

Communication Ethics and Ethical Culture: A Study of the Ethics Initiative in Denver City Government

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Jovanovic, S. & Wood, R. V. (2006). Communication ethics and ethical culture: A study of the ethics initiative in Denver City Government. [Journal of Applied Communication Research](#), 34 (4), 386-405. DOI: [10.1080/00909880600908633](#)

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Abstract:

This article examines the work of the ethics initiative in the City of Denver to see how talk about ethics contributes to an ethical culture. By paying particular attention to the communication in the city's Code of Ethics, ethics training discussion, employee interviews, and formal documents relaying the Board of Ethics' views, we show how ethics emerges within communication. We argue that the emergent quality of ethics is dialogically refined in communication. For practitioners and officials interested in advancing organization-wide ethics training, we urge pursuing dialogical means so that people can negotiate among competing interests to shape future policy and action reflective of their ethical concerns.

Keywords:

Ethics; Dialogue

Article:

Now is a time of much concern about personal, corporate, and business ethics. Problems abound, yet there is no paucity of theory, no shortage of unethical behavior examples, and a plethora of ethics codes/honor codes. At a time when public confidence in our institutions is frayed, there is a need to clarify the kinds of relationships among individual actions, institutional practices, and cultural norms that can result in actions to benefit the public interest. Further, there is a need to specify what actions lead to widespread support for solving collective problems and improving conditions at work, in the community, and within government. As communication scholars, we suspect that a close look at how we talk about ethics will lead to some practical understandings about how to bring ethical action to life, work, and citizenship. Our ethnographic investigation, spanning nearly four years, explores how dialogic moments in a local government provide the possibility for transformation of the organizational culture that results in more ethical decision making.

Specifically, in this article we examine the work of the Denver Board of Ethics, including communication in the city's Code of Ethics, ethics training discussions, employee interviews, and formal documents relaying the Board of Ethics' views. We show how ethics emerges within communication. We argue that the emergent quality of ethics is dialogically refined in communication. Ethics, like understanding, is language-bound (Gadamer, 1976). Understanding ethics as a communicative activity rooted in interaction, rather than as a prescribed set of rules to guide behavior, has the greatest potential to lead to action in the public interest, especially where administrative and policy decisions reflect an obligation to broad, shared interests rather than limited, particular ones (Cooper, 2004). For practitioners and officials interested in advancing organization-wide ethics training, we urge pursuing dialogical means and a "fundamental sort of openness" (Gadamer, 1960, p. 361) to raise ethical concerns and then deliberate them.

CRAFTING AN ETHICAL CULTURE IN DENVER

The interest in ethics experienced across the country came to a head in Denver city government in July of 2000 when the mayor called for a rewrite of Denver's ethics code. A spokesperson for the mayor said the previous code fell short because the ethics rules were unclear; the mayor hoped for "better and stricter guidelines" ("Mayor Calls for Ethics Code Rewrite," 2000). Colorado Common Cause was called in to help the city write its new code.

Denver's government ethics activity did not begin in a vacuum. At the same time the new ethics code was being debated, newspaper reports revealed that the mayor's daughter was being paid on two contracts awarded by his administration. That flurry was exacerbated by other events: the executive director of the Civil Service Commission resigned following newspaper revelations that his wife and son were on his payroll; critics complained that eight city council members were receiving free football tickets to the Denver Broncos while the city was considering whether to fund construction of a new stadium; and nine members of the council took free passes from commercial parking vendors who were licensed by the city.

After a tumultuous period of deliberation and debate, the new Denver code passed in a 7-3 vote that again established a five-member, appointed Board of Ethics.((1)) The code offered new rules on conflicts of interest, gifts, and employment. For the first time, it contained provisions for citizens to complain (called inquiries) along with clear paths for how employees could obtain opinions and requests for waivers from the code. Further, the code mandated that an ethics handbook be published and distributed and that training be provided for an estimated 14,000 elected officials and employees. The first meeting of the newly appointed Denver Board of Ethics was on May 17, 2001, and that is when this ethnographic project began.

The code, the Board of Ethics, training, and the advisory opinion/complaints process only provide the skeleton for an ethical culture. As Pacanowsky and O'Donnell-Trujillo (1983) wrote years ago, culture must be enacted. That performance takes place in and through communication. The role of communication in the Denver ethics initiative is obvious, yet the priority of communication is a kind of "missing link" that may explain how the initiative indeed crafts an ethical culture and whether the result of that is a more ethical government. We now turn to developments in communication studies and ethical theory to shed light on the role that communication plays in ethics.

DIALOGUE AND COMMUNICATION ETHICS: SCHOLARLY FOUNDATIONS

In the last half of the 20th century, there were exciting parallel developments in the communication literature on dialogue that apply to our analysis of communication ethics. Groundbreaking work occurred in 1968 when Keller and Brown suggested that the standard for communication ethics be behavior that enhances the freedom of response from the listener. Richard Johannesen (1971), Ronald Arnett (1981), and Rob Anderson (1982) considered how dialogic theory might be applied to speech and communication. The dialogic implications of these new views for communication ethics were later discussed in many contexts, including free speech (Haiman, 1981), organizational life (Barge & Little, 2002), dialogic civility (Arnett & Arneson, 1999), community organizing (Zoller, 2000), identity (Jovanovic, 2003), and civic culture (Andersen, 2003).

The movement away from adherence to rules and principles alone, toward recognition of the centrality of oral communication as a means of enriching the human experience in constructing ethical norms, began with Keller and Brown's interpersonal ethic (1968). They suggested that the key ethical moment occurs within the communication relationship itself. "The crucial question may be: How does the speaker react to the listener's reactions?" (Keller & Brown, 1968, p. 76). They concluded that "behavior which enhances the basic freedom of response in the individual is more ethical; behavior which either overtly or covertly attacks it is less ethical" (p. 76). Even a speaker who refrains from using unethical devices (lying, distortion, omission, suggestion, and so forth) and speaks the truth can still fail the ethical test, according to Keller and Brown, on the grounds of his/her attitude toward the other. This line of thought has continued through successors such as Hyde (2001), Shotter

(2000), and Murray (2000) who recognize acknowledgement, relationally responsive activity, Bakhtinian answerability, and Levinasian responsibility as ethical moves within communicative action itself.

Dialogue describes the ephemeral quality of genuine human interaction. Some scholars have decried the almost mystical/magical properties that are ascribed to dialogue (Hirschkop, 1992). That uneasiness may be because the fullness of genuine encounter from one person to another is so fleeting, yet so powerful. For Mikhail Bakhtin (1986), dialogue is: “Not to remain tangential, to burst into the circle of life, to become one among other people. To cast off reservations, to cast off irony” (p. 147). Perhaps that is why dialogic moments are unforgettable, yet almost unbelievable.

In their continuing scholarship on dialogue, Cissna and Anderson (1998) have contributed the notion that dialogue quite often occurs in fleeting moments of mutuality. That is, dialogue cannot be demanded; instead, it requires an openness and invitation guided by patience (Arnett, 1992). Whether in therapeutic settings, the educational environment, business, among family members, or in public spaces, we see, as Stewart and Zediker (2000) suggest, that dialogue is tensional ethical practice, requiring individuals to negotiate their attitudes and actions on the fly in communication.

Ethics in and through Communication: A Constitutive View

Just as the traditional, transmission view of communication sees speech as a conduit for messages, the traditional view of communication ethics is that ethics should be applied to communicative action to assure that the communicator and the message are ethical (Johannesen, 2002). The goal then is to create standards to use in assessing individual, group, and institutional decisions and practices.

A different understanding of communication ethics that draws heavily from our understanding of dialogue is contained in the constitutive view of communication. Here, relationship and meaning are constructed in communicating; the combined weight of the phenomenological-dialogic-ethical view of communication results in a perspective that sees ethics as actually constituted in communication. Communicative action itself is an ethical (or unethical) doing, infused in an ethical (or unethical) culture, with another person implicated in the process and the outcome. The momentary, answerable, and responsible qualities of dialogue would, thus, lead one to think rightly that dialogue is the most likely kind of talk to constitute ethical solutions to ethical problems.

We respect the notion that ethical standards must be applied to communication, but this study was conducted from the perspective of ethics as constituted in communication. We sought to observe how people talk about ethics, what they talk about, and to whom they talk. We were interested in whether the kind and quality of communication might influence the translation of ethical decisions into the establishment of ethical culture.

RESEARCH DESIGN

This is a report of an extended ethnographic study of communication and the Denver ethics initiative over a period of nearly four years, from May 2001 to March 2005.((2)) We were actively included in nearly every locale of city governance where ethics matters were considered.((3)) That is, our ethnography, just like ethics, was a dialogic enterprise rooted in praxis. Throughout, we examined our responsibilities not only in our scholarly writing, but also in our actions as observers, participants, and initiators of community programs. Importantly, we stayed committed to an “ethic of solidarity . . . rooted in a profound sense of care” (Dimitriadis, 2001, p. 595) for the City of Denver, its employees, and its citizens as the new ethics initiative unfolded.

One or both of us attended 36 Denver Board of Ethics meetings. We observed the deliberations of the Oversight Committee on ethics training; the committee met monthly for six months prior to the rollout of the city-wide ethics training program. We attended six all-day training sessions developed for two different city administration staffs and elected officials, five trainings for middle managers, and two train-the-trainer sessions. In addition, one of the three research assistants on the project collected additional field notes from 14 other

training programs for city employees, the city council's intergovernmental committee meetings involving ethics board members, and additional monthly ethics board meetings.((4)) We studied all of the cases that passed before the board. We conducted dozens of individual interviews and led five focus group discussions about the training program. We reviewed the key documents and press coverage on the code, and researched a sampling of other city codes across the country. Our more informal meetings ran the gamut from a cup of coffee with an outspoken police patrol officer to lunch with one of the city council members who sponsored the ethics ordinance.((5))

Actively engaging in this project according to a philosophical and methodological coherency, we recognized what Hans-Georg Gadamer saw as the hope for hermeneutical inquiry:

There is always a world already interpreted, already organized in its basic relations, into which experience steps as something new, upsetting what has led our expectations and undergoing reorganization itself in the upheaval. ... Only the support of familiar and common understanding makes possible the venture into the alien, the lifting up of something out of the alien, and thus the broadening and enrichment of our own experience of the world. (1976, p. 15)

Our understanding was, thus, contingent upon a long-term relationship with the City of Denver without predetermined research questions. Instead, we watched to see where the conversations of ethics would lead.

After an initial period in which we simply observed and recorded talk at meetings, we consulted with the Board of Ethics, the staff director, and numerous other city employees to help us construct more targeted questions that we would ask and to comment on the observations we made. We worked with the same group of people to eventually define our project in ways beneficial to the city (Bray, Lee, Smith, & Yorks, 2000) and its commitment to pursuing ethics. Finally, we launched a community outreach effort to bring city officials together with neighborhood groups in dialogues about ethics.

It is important to note that the Denver Board of Ethics did not contract with or pay us to conduct our research. A separate training consultant was hired to develop and deliver the employee training program. Our comments, recommendations, and analyses were seen as providing an objective analysis of ethics talk, Board of Ethics procedures, outreach programming opportunities, internal improvement possibilities, and the role of the ethics agency as the “conscience of the community” (staff director, personal communication, February 24, 2005). Additionally, our research was cited for its academic credibility to support the activities of the Board of Ethics in negotiations with the city council.

Participants

We recorded the comments and impressions of 350 city employees, elected officials, and board members following IRB protocol.((6)) The individuals we talked with were brought to our attention in one of two ways. First, in the required ethics trainings, we had the opportunity to meet and talk with people from all levels within city government: from the mayor to the systems analyst, from the auditor to the social worker, and from the police chief to the road maintenance crew member. Second, the individuals for our interviews and focus groups were selected from lists provided to us by the Denver Board of Ethics staff director. We fielded praise and critique in their assessments of the ethics initiative. Additionally, we collected stories relevant to the notion of public service as ethical work.

Creating a climate of trust and public accountability remained a focus of and a priority for our social action research (Pilotta et al., 2001). We were accepted into the community of those who care deeply about city ethics by being invited to participate in public events and asked to recommend plans for future ethics initiatives. Although maintaining prescribed roles, a fruitful collaboration was established. For instance, as evaluation data were collected, we offered a rudimentary content analysis of participant comments. In doing so, one issue emerged as worthy of a Board of Ethics response. A small but significant number of employees were criticizing the activities of their boss in one large department, suggesting that ethical transgressions were being tolerated. With this information, the Board of Ethics initiated dialogue with the department to uncover the sources of employee concern.

OUR FINDINGS: DIALOGIC MOMENTS WHEN EMPLOYEES TALK ABOUT ETHICS

The talk of ethics in the City of Denver roamed over much territory, including critique of management's behavior, concern for subordinates' behavior, questions about "ways of doing business," and struggles with other professional codes of ethics. There was also considerable concern about the public's perception of practices most city employees and officials wanted to defend as legitimate. Could this talk be characterized as dialogue?

Conversation, instructional communication, and even public speaking move through various forms, or genres, of talk and "along a multi-dimensional monologic-dialogic continuum" (Stewart & Zediker, 2000, p. 232). We saw that, at times, people take ethics very seriously and they talk that way; at other times, they tease, joke, and act as though ethics is for sissies. Often, they are legalistic; sometimes, they speak from common sense. Often, the talk is theoretical, impersonal, and detached; occasionally, the talk is very practical, immediate, back-and-forth, and highly personal.

In our observations of ethics training, we found that almost all of the talk about ethics fell into the theoretical, abstract, and impersonal category. Although there was some give and take, the trainer's communicative pattern was monologic; so, too, was most of the talk from the participants. The structure and form of the training program encouraged such with its fully scripted character. The training began with around-the-room self introductions and forced statements of concern from each audience member. The next hour and a half consisted of a lecture on ethical theory. A rote explanation of the code was offered before turning to case studies for the training participants to consider. To move the day-long program forward with the necessary efficiency, the training participants needed to think and respond in small groups within the allotted time. They did so dutifully. The result was that, by and large, the participants responded with views, suggestions, and answers that were removed from their personal experience. Little personal struggle emerged in the small group processes. Nevertheless, and importantly, this form of talk provided a foundation of knowledge against which new insights could eventually emerge (Barge & Little, 2002).

As an example of what we most often observed, a question was posed: "What advantages, if any, do employees have when they speak before the city council on issues of personal concern?" Everyone easily agreed that employees should not have an unfair advantage that could arise by initiating contact with city officials in the hallways. The employees generally agreed that it would be unethical for them to use their positions to obtain evidence, contacts, or forms unavailable to others. The discussion seemed "fair" enough on the surface; however, there was little critical reflection indicative of dialogue on the inevitable privilege the employees had by virtue of knowing what types of questions the city council was likely to hear. Even less time was spent discussing how employees could garner resources not readily available to citizens at large or how to account for the influence that arises from previous working relationships with the city council. There were other issues involved that required a delicate discussion of the intertwining roles of public servant and private citizen. Further, the employees did not seem to recognize or address what might influence their personal and collective judgments, such as organizational position, loyalty, and performance reviews. Instead, they moved quickly through the issue by suggesting simply that no paid employee should have an unfair advantage.

This shallow interpretation of a complex issue reflected a quality of talk characterized by the phrase "the moral superiority of the uninvolved," coined by Mark Pastin, an organizational ethicist at Arizona State University (1985). "Moral superiority of the uninvolved" captures how easy it is to be righteous when you are not involved yourself. In the case of the City of Denver ethics training, this position became apparent in the tone and substance of many discussions about hypothetical case examples. There was little confusion. People made an effort to apply the code and move on to the next section of the program. However, ethical dilemmas by their definition are perplexing, uncertain, and riddled with confusion for those who discuss the situation.

In contrast to the pre-designated training module questions, when real, current issues surfaced, the confidence of what employees should or should not do waned. For instance, at one training session in 2002, a purchasing

agent explained that the city had an opportunity to offer employees a discount for home computers due to the city's large buying power. At issue was: should employees take advantage of the offer, and if they did, would that give preference to that computer vendor for future business? At issue was a desire by many of the training participants to (ethically) take advantage of a discount opportunity of which they had just learned.

The responses by the participants in the training were anything but predictable. “Our employees get discounts with floral companies. The IT department probably gets something. It probably happens all over,” said Paul. “Should just the appearance of impropriety disadvantage the employee from being able to get a discount?” asked Dave. Ira queried, “How do you feel about making this offer known to the public?” Here, faced with an opportunity to save money, the employees were not sure what actions could prompt suspicion by the public, influence future decisions, or be fair.

Dialogic moments like these emerged against the background of impersonal, abstract talk about ethics. When they did, we, along with the rest of the people in the room, took notice that we were no longer advancing according to the prescribed agenda and set time limits. We were, instead, communicating with a spontaneity rooted in our interactions with one another, indicative of the strength and importance of these unique, responsive moments (Shotter, 2000).

In the course of the routine talk in the training, now and again someone would make a comment or ask a question of the group that would invite creative response. That move interrupted the repetitive exchange between the teacher and the students that engendered declarative statements followed by questions, and responded to with more declarative answers. The disturbance to the established rhythm served to enlist others to help address a mutual issue among them. We are reminded of Michael Hyde's idea of rhetorical interruption (2001). For Hyde, people issue calls in any number of ways—as questions, pleas, protests, arguments, or even as acts of self-destruction—in an effort to receive recognition and acknowledgement, basic human needs.

As an example, Jim asserted a claim that mildly startled the group at the beginning of one training day. He said, “No matter how gently we approach the subject, as soon as we even mention ethics, the entire city is called into question and assumed unethical.” Jim's statement was a rhetorical interruption (Hyde, 2001) that served to surface the fears many have of alienating co-workers. His follow-up questions suggested that he wanted help in figuring out ways to introduce ethics, talk about ethics, and solicit the involvement of his employees in the process. The others responded with suggestions and discussion about the condition in which Jim found himself. That is when dialogue surfaced.

Dialogic, ethical talk is immediate and in the moment in what Bakhtin called the “once-occurrent act of being” (1993, p. 2). When we respond to these moments with openness and candor, we do so without guarantee of where the conversation may lead (Shotter, 2000). By contrast, scripted, hypothetical, or obligatory talk often lacks the immediacy of the here and now. Questions like “What would you do if ...?” and “Did you hear what so-and-so did?” brought forth responses that were at times animated, but clearly uninvolved and impersonal. Questions such as “What should they do?” and “Is it ethical to ...?” generated talk that was conjectural, not actual.

The dialogic moment can best be illustrated with an excursion into our field notes. Group members from the city's top 110 managers were reporting to the training class on a hypothetical case they had been asked to resolve. They were talking in the tone of good students, decisive managers, and people eager to get the right answer in a timely fashion. The training participants were working in small groups, assessing case studies supplied by the trainer. Then, one of the members interrupted with an immediate situation in his job, and the talk changed. Here is what we wrote, anticipating the account of the discussion that would follow.

When they switched to the real case (that follows), there was a palpable change in their attitudes and the tone of the group. There was silence as the “case” was stated (like, oh boy, here it comes). You could feel them shift gears and recognize that they saw this is now for real. They seemed to say for the first time since the training started that, “Now, we see the ethical issues. We all do this [accept vendor gifts], or would like to do it, but what about the code?”

The group was interrupted by one of its own and was called upon to move from conjecture to advice-giving and decision-making for which the members would be answerable.

The real case was offered by an official at Denver International Airport when he boldly claimed that the case study the group was considering in the training was simple, but real life was not:

This applies to a lot of people who belong to professional organizations. At conferences, there are workshops. Vendors are there. Their practice in the evenings, off hours, and concurrently is to invite people to dinners, shows, golf. This is an extremely common practice. It's important that you go. This is a place where you get to meet your counterparts and network. The ethics code raises questions about that.

A fellow participant acknowledged that the airport official was someone of integrity asking about a difficult subject and wondering what was the right thing to do.

The discussion that followed was characteristic of dialogic talk about ethics. It was halting, thoughtful, and full of back and forth. The participants were facing a “damned if you do, damned if you don't” situation. Antidotes like “refuse alcohol,” “pay the price of the golf,” and “don't put your card in the fishbowl for prizes” were considered but not accepted as easy options. One idea offered and summarily rejected was that, since the department managers approve the travel expenses in advance, the individual does not have to make any problematical decisions. Finally, the group settled with a recommendation, not a rule. “It is okay to go, but consider your reputation, and the city's, at all times. You're not there as a citizen; you're there as a city official.” That recommendation contained within it both a reminder of a city employee's public duty and trust in officials' ability to make good, independent decisions.

Observers of this process and those concerned with having rock-solid rules for ethical behavior might balk at the outcome of the discussion. We, however, saw something different. The participants were swept into a dialogue that required their careful attention and consideration of not just one set of facts, but a whole list of extenuating circumstances. They concluded that any action selected would require a consideration of the situation at hand, recognition of the responsibilities of the person involved, understanding of the norms and values of the city, and reflection on overriding tenets of public service responsibility.

Another situation provides an example of an apparently simple ethical choice that Denver police officers face daily. They ask, should you accept a free or discounted meal at a restaurant where you want to eat? No big deal, right? Wrong.

In our observation of upper-level ethics training at the police academy, a rather abstract discussion about whether it was all right for patrol officers to accept meals brought a fervent response from one command-level officer. “This is the only question that ever comes up [in the ranks]. It's not, here's an abortion clinic, and what do I do? It's, hey captain, can I eat out tonight?” Another officer echoed that captain's desire to understand the department's policy in relation to the code guidelines on meals. “This is the ethical issue for the police department. If we can't solve this one, then it really opens up the whole ethics code to interpretation.” A third officer added, “The reason we debate this so hotly is because we want to believe we are ethical. If the higher standard is no meals, shouldn't we do it? But we want to protect what we have done.”

Here is why the situation is so complicated. First, some restaurant owners and many citizens want to find ways to show appreciation to the police. The officers report that many people are grateful for what these public servants do, and they want to say thanks. Second, many restaurant owners and employees like to have officers around because it makes them and their customers feel safer. Third, some people want to make certain the police have a positive attitude of priority toward them should anything happen. Last, there may be some people who want to buy a blind eye from a police officer.

From a police point of view, it is also complicated. When a restaurant owner is clearly just trying to be nice or a citizen wants to buy an officer dinner, is there a way to accept gracefully? Police officers, like most of us who

are offered a rather small token of appreciation, ask, “Why be rude?” Then, there is the question of how you make someone do something. If an owner refuses to give you a check, what do you do? (As one business owner reportedly said, “Look, you run the police department, I’ll run my restaurant.”) How do you know where to eat? A police officer explained the realities of his job that most citizens would never know. He said, “If you are working the graveyard shift, there may be only three or four restaurants open in the whole city. Where do you eat? There are some places where they hate cops and someone in the kitchen spits in your food! If they offer a discount, you know they like cops.” To many on the police force, hostility in the city is rampant. They say, quite practically, that it feels good to eat where you are welcome.

The central ethical question is who can pay for meals that officers eat while on duty. The police officers we observed resolved the situation in a manner much like the managers did the conference attendance issue. The police training participants concluded that there are times when it is impractical or offensive not to accept a meal and that there are other times when a meal should not be accepted under any circumstances. In general, the police determined it is a good practice for the officer to leave an amount of cash on the table equivalent to the price of the meal and the tip. They recognized that this solution was not perfect and that perhaps the server would get all the money, or maybe not. Either way, the officer would not have violated the code or created an appearance of impropriety.

One of the trainers reviewed this discussion in a telephone conversation with us later and apologized that the police trainers had been so “wishy-washy.” In fact, we saw that “wishy-washy” was an important quality of the dialogic talk about ethics. The officers were engaged in the process of considering the options, finding the reasons for choosing one over the other, and, of significance, they were considering the views of others who entered the conversation.

DISCUSSION: WHY DIALOGUE MATTERS IN ETHICS

These two examples of talk, among managers and among police officers, were chosen because they had an immediate, dialogic, and ethical quality that made them exemplary of the most promising kind of communication about ethics that we observed. We feel that they are theoretically rich and suggest practical steps that can be taken to constitute ethical culture. Let us begin by bringing these examples back to our earlier discussion of dialogic and ethical theory in communication studies.

Dialogue Points to the Momentary, Actual, and Personal

In tackling real, pressing issues, the talk moved to a sense of here-and-now. The discourse was no longer about ethics; it was from ethics. People were engaging in real issues in real time. In these moments, the ethical dilemma was not hypothetical. Instead, the ethical dilemma belonged to the managers and to the police officers. As a result, the talk was not conjectural. The participants seemed to recognize that their discussion and proposed actions were being scrutinized in the actual world of work. As we have already said, there is considerable support in the literature that these moments of talk were, in fact, dialogic moments in and through which ethical understandings emerged.

Mikhail Bakhtin laid the foundation for understanding these qualities of dialogue. He drew a clear distinction between acting or talking in the “world of life” and acting or talk about life in what he called the “world of culture.” The world of life is where we “create, cognize, contemplate, live our lives and die” (Bakhtin, 1993, p. 2). It is in the world of culture that our experiences are represented, rather than lived, and thus abstract and distant from the specific actualities of life. Bakhtin compared the world of the act to the two-faced Janus, looking one way toward life and another way toward talk about life. He strongly felt that, while we can move from action to describe it in theory (culture), we cannot get to life from culture. A philosophy of the actually performed world must orient itself to actually performed action, not to pre-constructed codes, rules, propositions, and laws.

Hence, talk of what to do about hypothetical problems working from ancient principles of ethical theory is inevitably dry, impersonal, and academic. Novelist Bernhard Schlink wrote about the back-and-forth movement of decision-making, pointing to the bankruptcy of abstraction independent of actual (talk and) action:

Often enough in my life I have done things I had not decided to do. Something—whatever that may be—goes into action; “it” goes to the woman I don't want to see anymore, “it” makes the remark to the boss that costs me my head, “it” keeps on smoking although I have decided to quit, and then quits smoking just when I've accepted the fact that I'm a smoker and always will be ... behavior does not merely enact whatever has already been thought through and decided. (1998, p. 20)

Talk that begins in actually performed action is bound to be much more alive, personal, and dialogic, and practical in the real world of work, even if it is fraught with tension and conflict.

Martin Buber, too, saw a similar commitment to the importance of lived experience in the kind of dialogue that he characterized as the I-Thou relationship. Buber (1964) wrote of a kind of “holy insecurity” that comes from entering into the unique and irreducible situations of life without resorting to categories and principle (Friedman, 1996, p. 95). He stressed the “lived relation” and the “genuine meeting” (Buber, 1955). As Maurice Friedman wrote,

The experience to which Buber points is the experience of lived relation, of a dialogical relation which is, for Buber, at the heart of all human reality. In this lived relation one does not and cannot have the certainty of metaphysical truth but only the experience of mutual knowing that springs from genuine meeting, from wholehearted presence in the other, and ultimately from the wholehearted presence to the One who is eternally Other, eternally Thou. (1996, p. 94)

Although our study is one of organizational/bureaucratic communication, it still is replete with interpersonal business. The tone we observed, among the managers and among the police, carried a human quality that we do not hesitate to label dialogic.

Dialogic Relationships are Mutual and Indeterminate

Ronald Arnett, drawing from Buber's focus on the “between” as the location of dialogue, sees each relationship as “unique to that situation and exchange” (1981, p. 206). Dialogic communication then emerges in interaction. To enact fully the requisite relationship, the process of listening with “reception, attention, and presence to the other and ... concomitant renunciation of attempts to 'control and master' the other” is vital (Lipari, 2004, p. 123). Dialogue is, by its very nature, dynamic and nascent. Although most theorists would agree that no-one can make dialogue happen, its defining qualities combine the ability to listen with asking direct questions and presenting ideas in a way that asserts the self's position while remaining profoundly open to the views of others (Pearce & Pearce, 2004). Keller and Brown's inclination was to concede the immediacy, mutuality, and moment of communication. That suggests that conversation, or more precisely, dialogue, matters because in the immediacy and the between of the lived relation there emerges a sense about the world and how to go forward in it.

Many organizational members would like a training manual or code with steps for ethical action and ethical encounters in dialogue, but in fact, there are many ways to “do” dialogue as ethical praxis; because dialogue is a “situated relational accomplishment,” its emergent qualities defy a priori rules or methods (Stewart & Zediker, 2000, p. 230). Ethics emerges in communication, in the dialectic between self and other, within the interaction of one voice versus many voices, and in the intersections of theory and practice. The writings of Stewart and Zediker resonate with much of what Bakhtin and Levinas discuss in their philosophies of answerability and responsibility.

Ethics as Answerable and Responsible in Dialogue

From his earliest writings, Bakhtin wrote of the answerable nature of dialogue. In the world of lived experience, the world of the once-occurrent act of being, the world of the immediacy of dialogue, we are inescapably answerable for what we do and say. In other words, what we actually do and say in dialogue is irreversible. We cannot take back what we said as if we did not say it. However, this is not meant to suggest, in any way, that dialogue is final, ever. Rather, we are accountable, and as Bakhtin said, this points to our “non-alibi in Being” (1993, p. 40). In other forms of talk, there are excuses where one revises one's notions on the basis of further

investigation. “Just kidding” is the excuse when lighthearted repartee goes astray. In dialogue, when the self and the other are actually committed, the truth, not in terms of being self-identical to some content, but as honesty reflecting in the ethical relation, emerges within the talk.

French philosopher Emmanuel Levinas joined the discussion as a philosopher who pointed out the most profound ethical implications for the dialogic encounter. For Levinas, the “epiphany of the face” of the other pulls us out of ourselves into the dialogic moment. Ironically, it is only by leaving the interior of our egos, to recognize and respond to the other, that the self comes to exist. Ethics for Levinas is, thus, first philosophy, and responsibility is the nature of human being (1981/1998).

The power of the dialogic/ethical relationship evokes rather than defines. As we succumb to the greatness of the other, says Levinas (1981/1998), we cannot rely on rules or past practices to dictate our response. Therefore, Communication is not, according to this view, only a mechanism for uncertainty reduction. Speech is far from sophistry. Communication is instead the sacrifice of moving from the safety of the self toward the unknowing possibilities that the other presents. Speech has its roots at the bedrock of ethics, always aimed outward toward another. . . . Ethics begins right there at the point of response to another. It exists on both sides of the still point. It is why we respond and, after the moment of response, it is the demonstration in life itself that we are ethically answerable in the presence of the other. (Jovanovic & Wood, 2004, p. 329)

To bring this philosophizing to life, we return to the managerial training class and the police academy training program.

The managers and police officers face ethical dilemmas that provoke moments of dialogue. By virtue of being in the training program, the space was provided to examine these matters, although there was no guarantee of such outcome. When individuals took the risk to move beyond hypothetical cases to real ones, we observed interaction that was in the moment; here-and-now; among people who counted; among people who actually choose; and about people who, for at least that moment, cared about doing what is right. As observers, we felt we were watching something special. This was dialogue; this was ethical; and this would matter in the real world. These are the ingredients for crafting an ethical culture. To begin with, people were real, and they were answerable for what they were saying. Their talk conveyed a quality of ethical responsibility that one expects of dialogue. Because the people were actually involved in the choices and they were living the discussion, not just going through an exercise, we had a definite sense that an ethical culture was arising from the talk, just as philosophers of long ago suggested it could.

We received confirmation that ethical talk was making a difference in the City of Denver when we contacted 143 city employees, officials, and citizens who had initiated communication with the Board of Ethics between 2001 and 2004. We found that only 3% of the respondents failed to follow the decision and/or suggestions that emerged from their discussions with the Board of Ethics. Further, the respondents indicated that they consulted numerous others about their dilemmas, including their supervisors, work peers, and family members. In fact, only 10% indicated they did not speak to anyone prior to their contact with the Board of Ethics. These results are encouraging in that they suggest that the talk about ethics is generally leading to decisions that meet the city's standards of ethical excellence.

PRACTICAL APPLICATIONS

This ethnographic study of the ethics initiative in the City of Denver has, from the beginning, had a guiding question: “How do people in Denver government talk about ethics?” Our data are deep, and our results provide examples from lived experience that support and extend the literature on dialogue and communication ethics. We have observed many kinds of talk about ethics, and the most fruitful can be described as momentary, actual, and personal; dialogically mutual and indeterminate; and ethically answerable and responsible. From this, we draw some concrete implications, some of which run counter to current practice. We limit the implications to those that apply to the teaching of communication ethics and to ethics training for organizational employees.

Extend the Discussion of and Reach of Communication Ethics

The view of ethics that emerges from this study is admittedly different from, yet linked to, traditional understandings. Observing ethical understandings that emerge in dialogic moments shifts the focus away from judging action right or wrong on the basis of some internal compass or on the ethics code alone, to instead considering sustained talk about ethics that reveals our individual and collective values, as a path toward realizing a more ethical organization. Fairness, compassion, and equality are not just outcomes of talk but are constituted in the talk itself. We see communication and ethics as conditions humans experience in day-to-day activity and their inevitable dilemmas. The emergent quality of ethics, we argue, is phenomenologically grounded and dialogically refined in communication. In this article, we demonstrated that ethics as a communication phenomenon requires a full understanding of the benefits of discourse. Absent sustained talk, formal rules of conduct rarely stir people to ethical action beyond what is legally prescribed.

In teaching and training for ethical decision-making, instructors need to work within an ethical context that values advancing the ethos of the organization and realizing care for all relevant stakeholders. These practical touchstones, reminiscent of Aristotle on the one hand and Levinas on the other, should be worked through with students so that they see the ethical implications of how they talk and what they decide.

Rely on Real Cases/Real People

Case studies are the staple of ethics education and ethics training. Many of these cases are guaranteed to perplex students enough to stimulate lengthy discussion and pithy enough to create knotty discussions about what ethical paradigm to apply. Certainly, the Denver training program was replete with case studies, some based on true stories from selected employees. In fact, after the dialogic discussion of the ethical dilemma facing the official at Denver International Airport, the trainer produced a case study version that was used in all subsequent training. “You have to have been there” describes the difference between the “real” discussion and the discussion that followed from the case study. What had been lively and dialogic interaction was transformed into a dispassionate classroom exercise that was hardly transformative.

Our consistent finding is that hypothetical cases do “work” because people know how to “do” case studies. There is a qualitative shift during the dialogic moments about real cases involving the real people in the training. Realistic, hypothetical cases do not suffice because they cannot re-create the here-and-now dialogue that is stimulated in the lived experience. As we have gone forth from this research to our own ethics classes and to a limited number of training sessions that we have conducted for organization members, we have found it surprisingly easy for students to answer the challenge of providing ethical dilemmas that are actual for them and real for others. We have found the talk to be open and safe. Although the talk is not smooth and the conclusions are not pat, we suspect the connection is made between the decision and ethical action.

Emphasize to Trainees the Wisdom of Being Answerable and Responsible

Not only do sustained talk and dialogic moments lead to a powerful kind of communication ethics, but they also have the potential to identify action that is answerable and responsible. The key here is considering who is involved in the talk. Are they the people actually implicated in the dilemma or in similar enough versions of the dilemma? Are they the relevant people involved? Are there consultants or truth tellers available who can provide a different, but important, voice? Is there a secret being kept?

We argue that people should be taught how to talk to others about the ethical decisions they face. More, they must learn that it matters to whom they talk, all the while assessing the value (and to whom) of keeping secrets, be the secrets in the interest of the organization, the relationship, or the self (Bok, 1989).

For instance, in Denver, there is the case of an officer who had a plan to manage parking lots that were located near two popular music venues in his district. It seemed like a good idea to him, his backers, and probably to his family and colleagues. He discussed it with his lieutenant who said “all right” but with enough reservations that the officer consulted with the next higher-up, the captain. The captain, too, gave a tentative approval but held out for a reaction from the Denver Board of Ethics. The board heard the case and decided that while the

proposed action technically met the letter of the law, there was great risk of raising the appearance of a conflict of interest between the officer's roles as a policeman and as a parking lot manager.

This instance was an excellent example of how a person facing an ethical dilemma can talk to a variety of voices that represent the conscience of the community. To leave out any one of those groups, to minimize their concerns, or to hear with the inclination to dominate (Lipari, 2004) is to abandon the nature of ethics as action in the public interest. The officer in Denver participated in a healthy process that was likely to leave him fully informed about and answerable for the consequences.

A Format for Ethics Training

From this study, we have developed various training and teaching experiences that build upon these suggestions: 1) begin with a discussion of what ethics is, emphasizing the constitutive view that ethical relationships and organizations are constructed in ethical communication; 2) move to discussions of actual examples of ethical situations, positive and negative, in the participants' lives; and 3) discuss and practice how one can explore an ethical dilemma through sustained interaction with relevant others. We conclude from our observations and notes in the field that as long as ethics, defined as a performative presence enacted through talk, continues to occupy the interest and conversation of the participants, its chances of affecting a transformative change in future decision-making and the organization's culture are promising.

CONCLUSION

Many major cities now have operating ethics codes, most of which are led by a Board of Ethics or Ethics Commission.⁽⁷⁾ Still, ethics violations continue, and according to a 2003 survey conducted by the Ethics Resource Center, 44% of non-managerial employees who witness unethical behavior are unwilling to report the infractions.⁽⁸⁾

Further, critics question the effectiveness of ethics programs in light of continuing scandals. A two-year study completed in 1999 by Arthur Andersen's Ethics and Responsible Business Practices Group (of the parent company that was implicated in the Enron ethics scandal) confirmed a nagging suspicion. The best ethics program in the world will not create an ethical culture if the employees suspect that management implemented the program primarily to protect them from blame (Wah, 1999). Instead, the report found that employees will support the move toward increased ethical action when they see supervisors not only talk about ethics, but also act in ways that model ethical behavior.

Since, in Denver, the new ethics code was written in response to problems identified at the highest ranks of public office, we were especially interested to see how an ethics program could transcend its reputation as a shield for managers to inspire employees at every level in government. Talk and action, we knew, would be scrutinized by employees, the public, and the media.

We witnessed cynicism, despite the city-led effort to talk honestly and openly about ethics. One employee flatly denied the value of any city-sponsored training. He said, "Today it's ethical. A week from now, it will be unethical by a mere vote of the city council. That's difficult for us. So we've started our own internal code for risk management—to protect us from harm. That's the way we deal with ethics."

Other employees were more hopeful. Joyce said, "The value of this type of training is listening to people around the table." Scott, a facilitator for some of the ethics trainings, enjoyed revealing a little-known fact at each of his sessions. "They [participants] didn't realize they have been discussing ethics all day every day—it's part of their job—and that was the point of the training, to show them how ethics is what we say and do all the time."

Talk about ethics, not just once in a training room but often in myriad locales, will not prevent unethical behavior, but it will surface the underlying values people have. In those spaces where talk is encouraged,

dialogic moments may occur, serving as an important juncture for people to negotiate among competing interests to shape future policy and action reflective of ethical concerns.

Still, the propensity to judge anything less than ethically superior as morally bankrupt makes people nervous about raising difficult issues in a public venue. Ongoing opportunities for dialogue among citizens and city officials, as well as repeated discussion of the Code of Ethics and its particular application to various agencies and jobs in the city, provide the platform from which people may find it easier to discuss ethics more often and, hopefully, more comfortably.

Many municipal ethics laws and officers find themselves the butt of jokes rather than the inspiration for growth intended because they “typically scatter promises like grass seed across the political landscape” (Davies, 1999, p. 151). In the City of Denver, where politics and ethics bump together, there is deserved optimism for the ethics initiative built upon frequent and meaningful communication. Our hope is that an appreciation of communication and ethics can be recognized in cities everywhere as the pillars of the proverbial good life.

NOTES

1. The City of Denver has had a Board of Ethics comprised of volunteer citizens since at least 1965. Prior to 2001, the Board of Ethics had no designated staff person, independent budget, independent office space or telephone number, method of tracking or publicizing its opinions, centralized ethics training program, or printed materials to inform employees, elected officials, and citizens about Denver's Code of Ethics. By giving these resources to the Board of Ethics in 2001, Denver elevated the significance and visibility of ethics in city government.
2. We are grateful to the Carl M. Williams Institute for Ethics and Values at the University of Denver for a grant awarded through the Center for Civic Ethics to fund three years of research, writing, and community action with the Denver Board of Ethics. We further recognize the University of North Carolina at Greensboro for providing faculty grants to launch our investigative efforts.
3. On the advice of the city attorney, the Board of Ethics members have protected the sanctity of executive sessions during which they deliberate candidly with one another. Still, all records, testimony, questions of petitioners, and opinions were available to us. The Board of Ethics and its staff director were also quite open to being interviewed following the executive sessions. All names of city employees used in this document have been changed to ensure confidentiality.
4. Doctoral students at the University of Denver, equipped with course work and experience on other research projects, attended meetings, recorded observations including conversation episodes, and typed up full reports for the principal research investigators. The notes were discussed with the co-authors of this article and used as a basis for planning future interview questions and discussions with Board of Ethics members.
5. The field notes on this project include more than 500 typed pages. Most of the interviews and focus group sessions were audiotaped and then transcribed. When tape recording was not possible, we wrote extensive field notes, including quotations from city employees, which were then later typed up for distribution to our research team. In total, we spent in excess of 500 hours observing and participating in discussions with city officials, preparing research reports to benefit the city, collating archives, and providing one-on-one consultation to ethics planning efforts. Data collection methods were approved through the Institutional Review Boards at both the University of North Carolina at Greensboro and the University of Denver.
6. We relied on a combination of handwritten field notes and audiotape recordings to assess ethics talk (for more detail, see Note 5). Full disclosure of our research aims was made, and IRB consent forms were secured from interview participants.

7. Some states require local governments to follow state guidelines in designing and implementing ethics standards. Many cities, including Denver, have more strict ethics codes than required by the state. Most recently, the Web site <http://www.citygov.org> was launched to collate the codes and practices of cities and to share other useful information.

8. The National Business Ethics Survey measures views of organizational ethics from the employee's perspective. In 2003, 1500 participants from 48 states cited two reasons for not reporting infractions. Employees believed no corrective action would be taken and they feared their reports would not be kept confidential.

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