

Notes for Remarks

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***Building an Ethical Culture:
A Task for the People***

I appreciate this opportunity to share some thoughts with you on “A Culture of Ethics” and the role of the people in that matter. While as an Ombudsman for the City of Toronto I am more focused on the question of ethics in government, I am sure those of you who are interested in corporate ethics will see the obvious parallels and relationships.

For those of you who heard my remarks at the Ryerson University Ethics Network event in March, this is a different speech. I hope your thinking, like mine, has moved into a greater exploration of ethics that goes far beyond questions of expense accounts or accusations of favouritism.

My thesis then was that the people of Toronto have a right to the highest ethical standards being applied to governance of their city. It is less clear what the definition of ethical conduct should be. Given Toronto's rich diversity and new ethical issues surfacing regularly, it is important, I said, that the people accept personal responsibility to set out the foundation, the context, on which our municipal ethics rest. This can happen by active participation in dialogue as people call for a greater alignment of reality and truth and a lesser reliance on ideology as the guide to problem solving.

From this frank but civil dialogue, I suggested, a renewed sense of shared ethics can emerge, one which will guide us in governance, in civil responsibility, in societal relationships. Ethics could become the prompter of action, the rules of engagement, and the standard by which the final result will be measured. Ethics could be the impulse to rebuild, to clean out decay, be the bedrock on which foundations can be built.

This can happen when the people take up their responsibility to participate in developing the ethical context for the life of the city. Today I want to take a different approach, at once a more philosophical and yet practical one. I want to take us beyond the usual instruments of ethics which enlightened administrations have adopted: registration of lobbyists, prevention of conflict of interest, open meetings, auditors and even Ombudsman.

My thesis is that a metropolitan community, a municipality – and a private sector corporation if you wish – will not truly have ethics in governance until it has developed a “culture of ethics”. My corollary is that building that culture is the responsibility of the people.

In 2004, the American economist Jeremy Rifkin contrasted “the European dream” with the “American dream” as predominant visions of the future.¹

¹ *The European Dream: How Europe's Vision of the Future is Quietly Eclipsing the American Dream.*

Among his characterizations of the two visions were the following five dichotomies:

1. “community relationships over individual autonomy;
2. cultural diversity over assimilation;
3. quality of life over the accumulation of wealth;
4. sustainable development over unlimited materialism;
5. universal human rights and the rights of nature over property rights. . .”

Much of what may be termed “Toronto politics” revolves around these polarities. Not only does each vision call for its own set of ethical standards, but decisions determining which vision will prevail also implicitly or explicitly will be based on ethical determinants. Faced with these choices, we seek philosophical guidance.

John Rawls offered his *Theory of Justice* in which he postulated agents negotiating social contracts behind a “veil of ignorance”. If each of us considers our own respective condition, we realize that our ideas of what our future holds for us are based more on hope than reality. We may not today be interested in rights for persons with physical disabilities, but if our consciousness is sharpened with the knowledge that a highway accident could leave us with serious disadvantages, the topic of our rights in that condition suddenly becomes of great interest.

We may not today be worried about literacy, but should a stroke cause loss of ability to communicate, we would become acutely interested in our rights to be served by our public institutions and to have our situation taken into account. Rawls theorized that if we negotiated social contracts behind this veil of ignorance, we would adopt a strategy that would be in the interests of the least well off, not for reasons of “ethics”, but out of self-interest.

Just recently, I had the privilege of reading Amartya Sen’s *Idea of Justice*,² examining modern ethical questions that arise in political argument on ethics, human rights and civic engagement. Sen would say to Torontonians that we must be deeply engaged in political debate, public reasoning, moving beyond tradition to consider new ways of understanding and accommodating the realities of 21st Century Toronto.

Sen raises the same questions that motivated Rawls – what must we do to understand what justice is? How do we share in this dialogue, communicate it, and as we reach consensus, secure the strategy to reach our goals? As Sen puts it: “Open-minded engagement in public reasoning is quite central to the pursuit of justice” and by analogy, I would add, quite central to the pursuit of ethical municipal government.

² *The Idea of Justice*, by Amartya Sen, Belknap Press/Harvard University Press, 468 pages, \$35.95

For those who would see it more relevant to our future to debate economic issues, we must remember that Sen is a Nobel Prize-winning economist and brings decades of economic research to bear on ethical issues. He understands the economic value of public reasoning, for encouraging differences of opinion to be discussed, for diversity to be applied to judgment.

Most fundamentally, he challenges prevailing concepts of state sovereignty and individual citizenship. That means re-examination of the right of the people to govern the state on ethical issues. Sen believes in the sovereignty and entitlements of the individual being applied collectively to determine the ethics to be used in governance, the building of our shared humanity.

I was interested in the recent essay written by Conrad Black for the *National Post* about his experiences as a “temporary guest”, as he puts it, in a U.S. federal prison in Florida. It seems he accepted a position as teacher for co-guests who had years ago dropped out of any formal schooling. The result was numerous students advancing their education, and Lord Black describing a personal transformation as a result of this interaction. As he puts it, “I found myself becoming an impassioned champion of a 32-year-old drug dealer” who was his student.

We would not have previously considered Black a champion of correctional reform, but he now writes that many of his fellow inmates are “victims of legal and social injustice, inadequately provided for by the public assistance system, and over-prosecuted and vengefully sentenced.” Black now sees how the failure of American education, social services and justice is “repulsive”. He goes on to say: “In tens of millions of undervalued human lives . . . the United States pays a heavy price for an ethos afflicted by wantonness, waste, and official human indifference.”

With Conrad Black as my object lesson, I rest my case on the value of civil discourse and gracious intellectual engagement to arrive at consensus on ethical values. I am sure Sen would feel reaffirmed. As he puts it, democracy “has to be judged not just by the institutions that formally exist, but by the extent to which different voices from diverse sections can actively be heard.”

Rather than seeing the state, or municipal government, in the case of Toronto, as being the extender of human rights, we can envision the democratic participation of the people themselves in developing a culture of ethics in government.

From this foundational culture of ethics, we are then able to face and address the profound challenges of our times: climate change, health care, natural resources, justice, labour shortages, security, an aging society. Politicians may not be enamoured with the thought of being subjected to a culture of ethics established by the people rather than by regulation or bylaw.

But astute politicians will see that what is required of them is merely a shift of roles, an acceptance of shared responsibility, a capacity to adopt the ethical culture the people of the city have established. Inequalities of power matter as much as inequalities of income. If we are operating in a society in which, to a large degree, economic resources are a principal determinant of power, we can see that powerlessness is too often a consequence of economic poverty.

If you ask Toronto youth living in poverty what they want in their future, more often than not they will **not** reply that they want to be rich. The answer often will be: "I want to be somebody." Just "be somebody". As Sen puts it: "Responsible adults must be in charge of their own well-being; it is for them to decide how to use their capacities. But the capabilities that a person does actually have (and not merely theoretically enjoys) depend on the nature of social arrangements which can be crucial for individual freedoms. And there the state and the society cannot escape responsibility." We cannot escape responsibility. Sen is talking about you and me, all of us.

The first question we must ask about equality and inequality is "Equality of what?" That's the title of a paper Sen authored. Is equality only the so-called "equality of opportunity" or "equality of treatment"? or does it mean equality of literacy, equality of nutrition, and most importantly to this discussion, equality of power to participate in the social and political life of the community? These are fundamentally questions of ethics.

The answers will depend upon the culture of ethics that you and I must create as the environment in which government acts. Sen does not challenge us to create a just world. Rather, he says, our challenge – yours and mine – is to eliminate the injustices which are within our capacity to eliminate.

I found Sen instructive, provocative, inspiring. But I went on in my reading to another modern philosopher who spoke to my emotions – Michael Sandal. Sandal is not moved as much by a love for justice as he is moved by outrage. I am sure you have had those moments reading a newspaper, walking on the street, watching TV news, when primeval outrage welled up in you and you said, "How could they?" "How can this be?" "Not in my city!" - all wonderful expressions of a betrayal of ethics. Applying what I have read to Toronto, these philosophers and economists are saying to us, ask the difficult questions. Do not accept diversionary arguments. Don't shrink from discussions about what we should value and why we should have those values.

Put ethics back into daily life and at the centre of public debate. Reject the assumption that moral and religious concepts are private matters that have no place in public political debate. At the same time reject any thought that your truth, your concepts are the only ones which should prevail. Sandal says political discourse today believes it is possible to talk about fairness and justice without getting involved in ethics.

That has the effect of allowing proponents on all sides to argue their positions as being ethically neutral, in turn depriving the public of the opportunity to engage in discourse on

the kind of society it wishes to have. We must bring ethical questions into public discourse, collectively set the standards, build the culture of ethics we want to see in government. We must burst open the vacuum in which decisions are made so that ethics enters into the mix, and yes, keep alive that primeval sense of outrage. Sandal is not asking us to give politics “an infusion of saintly moral rectitude”, as one commentator put it. He just wants us to recognize that morality is already there, hidden away from debate.

Sandal’s plea is that we should get away from all the political bickering about individual issues. I echo that. We have become more polarized as a society across many divides - economic class, race and ethnicity, faith, ideology – and we have an imperative to bridge those divides. We must depart from a culture of positional arguments, confrontation and *ad hominem* attacks and have a sensible discussion about the kind of society we really want to live in. Let’s examine and discuss the ethical ideals that underlie our political debates.

We should take a page out of Aristotle’s book. He saw politics as a transformative experience in which the people grappled with the Big Questions of existence, rather than today’s requirement that the public leave their deepest moral convictions at the door when they enter the political arena. Sandal argues that Barack Obama won his presidency because he understood there was a yearning for civic life and democracy to have ethical content. Obama was “alive to the hunger of the people for a politics of moral and spiritual resonance.”

Canadians seemed thirsty to hear Obama’s message of hope, his rejection of anti-ethical conduct, to see an attitude of humility and perhaps contrition, a desire to reform and rebuild. We seemed to embrace the Obama idea that the change the world needs comes from the bottom up, not from the top down. And then, it seems, we waited for all that to happen, not quite realizing that the initiative, the energy, the drive had to come from us. We can still begin today if we choose to do so.

These are all subjects of tremendous importance to me as Toronto’s newly - appointed Ombudsman. I am often faced with the question: where a situation involves ethical conduct, what is the standard I am to use? The proposition I set before you is the same as I posed at Ryerson. We will be disappointed in our expectations for ethics in municipal government unless “We the People” set out ethical parameters. What those parameters are would have been easier to answer a century ago when Toronto was largely a homogeneous patriarchal British English-speaking proper Christian place, comfortable with long-established indisputable rules. Today, there is much to discuss about what Canada should be like, about the city we want Toronto to become.

There are many persons with different and fresh points of view who are eager for a place at the table. What standard of ethical conduct do you expect from your city

officials on all these questions? and will you, I ask, accept your personal responsibility to help determine the social and political context for the standard to be set?

What does this mean to an Ombudsman? What does it mean to you, to us, to “We the People” who are the City? It means that if people are going to be demanding higher standards of ethics in public life, they are going to be increasing their use of a shared ethical standard with which to measure their politicians and public servants.

That will not happen overnight. I would like to be so optimistic as to say the move to restore ethics as a measure of good government seems determined to succeed. Experience tells me, “Time will tell.” So I leave it with you. Wherever you go, in whatever you do – in your conversations with yourself and others, initiate and engage in the dialogue. Ask what the ethical standards are that we want to guide our lives, our economy, our governments.