherence to basic ethical “duties of justice,” then two coequal principles, accountability and service to the public interest (Howe, 1994, p. 8). Howe (1994, p. 324) characterizes her framework as “mixed but primarily deontological.” Howe (1994, p. 20) also lays out a framework for describing and organizing ethical issues which is based on “the distinction between deontological and consequentialist ways of thinking about ethics” (discussed further below).

Barrett (2001) prescribes a process method of thinking about ethics in planning practice that should be very familiar to practicing planners, because they frequently follow a similar process in many types of planning: defining the problem, identifying stakeholders or clients, examining and ranking values, examining facts, identifying alternative courses of action, evaluating alternatives and their consequences, selecting a preferred course of action, and implementing a course of action. By emphasizing consequences, Barrett’s (2001) process method implies a utilitarian component, or a perspective which holds that the public interest can be arrived at as a summation of individual interests (discussed further below).

## *2.2 Public Administration Literature on Ethics*

More work has been done in the field of public administration than in planning to develop frameworks for decision-making (especially administrative) that take ethics into account. Public administration perspectives of ethics lay the groundwork for considering ethics in the context of planners, but they leave out the unique focus of planning (i.e., on understanding the interrelationships of functions and in furthering a long-range viewpoint) and they may be largely irrelevant to professional planners who do not practice in the public sector. Yet a sizable share of planners do work in a government bureaucracy (Kelly & Becker, 2000) and are public administrators. Hence it is useful to consider the public administration discipline as relevant to most planners.

Denhardt (1988), who has traced the evolution of ethical frameworks in the public administration literature, urges that frameworks for ethical decision-making must distinguish between two important dimensions of ethics: content and process. Yet Denhardt (1988) finds that past writers have tended to emphasize one or the other. The “content” dimension encompasses explicitly defined value sets which are expected to inform ethical behavior, such as Anderson’s (1946) core values, social equity values of the new public administration, or values contained in a code of ethics (Denhardt, 1988).

There is little agreement on the content of ethical standards; this makes the process of thinking about ethics “an important mechanism for reaching decisions in the absence of total agreement on the appropriate content of ethical standards” (Denhardt, 1988, p. 14). Equally important as the content is the process of thinking in an ethical manner, especially in light of the potential for standards to change. The process dimension of ethics involves examining, questioning, and deliberating over values and standards which currently guide action. Ultimately, planners need to rely on their own judgment in making the daily decisions in the public interest (or according to society’s core values). “A reasonable

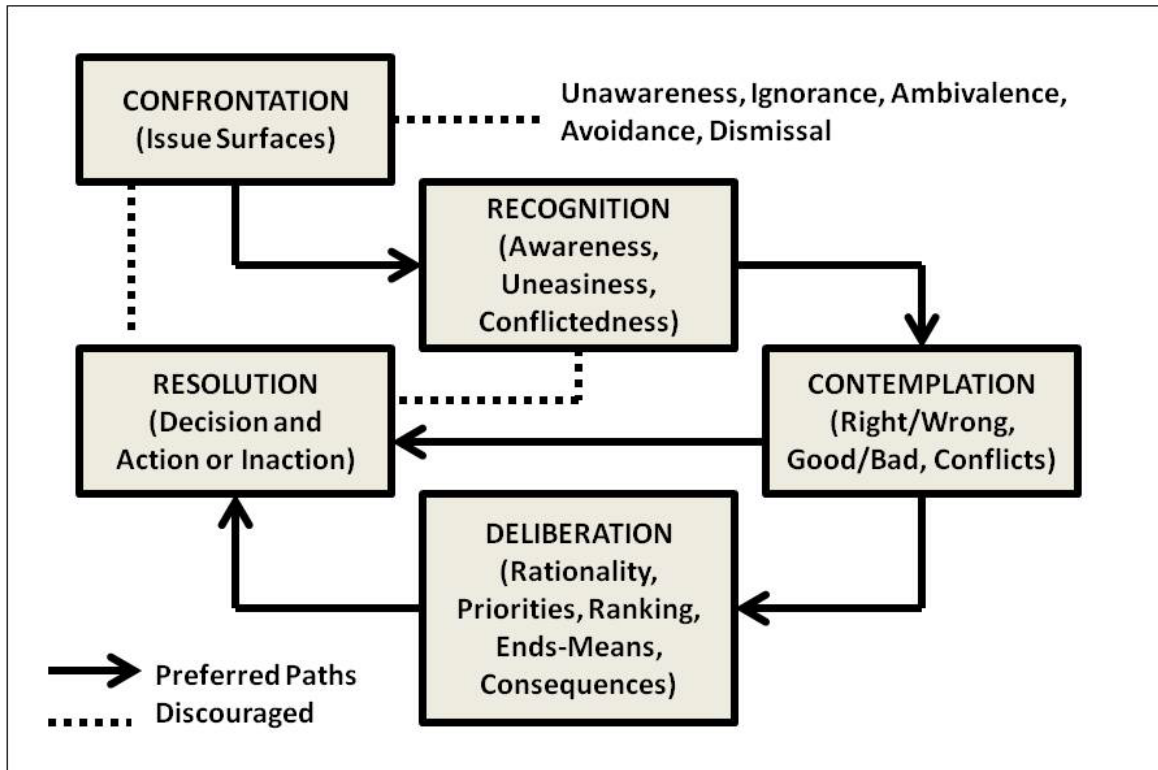
goal for any framework of ethics is to prepare administrators to make ethical decisions somewhat independently” (Denhardt, 1988, p. 22).

Pugh (1991) has studied the origins of ethical frameworks in public administration, which include bureaucratic ethos and democratic ethos, as well as codes of ethics. Wall (1991) provides a typology of four public administration ethical theories which diverge on two axes, idealism-realism and subjectivism-objectivism: traditional (objectivism and idealism), modernist (objectivism and realism), postmodern (subjectivism and realism), and axial (subjectivism and idealism).

In search of a new model for understanding decision making in ethics, Wittmer (2005) summarizes several behavioral models of ethical decision-making behavior with an emphasis on managerial and organizational contexts. Wittmer (2005) proposes a general behavioral model for ethical decision making which includes four components: ethical sensitivity, ethical judgment, ethical choice, and ethical behavior; the decision process is triggered by an ethical situation, and the process is affected by both individual and environmental influences. Lawton, Rayner, and Lasthuizen (2013, p. 126) outline an ethical decision making model involving five steps: perception of problem, description of problem and definition of ethical issues, consideration of alternatives (rehearsal of defenses or rationalization), projection of consequences, and selection of an alternative.

### **3. Stages of a Decision-Making Process**

I contend that an ethical decision-making process should be framed as encompassing five distinct stages: confrontation, recognition, contemplation, deliberation, and resolution (Figure 1). The only stages of the process that must take place are the first and last—confrontation and resolution, respectively. Without a confrontation, there is nothing to resolve (i.e., there is nothing to decide, and no action is required, nor is there a need for contemplation or deliberation). Recognition, contemplation, and deliberation are desirable but not always extant in the decision-making process. For instance, a planner may simply issue a permit without thinking much about it, thereby not recognizing any issue. Resolution of a confrontation does not necessarily require contemplation and deliberation, and perhaps not even a recognition of a confrontation. Accordingly, not every stage of the process framework appears or will appear in every decision and action made by planners.



**Figure 1. Process for Making Ethical Choices**

### 3.1 Confrontation

Confrontation refers to the surfacing of an issue, a situation that triggers the need for a response. As a part of the day-to-day work of professional planners, planners must respond in some way to confront situations which arise. In the planning field, situations may include complex public policy proposals, requests for information, administrative actions pursuant to rule or law, and many others. Baum (1998) calls situations of ethical choice “predicaments” (p. 412). Without a confrontation, whether real or hypothetical, there can be no ethical dilemma. Confrontation as described here is therefore a prerequisite to any process of decision-making. Simply put, there must be an issue or conflict to decide. A confrontation may or may not involve an ethical issue, but for purposes here it is assumed that a confrontation has some degree of ethical overtones.

### 3.2 Recognition

It is possible, but unlikely, that a professional planner will fail to recognize there is a confrontation. We might call such a planner “ethically unaware” (Howe, 1994, p. 105). It is also possible that the planner might derive an incorrect, incomplete, or selective perspective of the confrontation. For instance, a planner may not consider a rezoning request as having any implications for disadvantaged groups, or the planner’s identification of groups may not include everyone who is disadvantaged in the affected community. We might call these instances “partially aware.” A planner’s recognition of a confrontation, and any of its ethical implications, can thus be partial or complete, and partially accurate, accurate, or

inaccurate. Recognition of a confrontation is not absolute, but recognition is a prerequisite to any process of ethical decision-making and action.

A planner might have some recognition that a confrontation exists, but then elect (if these options exist) to ignore, avoid, or dismiss the confrontation. A planner might not be able to decline a decision on a zoning permit, but he or she could elect to refrain from getting involved in a certain public policy matter. If the confrontation is ignored, avoided, or dismissed, the planner has made a decision and has taken action (i.e., decided to take no action which is, in its own right, an executable action) with respect to the confrontation. These responses on the part of the planner might be characterized, respectively, as ignorance, avoidance, and dismissal. Ambivalence (Baum, 1998) with regard to the issue is also possible (Figure 1); for instance, the planner may not consider the issue important enough to be concerned with, in light of the effort required to think ethically.

For recognition to occur, a confrontation must be viewed by the planner as posing an ethical issue. There are a few planners who can be labeled as “aethical,” which means having “unformed ideas of ethics” (Howe, 1994, p. 149) or “having no ethical standards at all” (Howe, 1994, p. 174). Some planners will have narrow views of ethics, while others view a wider range of substantive and procedural issues as ethical issues (Howe, 1994, p. 10). Upon recognizing that a situation exists and must be confronted, the planner will sometimes identify, almost immediately, a particular response as appropriate or self-evident. For instance, the planner might immediately conclude that it is not right or good to displace households from their homes or to condone the pollution of water. Few confrontations are such that a proper decision or a right course of action is immediately evident to the planner. The planner is likely to experience a feeling of uneasiness or conflicted-ness, given there are ambiguities to resolve. Simply put, the boundaries between ethical and unethical, right and wrong, and/or good and bad are murky, and the planner is cast into a gray area. The confrontation begs for more attention.

### *3.3 Contemplation*

The next stage of the process is contemplation. This might be called the business of thinking for ourselves, or the need to “cultivate imaginative reflection” (Cooper, 1982, p. 7). Contemplation means engaging in an initial, but not necessarily deliberative, process of thinking about a confrontation. Recognition of a confrontation, however complete and/or true it may be, is a prerequisite for contemplation.

Contemplation is not always undertaken. A planner can move to resolve an issue (i.e., make a decision, decide a course of action, and/or take action) without engaging in contemplation. Instead of contemplating, a planner might “just do it [an act] instinctively most of the time” (Howe, 1994, p. 106). Contemplation can include the active questioning and critiquing of the current standards in use for making decisions.

The process for making ethical choices (Figure 1) actually shows two preferred paths, one of which moves from contemplation to resolution without deliberation. While the discussion below emphasizes the importance of deliberation, I wish to not favor the consequentialist approach over a deontological

one; hence, Figure 1 accommodates choices on the basis of contemplation alone, as that is the preferred path of deontological planners (i.e., their choice is independent of consideration of consequences, which requires deliberation). Deontological and teleological approaches are described more fully in a later section.

### 3.4 Deliberation

Clear-cut answers to ethical questions do not always exist (Martinez & Richardson, 2008). As Bolan (1983) has observed, practitioners are pushed into making decisions in the context of “a thicket of conflicting claims and pulls, some clearly apparent while others are ambiguous, covert, hidden or unspoken” (p. 32).

Deliberation refers to weighing conflicting obligations and the process of choosing among alternative courses of action available to the individual. The choice of the term deliberation has parallels with early contentions by Leys (1952) (see also Wall, 1991). Deliberation will usually emphasize the various consequences of those actions, but deliberation need not be viewed as a tool used only by utilitarian-consequentialist planners. Deliberation will lead to a more reasoned and comprehensive assessment of the confrontation, regardless of perspective.

It may appear to be a fragile distinction between contemplation and deliberation, but I distinguish between the two because deliberation connotes a more systematic reasoning of obligations, priorities, alternative means and ends, and usually, consequences. Contemplation is not so structured and rational. Even if a distinction between contemplation and deliberation could not be made on a descriptive basis, I would make it here for prescriptive purposes because it is important in framing the deontological-consequentialist debate, discussed later in this paper. Deliberation is essentially called for in the Code of Ethics and Professional Conduct of the American Institute of Certified Planners (AICP Code).

One of the purposes of the AICP Code is to urge planners to engage in deliberation with regard to ethical issues. The preamble of the code indicates that “an ethical judgment often requires a conscientious balancing, based on the facts and context of a particular situation and on the precepts of the entire Code.” Part A, principle 1 of the code indicates that planners must be allegiant to “a *conscientiously attained* concept of the public interest” [emphasis added by author]. Part A, Principle 3 (i) of the AICP Code states that “we [planners with the AICP credential] shall systematically and critically analyze ethical issues in the practice of planning.” Again, this means that unawareness, ignorance, ambivalence, avoidance or dismissal of an ethics issue is discouraged (Figure 1) in that it runs counter to the AICP Code.

Action without contemplation and/or deliberation is inconsistent with the preamble and principles section of the AICP Code. The AICP Code urges deliberation, but does not require it, since there is no rule of conduct to this effect. A planner who fails to deliberate on an ethical issue cannot be subjected to an enforcement action by the AICP ethics officer, because only violations of rules of conduct are subject to enforcement and sanctions (AICP 2005). The rules of conduct in the AICP Code do not



directly or specifically require deliberation. However, Rule 25, implies that some deliberation will occur, at least as necessary to prevent “reckless indifference.” Rule 25 reads: “We shall neither deliberately, nor with reckless indifference, commit any wrongful act, whether or not specified in the Rules of Conduct, that reflects adversely on our professional fitness” (AICP Code, 2005). A certified planner who fails to recognize and contemplate ethical issues could conceivably be subject to sanction per the AICP Code’s procedures, if a wrongful act reflecting adversely on professional fitness is committed deliberately or with reckless indifference, per Rule 25.

Do planners deliberate over ethical issues? Surely some do, but not all of us. Howe (1994) finds that the idea of the public interest (which almost by necessity requires deliberation), is used by practicing planners “as a common guide in their work” (p. 9).

### *3.5 Resolution*

Every confrontation must be resolved (i.e., brought to closure). As framed here, resolution also necessitates some recognition that a confrontation exists. Resolution of a confrontation requires making a decision, whether the planner is conscious of it or not. At this stage of decision-making planners may still elect to dismiss, ignore, avoid, or remain ambivalent to a confrontation, and thus decide not to act. But an action not taken (i.e., inaction) is an action in itself. It is appropriate to view inaction as an individual’s resolution of the confrontation.

Making a decision and taking action are not necessarily the same things. A planner can make a decision on how to resolve a confrontation, with or without contemplation or deliberation, but then fail to take action pursuant to that decision. A planner who is in a relatively weak position and not able to do much may deliberately choose not to act. To act, a planner must have “both the will and the freedom or leverage to act on his or her decision” (Howe, 1994, p. 11). The failure to act is an executable action in itself (i.e., the choice of inaction), which could be contrary to any original decision to act. For instance, a planner may decide to oppose a public policy, but then fail, for a variety of reasons within or outside of his or her control, to execute any opposition to the public policy. Inaction represents an ethical choice that is not value neutral (Campbell, 2012). Not acting could be considered a sin of omission, because issues that should have raised were not (Howe, 1994).

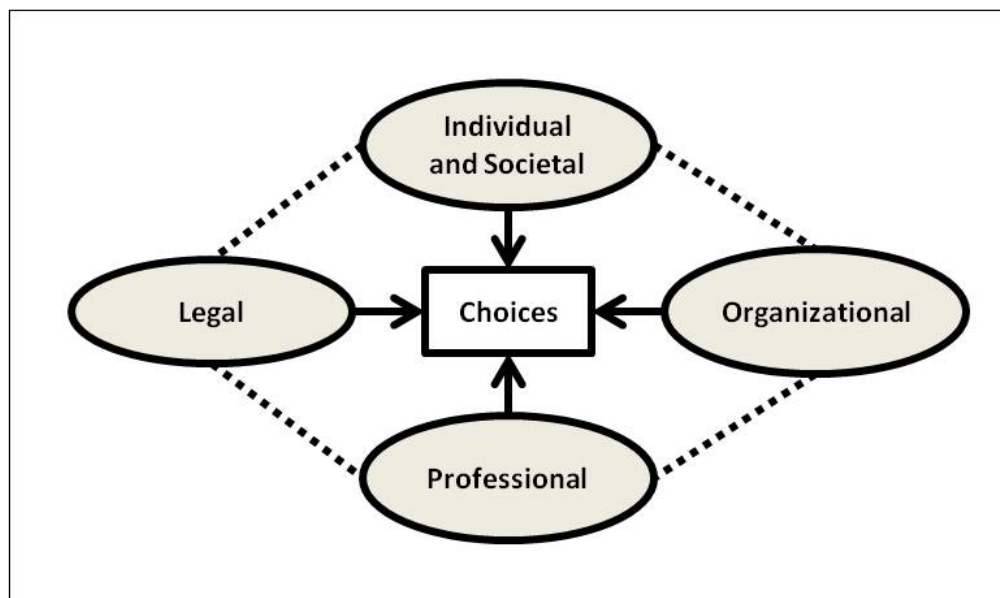
A decision followed by action might resolve a given confrontation. But it also might not. Another action, or a different decision, may be needed if the confrontation persists after taking initial action.

## **4. Sources of Substantive Ethics**

What influences have shaped the ethical values of planners? Howe (1994) asked planners to describe how they came to have the values they hold. They mentioned family upbringing, religious training, formal education, social movements, and professional experience (Howe, 1994, p. 181). Howe organized those influences into three groups: their childhood influences, which inculcated duties of justice; influences during their career- choosing stage (college, graduate school, work experience, and social movements); and their professional experience. Missing from this list (a point Howe

acknowledges) is the way organizational systems have shaped planners' values and actions; planners rarely recognized organizational systems as an influence on their values and actions. Howe also observed that the views of planners change as they transition from school to practice (p. 190). Watson (2006) has also investigated philosophical sources of values that inform planners.

On the basis of literature and my own experience as a practitioner, I contend that the normative contents of ethics can be generalized as originating from four sources: individual and societal, organizational, professional, and legal (Figure 2). These four sources encompass the three areas identified by Howe (1994) but in a slightly broader frame; they are more generalized than Bolan's (1983) range of moral communities of obligation. The four sources of normative ethical content are not in order of persuasion. None of these sources is absolute.



**Figure 2. Sources of Normative Ethics**

Any one of the four major sources of normative ethics can be an input to contemplation, and any one source could be determinative in its own right, but planners are likely to draw on some combination of them in their search of a decision and proper course of action. Further, there can be, and usually is, much overlap among the four general sources of substantive or normative ethics. For instance, a particular action such as engaging in a conflict of interest might be an illegal activity as well as unethical behavior from a professional, organizational, or personal viewpoint (Lawton, Rayner, & Lasthuizen, 2013). Indeed, the sources of normative ethics will sometimes reinforce each other.

A planner can draw on these sources of normative ethics at any time after a confrontation surfaces, plus they can also be applied in hypothetical situations such as ethics scenarios (Weitz, 2016). A planner might draw on these sources of norms consciously, or without conscious acknowledgment. A planner

probably does not immediately distinguish among the four sources of normative ethics described here, but yet I suggest that planners may be initially swayed implicitly by one or more of them. Or at least, one of them gives the planner some uneasiness (e.g., something appears wrong) or a feeling of conflicted-ness, which then leads to contemplation about ethical issues. A planner should engage in deliberation in order to comprehensively consider all four sources of normative ethics. Further, the planner must be open to “moral creativity” as a “preeminent aspect of professional practice” (Bolan, 1983, p. 23).

#### *4.1 Individual and Societal*

Ethics may be enforced informally by individual conscience or social pressures. Planners as individuals have values that inevitably shape their work (Howe, 1994), and those values have developed during their upbringing through families. Individual conscience can tell a planner what is right. Howe (1994) found that family and religion were more important influences for deontological planners than for consequentialist planners (p. 184) (these terms are described further below).

A planner might have no moral fiber whatsoever, and could become consumed by self-interest. However, nearly all individuals have some level of core values other than self-interest and which include recognition of the precepts of a moral society. The characteristics of the individual (i.e., personal background, characteristics and personality) can influence one’s decision-making process; these have also been called philosophical or cultural values (Gortner, 1991). Public administrators will likely seek to satisfy their individual conscience (Lawton, Rayner, & Lasthuizen, 2013), which is influenced by family, religion, education, and other factors (Gortner, 1991).

The planner might draw on moral “fiber” (core beliefs, instilled by religion, morals, and upbringing) to make judgments, decisions, and decide courses of action. This has been referred to as “core values,” or an individual’s fundamental philosophy of personal and social living (Anderson, 1954). These sources of normative ethics can also include the beliefs, passions and principles that have been held for generations by a majority of society (Rohr, 1978), such as justice, truth, goodness, liberty, and social equity. Denhardt (1988) suggests that the “morality of society” is a better term to apply to this set of sources of normative ethics than “core values,” since morals are subject to change over time (p. 35).

Individual and societal values can conflict with other sources of normative ethics, causing planners to contemplate and then deliberate in a quest for resolution.

#### *4.2 Organizational*

Ethics may be enforced formally or informally by organizations. Organizational dynamics (i.e., structure, function, culture, and contextual environment) can influence decisions of public administrators (Gortner, 1991). A planner might draw knowledge and guidance from the organizational context or the organizational culture, including norms, rules, customs, and expectations, within which the confrontation arises and is recognized. A planner applies values within the environment and circumstances in which the planner is making a decision. Organizations place important demands and

constraints on decision making, and organizations therefore have a tremendous impact on people's perceptions and actions (Gortner, 1991).

Pugh (1991) finds that two key origins of ethical frameworks in public administration are bureaucratic ethos and democratic ethos. A bureaucratic ethos has long been associated with modern public administration, and social Christianity is one of the social origins of the bureaucratic ethos. The democratic ethos encompasses the ideas of citizenship, public interest, and social equity (Pugh, 1991). Howe (1994) suggests that agency climate could be a real shaping influence on the ethical practices of planners; for the planners she interviewed, however, that occurred on a only a small scale. Howe also suggests that "...agencies exert much more day-to-day control over behavior than the profession can" (p. 330). Planners must recognize that bureaucratic structures have "psychological consequences" and culture that influence them (Baum, 2000, p. 447).

A planner is more than just a bureaucrat or "technical functionary" (Bolan, 1983, p. 23). Acting consistent with expectations of the organization may lead to morally questionable conduct; hence it is but one of the four major sources of normative ethics (see Figure 2).

#### *4.3 Professional: Codes of Ethics and Conduct*

Ethics may be enforced formally or informally by professional associations. Ethical conduct can be defined narrowly as that conduct which conforms to professional standards of behavior (Bowman, 1976). Ethics codes are intended to provide guidance to practitioners and will usually provide formal measures by which behavior can be judged. The International City Managers' Association adopted a code of ethics in 1924 (Leys, 1943; Pugh, 1991). A code of professional conduct was adopted by the American Institute of Planners (AIP) on January 10, 1948, in Chicago (American Institute of Planners, 1948).

Codes can be aspirational, guiding, or regulatory in nature (Lawton, Rayner, & Lasthuizen, 2013). Ethical principles may or may not be codified. Ethical principles are more subjective than laws, and they are sometimes optional (Martinez & Richardson, 2008). Ethics codes with rules of conduct provide acceptable standards of behavior and are usually accompanied with compliance-based approaches, such as the enforcement of sanctions (Martinez & Richardson, 2008; Lawton, Rayner, & Lasthuizen, 2013).

Serious consideration can and should be given to the convictions of one's professional group. A planner may (and AICP-certified planners need to) draw guidance from the ethical principles of the Code of Ethics and Professional Conduct of the American Institute of Certified Planners (AICP Code), and they must act in accordance with the rules of conduct of the code or risk sanctions for unethical behavior. Planners who are not members of AICP are encouraged to consult the ethical principles adopted by the American Planning Association (1992), to make determinations of right and wrong. As of the 2005 rewrite of the AICP Code, principles are separate from the rules of conduct, and members holding the AICP credential can be sanctioned only for violating the rules of conduct.

Serious concern can be raised to the extent that professionals do not follow their codes of ethics (Pugh, 1991). Yet, codes of ethics may not be of much guidance ultimately in every decision making process and might even provide conflicting or contradictory visions of ethical correctness. Public administrators have seldom mentioned a code of ethics as having any influence on their actions, and some administrators find that ethics codes are irrelevant to management decisions (Gortner, 1991). Similarly, Howe (1994) finds that codes of ethics in planning do not appear to have much influence over the values or behavior of planners. She found that the values of planners correspond to those of the (1981) AICP Code, but their actions sometimes did not, for a variety of reasons (Howe, 1994).

Codes of ethics have been found to be of limited utility for additional reasons, including a diversity of public service (making a one-size-fits-all code of limited value), the vague and general nature of their contents, and an inability of codes to answer specific behavioral questions (Pugh, 1991). Codes of ethics usually do not explain why the structure of the ethical landscape is as it is (Lo, Piccolo, & Thomas, 2008). Indeed, “no code, regardless of how expertly codified it may be, can guide a bureaucrat’s behavior in every instance” (Martinez & Richardson, 2008, p. 95). The application of ethics codes by themselves reduces ethical behavior to “staying out of trouble” (Pugh, 1991, p. 27). “Codes are a necessary but not sufficient instrument to facilitate ethical behavior” (Lawton, Rayner, & Lasthuizen, 2013, p. 97). Further, as Bolan (1983) has observed, codes of professional ethics seldom overtly recognize the multiplicity of moral communities to which the professional is obligated.

Although professional values are often aligned with organizational norms, professional values can diverge from one’s own private moral values (Howe, 1994).

#### *4.4 Laws*

Laws and ethics are not the same thing. Just because something is legal does not mean it is moral or ethical (Baggini & Fosl, 2007). Not all philosophers have distinguished between law and ethics, but an ethical framework should distinguish between the two (Martinez & Richardson, 2008).

Worthley (1981) finds that legalistic perspectives, those that focus on laws and codes of ethics, are likely to be informative, perhaps even determinative, in clarifying distinctions between right and wrong behavior. Most ethical dilemmas faced by government workers can be resolved with knowledge about existing laws, administrative policies and procedures, and other guidelines of the jurisdiction concerned (Steinberg & Austern, 1990). Statutes, rules, and regulations take on a disproportionate importance in the managerial environment (Gortner, 1991). Legal obligations are the most binding of rules and principles by simple virtue of their status as laws; accordingly, Howe (1994) found that risk [of noncompliance with the law, for instance] was a factor that was considered by a strong majority of planners in making ethical decisions. Accordingly, Howe (1994) places adherence to the law at the top of the hierarchy of normative ethical principles for planners.

Yet, just like ethics codes, laws cannot cover every type of misbehavior. Laws typically articulate what cannot be done, and therefore they are sometimes not useful in resolving an ethical dilemma (Gortner,

1991). Relying on the law alone can lead to narrow, “impoverished” views of ethics (Howe, 1994, p. 55).

It is possible to have unjust laws, leading planners to question whether an unjust law should be followed.

### **5. Integrating Theory into the Framework**

Many ethics theorists emphasize or begin with the distinction between deontology (i.e., universally applicable moral principles) and teleology (consequentialism) (Baum, 2000; Denhardt, 1988; Howe, 1990; Kelly & Becker, 2000; Lawton, Rayner, & Lasthuizen, 2013). Neither of these approaches is fully satisfactory by itself (Howe, 1990) (this is a critical point I turn to shortly). Deontological approaches hold that the rightness or wrongness of an action is determined by referencing formal rules of conduct rather than the action’s results or consequences (Pugh, 1991, p. 17). Stated differently, the right action is independent of the consequences (Lawton, Rayner, & Lasthuizen, 2013, p. 20).

Teleological views of ethics focus on the consequences of decisions, with rightness or wrongness being decided exclusively by the outcomes produced (Denhardt, 1988). Hence the focus of teleology is on the consequences of a given alternative or action. Utilitarianism is the best known version of consequentialism (Howe, 1994, p. 23) and is considered a criterion for action (Pugh, 1991). Utilitarianism is based on the underlying principle of maximizing the good for the greatest number of people (i.e., utility maximization). Utilitarianism may be derived from principles of individual freedom and selfish desires, but utilitarianism is applied in the broader context of society, rather than the individual. This requires people to quantify and calculate happiness (or, the public interest). Utilitarianism “assumes that ethical choices are a matter of calculating costs and benefits and choosing actions where benefits outweigh costs” (Martinez & Richardson, 2008, p. 29). Implicit in utilitarian approaches is the assumption that a common unit of measure exists and that choices will be made on a rational, orderly basis (Martinez & Richardson, 2008).

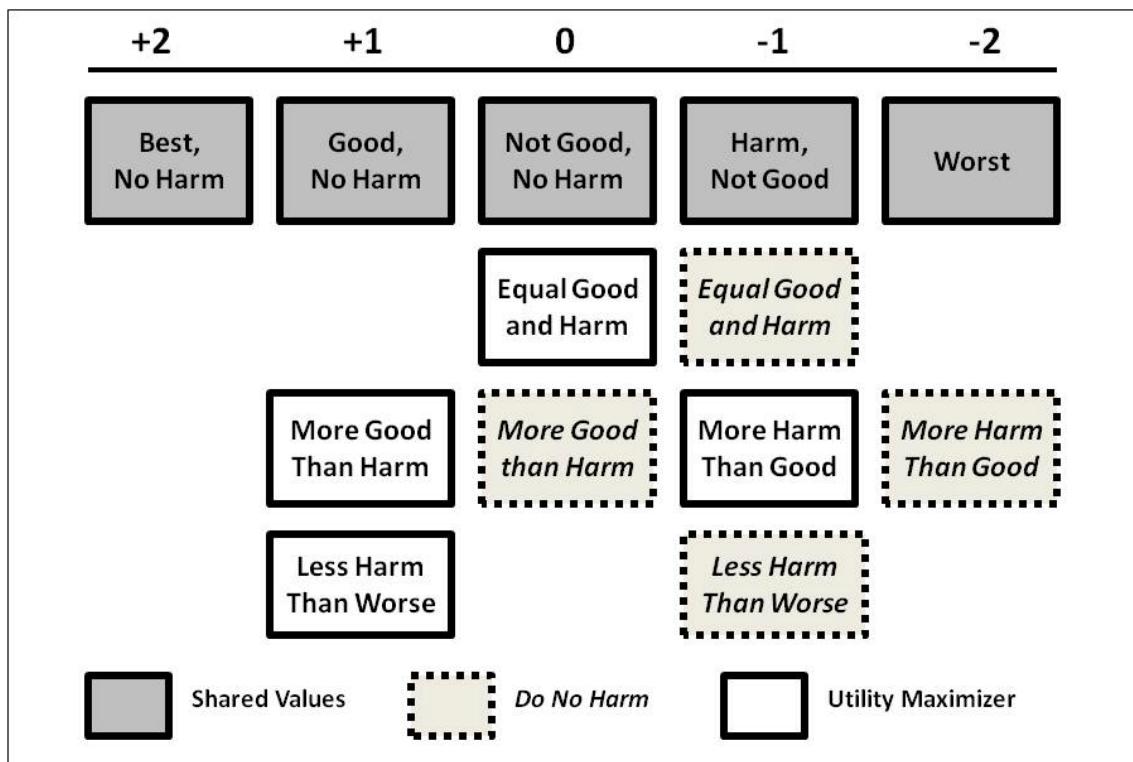
Howe (1994) suggests that approaches to ethics can be viewed as spread along a continuum from purely deontological to purely teleological. The deontological view focuses on the rightness of actions, using rules as guides to behavior, regardless of consequences. For instance, a planner relying on the deontological view may determine that lying, doing harm, or violating duties of justice are wrong in and of themselves. The teleological (or consequentialist) view will usually seek to answer the question of good or bad (or perhaps best and worst), which depends on the consequences of the action. A planner with a consequentialist view of ethics might consider telling a lie or doing harm to a small group to be necessary in order to achieve substantial benefits to a larger group (Howe, 1994, p. 73). Planners draw on both deontological and consequentialist views of ethics (Howe, 1994, p. 32), but some two-thirds of planners Howe interviewed were characterized as deontologists (Howe, 1994, p. 103, p. 170).

I contend that a deontological perspective, which will lead to an assessment of whether an action or decision is consistent with certain agreed-on ethics principles or formal rules of conduct, will usually surface first at the contemplation stage of the decision-making framework, though such perspective can certainly continue through the deliberation stage of the decision-making process. As noted, the planner will develop some uneasiness, or a feeling of conflicted-ness, because the planner's perception is that a confrontation will cause the planner to take action contrary to established rules or laws, or principles of justice, or some other norm. I therefore suggest that planners are likely to initially ponder an absolutist view based on the deontological perspective during the contemplation stage of the decision-making framework.

According to the process for making ethical choices (Figure 1) a consequentialist, or utilitarian, approach triggers the deliberation stage of decision-making. The contemplation stage of the process is not comprehensive and deep enough to allow for deliberation about the public interest or a full evaluation of consequences. Howe (1994) suggests that most planners will embrace some concept of the public interest and find it useful in their deliberations about ethics. Supporting Howe's contention is the AICP Code, which calls for planners with the AICP credential to engage in deliberation with regard to the public interest. The AICP Code must be considered as tacit if not strong support for the certified planner to engage in consequentialist thinking.

Ironically, however, the rational comprehensive decision-making model does not reflect the reality of bureaucratic decision-making. The context is not as orderly as assumed, and bureaucrats do not have ample resources to consider alternatives (Martinez & Richardson, 2008, p. 85) and all of the consequences (Lawton, Rayner, & Lasthuizen, 2013). Utilitarian approaches require too much fact-finding and assume information that is not available. As William Lucy (1988) has written, "planners cannot consider all consequences, because there are no predictive theories about some consequences, theories about other consequences are inadequate, and knowledge needed to assess still other consequences is not available" (p. 148). Howe (1992) finds that only a small minority of planners are likely to adhere to a strongly utilitarian approach in defining the public interest. The "enacted ethics of planning practice" (Alexander, 2007, p. 120) are such that it is rare for planners to act on their values and ideals, even though many of them are educated in utilitarian-consequentialist approaches. Friedmann (1973) observes that the best that utilitarian philosophers have come up with is the pareto optimum, which indicates that the common good is served so long as no one's interest is hurt while that of at least one other individual is helped.

Practicing planners are unlikely to grasp the full significance of the differences between the deontological and consequentialist-utilitarian approaches to ethics. A concrete example of differences is provided in Figure 3, which I prepared as an adaption of Bolan's (1983) work. The deontological perspective is represented (perhaps a little more loosely than some theorists might prefer) in Figure 3 by the "do no harm" perspective, and the consequentialist-utilitarian approach is represented by the "utility maximizer" approach.



**Figure 3. Outcomes Map With Do No Harm and Utility Maximizer Values**

First, let us examine the commonalities or shared values of the two approaches. Both deontological planners and consequentialist-utilitarian planners share the normative ethics of doing good rather than harm, making the best possible decision, and avoiding the worst decisions and outcomes.

The two approaches diverge, however, when a decision or action will result in some combination of good and harm, and when a decision or action involves minimizing harmful activity. The “do no harm” planners, buttressed by an allegiance to laws, rules, and core values which are ends in their own right, will (in this example) tolerate no harm. If a decision or action would result in both good and harm in relatively equal proportions, the deontologist (“do no harm”) planner would view that choice as having negative value. The do no harm planner will not positively embrace any decision that involves harm, no matter how much good may come from it, and he or she is also dissatisfied even with situations where all one can do is less harm than worse (i.e., choosing the lesser of two evils). If an action would result in more harm than good, it would be doubly negative per Figure 3.

The utilitarian-consequentialist planner, represented in Figure 3 by the utility maximizer, is not so absolutist in assigning value. If a consequence involves good and harm in relatively equal proportions, the utility maximizing planner will view that neutrally, not negatively, as it is a neutral calculus with the same amounts of harm and good. Similarly, more good than harm has positive value for the utility maximize, and less harm than worse is also positive from a net benefit perspective.



If the value comparison in Figure 3 fails or is too loose to mimic the deontological-teleological differences in approach, I contend that it serves another purpose—it can be viewed as an outcomes map by practicing planners for complex decisions. Any decision with ethical overtones can ultimately be placed somewhere on Figure 3.

The outcomes map (Figure 3) does not resolve the normative debate among deontological and utilitarian-consequentialist viewpoints; rather, it recognizes both, lest we be reminded by Howe that neither approach is absolutely correct or sufficient in its own right. And this is why Figure 1 shows two possible preferred paths, one that a deontological planner might follow—skipping deliberation and proceeding instead from contemplation directly to resolution on the basis of some moral duty, law, rule, customs or professional rule of conduct—and the utilitarian-consequentialist planner, who will always choose to deliberate with regard to consequences.

## 6. Conclusion

In this article I have developed a framework for ethical decision making that incorporates both process and substantive components. The combination of process and substance in one framework is a modest improvement over many prior frameworks, which have tended to emphasize one or the other. The framework is graphically depicted in three figures: (1) a process for making ethical choices (which is neutral with regard to deontological and teleological approaches); (2) four sources of normative ethics (without ascribing weight to any of the sources), and (3) to incorporate theory and provide an outcomes map, an illustration of differences in value between “do no harm” planners representing deontologists and utilitarian-consequentialist planners represented by the utility maximizing planners.

Many practitioners will conclude that philosophy and theory are not useful in making decisions about ethics. Baum (1998) notes how ethics call for extraordinary behavior and unnatural effort by planners, since ethical behavior is difficult and elusive. In this article I have sought to identify a descriptive and explanatory process for ethical thinking, one which I contend is supported implicitly if not explicitly by the AICP Code. There is also a normative component to the process framework provided here; I contend not only that it more accurately explains the thought process likely to be followed by practicing planners, but also that it should be followed. The process framework described here has some grounding in the planning and public administration literature, but the framework was not developed via a grounded theory approach.

I have not developed a normative substantive ethic in this framework, though in closing I rise in support of Howe’s (1994) normative ethical framework as the best that has yet to be developed for planners. Rather than offer my own view of an appropriate substantive ethic, I identify four sources of normative ethics which encapsulate most if not all of the normative ethical principles that planners will consult in making decisions and taking actions. Those sources are individual and societal, organizational, professional, and legal (Figure 2). One cannot say which of the four sources of normative ethics will persuade planners in any instance, but I am confident the major motivating

normative ethical influences of planners are encompassed in the framework. In describing the four sources of normative ethics, it is my hope that planners will be able to better recognize these influences and how they inform decisions and actions.

The framework presented in this article is extended and improved by incorporating initial work by Bolan (1983) relative to choices from among different degrees or combinations of good and harm. Bolan (1983) advanced our understanding of the complexity of ethical choices and the value comparison in Figure 3 will hopefully find usefulness by practicing planners in both understanding theory and in plotting their best strategies for decision making.

In the end, it is the individual planner who will decide for himself or herself what is ethical. The framework provided here should assist planning practitioners in their quest to conduct themselves in an ethical manner, especially considering that standards for ethical behavior can change over time. Watson (2006, p. 32), for one, is sensitive to how the “everyday realities confronting planning,” such as deepening inequalities, are increasingly at odds with the philosophical roots that have defined the planning profession. As Bolan (1983, p. 31) has observed, “our ethical consciousness is impacted by innovation, complexity and the turbulence of a rapidly changing world.” Because of changes to the sources of influence, ethics will likely remain a mostly personal matter. Practitioners should take on Bolan’s (1983) charge to become creative moralists.

## References

- Alexander, E. R. (2007). Planning rights and their implications. *Planning Theory*, 6(2), 112-126.  
<https://doi.org/10.1177/1473095207077584>
- American Institute of Certified Planners. (Adopted March 19, 2005. Revised April 1, 2016.). *AICP code of ethics and professional conduct*. Accessed March 20, 2021 at <https://www.planning.org/ethics/ethicscode/>
- American Institute of Planners. (1948). AIP code of professional conduct. *Journal of the American Institute of Planners*, 14(2), 47-48. <https://doi.org/10.1080/01944364808978612>
- American Planning Association. (1992). *Ethical Principles in Planning*. Retrieved March 20, 2021, from <https://www.planning.org/ethics/ethicalprinciples/>
- Anderson, H. R. (1954). Ethical values in administration. *Public Administration*, 17, 1-12.  
<https://doi.org/10.1111/j.1467-9299.1939.tb03021.x>
- Baggini, J., & Fosl, P. S. (2007). *The ethics toolkit: A compendium of ethical concepts and methods*. Malden, Mass.: Blackwell.
- Bahm, A. J. (1974). *Ethics as a behavioral science*. Springfield, Ill.: Charles C. Thomas.
- Baum, H. S. (2000). Communities, organizations, politics, and ethics. In C. S. Hoch, L. C. Dalton, & F. S. So (Eds.), *The practice of local government planning* (3rd ed.). Washington, DC: International City/County Management Association.

- Baum, H. S. (1998). Ethical behavior is extraordinary behavior; It's the same as all other behavior: A case study in community planning. *Journal of the American Planning Association*, 64(4), 411-423. <https://doi.org/10.1080/01944369808976001>
- Barrett, C. (2001). *Everyday ethics for practicing planners*. Washington, D.C.: AICP.
- Bolan, R. (1983). The structure of ethical choice in planning practice. *Journal of Planning Education and Research*, 3, 23-34. <https://doi.org/10.1177/0739456X8300300104>
- Bowman, J. S. (Ed.). (1991). *Ethical frontiers in public management: Seeking new strategies for resolving ethical dilemmas*. San Francisco: Jossey-Bass Inc.
- Brogan, A. P. (1926). Ethics as method. *International Journal of Ethics*, 36(3), 263-270. <https://doi.org/10.1086/intejethi.36.3.2377200>
- Campbell, H. (2012). Planning ethics and rediscovering the idea of planning. *Planning Theory*, 11(4), 379-399. <https://doi.org/10.1177/1473095212442159>
- Cooper, T. L. (1982). *The responsible administrator*. Port Washington, NY: Kennikat Press.
- Denhardt, K. G. (1988). *The ethics of public service: Resolving moral dilemmas in public organizations*. Westport, CT: Greenwood Press.
- Frederickson, H. G., & Ghere, R. K. (Eds.). (2005). *Ethics in public management*. London: M. E. Sharpe.
- Friedmann, J. (1973). The public interest and community participation: Toward a reconstruction of public philosophy. *Journal of the American Institute of Planners*, 39(1), 2-12. <https://doi.org/10.1080/01944367308977649>
- Golembiewski, R. T. (1965). *Men, management, and morality: Toward a new organizational ethic*. New York: McGraw-Hill Book Company.
- Gortner, H. F. (1991). How public managers view their environment: Balancing organizational demands, political realities, and personal values. In J. S. Bowman (Ed.), *Ethical frontiers in public management: Seeking new strategies for resolving ethical dilemmas*. San Francisco: Jossey-Bass Inc., Publishers.
- Hoch, C. (1984). Doing good and being right: The pragmatic connection in planning theory. *Journal of the American Planning Association*, 50(3), 335-345. <https://doi.org/10.1080/01944368408976600>
- Howe, E. (1994). *Acting on ethics in city planning*. New Brunswick, N.J.: Center for Urban Policy Research, Rutgers University.
- Howe, E. (1992). Professional roles and the public interest in planning. *Journal of Planning Literature*, 6(3), 230-248. <https://doi.org/10.1177/088541229200600302>
- Howe, E. (1990). Normative ethics in planning. *Journal of Planning Literature*, 5(2), 123-150. <https://doi.org/10.1177/088541229000500201>
- Howe, E., & Kaufman, J. L. (1979). The ethics of contemporary American planners. *Journal of the American Planning Association*, 45(3), 243-255. <https://doi.org/10.1080/01944367908976965>

- Kaufman, J. L. (1980). Land planning in an ethical perspective. In M. Wachs (Ed.), *Ethics in planning*. New Brunswick, N.J.: Center for Urban Policy Research.
- Kelly, E. D., & Becker, B. (2000). *Community planning: An introduction to the comprehensive plan*. Washington, DC: Island Press.
- Klosterman, R. E. (1978). Foundations for normative planning. *Journal of the American Institute of Planners*, 44(1), 37-46. <https://doi.org/10.1080/01944367808976875>
- Lawton, A., Rayner, J., & Lasthuizen, K. (2013). *Ethics and management in the public sector*. New York: Routledge. <https://doi.org/10.4324/9780203094129>
- Leys, W. A. R. (1952). *Ethics for policy decisions: The art of asking deliberative questions*. Englewood Cliffs, NJ: Prentice-Hall.
- Leys, W. A. R. (1943). Ethics and administrative discretion. *Public Administration Review*, 3(1), 10-23. <https://doi.org/10.2307/973098>
- Lindblom, C. E. (1959). The science of muddling through. *Public Administration Review*, 19(2), 79-88. <https://doi.org/10.2307/973677>
- Lo Piccolo, F., & Thomas, H. (2008). Research ethics in planning: A framework for discussion. *Planning Theory*, 7(1), 7-23. <https://doi.org/10.1177/1473095207085663>
- Lucy, W. (1988). American planning association's ethical principles include simplistic planning theories. *Journal of the American Planning Association*, 54(2), 147-149. <https://doi.org/10.1080/01944368808976465>
- Marcuse, P. (1976). Professional ethics and beyond: Values in planning. *Journal of the American Institute of Planners*, 42(3), 264-274. <https://doi.org/10.1080/01944367608977729>
- Martinez, J. M., & Richardson, W. D. (2008). *Administrative ethics in the twenty-first century*. New York: Peter Lang Publishing, Inc.
- Pugh, D. L. (1991). The origins of ethical frameworks in public administration. In J. S. Bowman (Ed.), *Ethical frontiers in public management: Seeking new strategies for resolving ethical dilemmas*. San Francisco: Jossey-Bass Inc., Publishers.
- Rohr, J. A. (1978). *Ethics for bureaucrats: An essay on law and values*. New York: Marcel Dekker.
- Steinberg, S. S., & Austern, D. T. (1990). *Government, ethics, and managers: A guide to solving ethical dilemmas in the public sector*. Westport, Conn.: Quorum Books.
- Wachs, M. (Ed.). (1985). *Ethics in planning*. New Brunswick, N.J.: Center for Urban Policy Research.
- Wall, B. (1991). Assessing ethics theories from a democratic viewpoint. In J. S. Bowman (Ed.), *Ethical frontiers in public management: Seeking new strategies for resolving ethical dilemmas*. San Francisco: Jossey-Bass Inc., Publishers.
- Watson, V. (2006). Deep difference: Diversity, planning and ethics. *Planning Theory*, 5(1), 31-50. <https://doi.org/10.1177/1473095206061020>
- Weitz, J. (2016). *The ethical planning practitioner*. Chicago: Planners Press. <https://doi.org/10.4324/9781351179201>

Wittmer, D. P. (2005). Developing a behavioral model for ethical decision making in organizations: Conceptual and empirical research. In H. G. Frederickson, & R. K. Ghere (Eds.), *Ethics in public management*. London: M. E. Sharpe.

Worthley, J. A. (1981). Ethics and public management: Education and training. *Public Personnel Management*, 10(1), 41-47. <https://doi.org/10.1177/009102608101000106>