

Notes for Remarks

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Ethics in Government: Our Personal Responsibility

Greetings to each of you! Bon jour! Bon appetit!

Thank you for the invitation to share this hour with you.

But let me ask you. Put yourself in my place.

You have recently been appointed Ombudsman of Toronto. You will be receiving complaints from residents of the city about decisions, actions and omissions of city officials.

If you cannot assist in having the situation resolved by the parties, you may decide to investigate, make findings, draw conclusions, and make recommendations which you believe should be implemented by the City government.

Simply put the Ombudsman searches for administrative justice and promotes fairness in public administration.

So this is the question I want to ask:

Where a situation involves ethical conduct, what is the standard you would use as the Ombudsman? And that's my challenge!

I also want to ask you, "What is our personal responsibility – you and I – in setting the very foundation, the very context on which our municipal ethics rest?"

The proposition I set before you is that we will be disappointed in our expectations for ethics in government unless "We the People" set out ethical parameters.

And that's my charge to you the audience here today and every audience I will be speaking to in the future.

What those parameters are would have been easier to answer a century ago when Toronto was largely a homogeneous British patriarchal Christian place, comfortable with long-established indisputable rules, set in a time where change occurred, if at all, quite slowly and deliberately. Everyone just knew what the ethical standard was – there was little to discuss.

Then, Canada's building blocks were all cast in the image of John A. Macdonald and carefully cemented into place long before anyone thought about the value of diversity. Today, there is much to discuss about what Canada should be like.

The women's movement has not only challenged power relations in society, but has questioned deeply ingrained assumptions about Canada's values. Racial, ethnic, cultural and religious communities, the very fabric of today's Toronto, seek to have their values reflected in the city's life. The environmental movement is questioning the very survival of the planet.

Yes, there are many points of view hungry for space at the table.

Today, in attempting to mediate a dispute between citizen and public servant, the Ombudsman often finds each comes from a quite different ethical foundation, with differing expectations of what should have happened, and what now should happen to end the dispute. We are likely to find differing ethical platforms arising from other well-established cultural backgrounds or systems of belief. or we might find that one party in a dispute is operating from a new standard of ethics that is not a part of the other's consciousness.

Even without these contemporary Toronto twists, just the issues of the common good vs. private interests, the conflicts between individual and collective rights which have been on-going at least since the days of Plato's *Republic* continue to create both heat and light on the public agenda.

The Ombudsman may be dealing with complaints based on new highly contentious standards being established internationally – the UN Declaration of Rights of Indigenous Peoples, for example. We continue to struggle with definitions of “family” and how we expect our own definition to be accommodated by City Government.

So what is it that the public and the public service alike are to expect from the Ombudsman of the City of Toronto in dealing with complaints of unfairness?

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? Individuals and groups who feel they have encountered unethical conduct are not likely to just walk away. They want an explanation, justice, an apology, maybe compensation. They do not want others to have a similar experience.

But ethics according to what standards? Whose view?

In a more homogeneous nation, it might be possible to rely upon recourse to what the people believe is “natural law”, or religious mandates. Given Toronto's diversity, using such absolute values as guidance is problematic. You may have noticed recent reports of the controversy over whether a woman testifying in court could wear a naqib, which some thought collided with a judge being able to observe a witness to determine credibility, or the right of a person to face their accused. As well, those who want their own absolute values to be the nation's ethical standard may not be happy with those who see ethics as being situational, circumstantial, and dependent on external factors.

In a city as big and diverse as Toronto, can there be public ethics and private ethics?

How do we teach ethics in schools?

How do we address different interpretations of long-established values that arise in an urban society?

What are the emerging values?

These are questions arising in our lives, in our neighbourhoods, in our workplaces, and in our City of Toronto. And as a result, I expect that we are going to find a new and exciting variety of Ombudsmanship here in Toronto as the spark of ethical inquiry raises many new questions about the relationship between ethics and public service.

City governments, you see, are very different from provincial and federal governments. No level of government plays a more direct role in peoples' daily lives than municipal government. We encounter ethics in action with city transit, the water we drink, with homelessness. City governments collect our waste, provide for daily recreation, deal with streets and sewers, public health and economic development. City councillors are closer, more accessible. Public servants are neighbours, and themselves part of "the public", and it is our neighbours who make the city work as they shovel snow and pick up trash, take applications, care for children, provide security. I anticipate the Toronto public will see their Ombudsman in a similar light, expecting easy access, rapid response, and treatment which demonstrates great sensitivity to each person's prescription as to the way things should be in their own part of Toronto – from their own point of view, of course.

But let me get back to my central question. In the City of Toronto, what are the underpinnings, the context, for the ethical positions we want taken in the operation of City government? What is the cultural context of Toronto ethics? Where do we go and where are we taken with the cycle: culture and belief informs ethics, ethics inform culture and belief, etc., etc. And what do we do with the relationship of ethics and culture in this profoundly rich but complex pluralistic city when it is still undergoing rapid evolution and articulating its identity?

Most of all, I ask, what is your personal responsibility in all this?

How will you be sure that your expectation for ethics in city government are met unless you have been an active participant in determining ethical standards?

The previous lecture in this series was delivered by the Honourable Roy McMurtry, and he quoted the Treasurer of the Law Society as saying: "The administration of justice depends upon the parties involved treating each other and the proceeding with respect. . . . Uncivil behaviour affects access to justice for Ontario citizens and undermines the public confidence in the justice system."

I would add that it is this attitude of civility which must be the underpinning of the administration of government in general if we are to live in an ethical society. And to go further, why should we ourselves not offer civility in all our relationships? While there are times that we may doubt it, civility is contagious; civility begets civility. And civility in our own relationships, collectively, can become the underpinning of ethics in government.

I was distracted in the preparation of these remarks by two newspaper reports about psychological experiments. One was about a repetition of an experiment decades ago

by Yale Professor Stanley Milgram. Ordinary people agree to participate in an experiment. Two applicants show up for the appointment. One is told he or she will act as a teacher asking questions. The other will act as a student to answer the questions. The student will have electrodes attached to his body, and if the wrong answer is given, the “teacher” is to administer electric shocks.

Unknown to the “teacher”, the “student” is really an actor. A professor is present to direct the experiment, and after a few initial mild shocks are given, the “teacher” is told to increase the voltage. The “student” reacts with increasing discomfort and pain. As the professor orders more voltage, the student begins to plead for mercy.

How much pain will an ordinary citizen inflict on another person simply because he was ordered to do so by the scientist conducting the experiment? As it turned out, lots. As Professor Milgram puts it, “Stark authority was pitted against the participants' strongest moral imperatives against hurting others, and, with the subjects' ears ringing with the screams of the victims, authority won more often than not. The extreme willingness of adults to go to almost any lengths on the command of an authority constitutes the chief finding of the study and the fact most urgently demanding explanation.” 65% of the experiment participants quite willingly administered the final 450-volt shock to their screaming victim, simply following orders and being reassured “it was all right”. I continue with Professor Milgram’s comments: “Ordinary people, simply doing their jobs, and without any particular hostility on their part, can become agents in a terrible destructive process.”

Moreover, even when the destructive effects of their work become patently clear and they are asked to carry out actions incompatible with fundamental standards of morality, relatively few people have the resources needed to resist authority.”¹

The second experiment was also quite simple. Two well-dressed persons of means and status are conversing in a bar. Their conversation becomes increasingly loud and they start to involve others. The topics become more and more outrageous – racism, misogyny, and homophobia. The experiment: how easy is it to get total strangers to participate in the intolerance? How long will it take for anyone to speak out? To object? As it turned out, the preferred response was to sit there quietly and do nothing, say nothing. Often, it was not all that difficult to get total strangers to join in with intolerant remarks of their own. Actually, this experiment has become the subject of one of Sacha Baron Cohen’s – “Borat” – “Guide to U.S.A.” performances. One setting is a country music bar, in which Borat easily gets the crowd to join joyously in his song, “Throw the Jew down the well”. It is chilling to see how thin is the veneer covering intolerance, and how easily and rapidly it is dissolved.

So what has all this to do with ethics and the Ombudsman, ethics and the City, and your personal responsibilities? A great deal, in my view.

When even well-accepted ethical standards can be overridden by instructions from an authority figure, when people refuse to speak out when others make offensive

¹ http://en.wikipedia.org/wiki/Milgram_experiment

comments, when there is uncertainty about what is the urban ethical standard anyway? It is possible that we will find it impractical, unworkable, to have one standard, and that instead, we need to institute a permanent ethical dialogue? How else do we establish and raise the ethical standards which we expect of both citizenry and bureaucracy in urban government?

It would be fair, for example, to raise the question that if we want people to behave ethically under all circumstances, perhaps we must rethink having children spend the first nearly two decades of their lives being trained to “mind their own business”, “don’t get involved”, to obey authority figures without question. Does it go beyond the strictly “Canadian question” as to whether our own brand of political correctness, our sense of “politesse”, and our uncertainty about shifting standards has also made us unwilling or unable to criticize breaches of ethics?

Certainly Canada has its own flavours of discourse in such matters as federal-provincial relations

or the role of the governor-general, but there are also huge areas of social relationships which we seem loathe to broach. For example, we are deeply reluctant to talk about racism. Canada’s image of itself as being composed of enlightened democratic persons living in a modern progressive country is offended when we mention “racism”. I suggest that if we are to actively participate in the development of the ethics we offer and expect in Toronto, we need to overcome our habitual reluctance to address a wide range of ethical questions, so that we can get on with an on-going discussion about the contents of the ethics we would like to see practiced around us.

The thesis I suggest to you is that we need to take every opportunity to initiate and participate in dialogue on ethics - dialogue, not argument – trying to identify mutual interests rather than adversarial positions, seeking out people who are different from ourselves about the shared ethical standards we want to see observed.

While we should not be happy when we encounter problems, we can learn to accept, as Professor Harvey Cox put it in *The Secular City*, that “Being human is itself difficult, and therefore all kinds of settlements have problems.” Our task, then, our responsibility, is to ensure that we have mechanisms and attitudes that equip us to resolve those problems that are a part of life.

Jane Jacobs kept ethical themes at the heart of her work on urban affairs, good lessons for Torontonians to review. In *Death and Life of Great American Cities*, she studied the ethical basis of public life. In *Systems of Survival*,² she looked at ethical structures necessary to sustain social and economic life. She spoke of ethics as being closely connected with economic and political goals, saw them as operating from differing, and often contradictory, ethical sets of values and virtues. She emphasized the intrinsic good of communities formed to pursue these goals. She grappled with the question of defining what constitutes a healthy city.

² Jacobs, Jane, *Systems of Survival: A Dialogue on the Moral Foundations of Commerce and Politics*. New York: Random House 1992.

Margaret Somerville also speaks of joining in a search for shared ethics to guide us through the complexities of an inter-dependent world.³

She describes the importance of what she calls “ethics talk”, something more profound than just conversation, rather a methodology for exploring situations, doing ethical analysis.

It may be that this search – this dialogue – is more important than “achieving results”, more important than “reaching agreement”, since dialogue can build common ground on which we can deal with a wide variety of unexpected emerging situations.

Ethics which can span our many Toronto villages and be as useful to the next generation as to this one do not lend themselves to final pronouncements. Rather, as daily companions providing guidelines for our own life decisions, ethics require constant thoughtful dialogue, with ourselves and others, to reveal their rich complexities.

Dr. Somerville speaks of the importance of stories, myths, poetry, imagination, “examined emotions”, the human spirit and something she calls “moral intuition” as components of the dialogue, all to be used generously in addition to the usual cold fare of reason and science and “established practice”. All of these can be the elements of dialogue in the search for ethics to guide our own lives and that of governments – **if** we are willing to seek them out for our own expression, and if we are willing to listen respectfully to others who may hold different views.

As Somerville puts it, “We bond to each other and form societies by sharing stories we can all buy into. The stories encompass our most fundamental and important values, principles, attitudes, and myths.”

Could it be that our collective interest in shared ethics might lead to Toronto encouraging a multiplicity of on-going permanent dialogues on ethics? Where dialogue is appreciated and on-going, there is a lesser need for appeals to authority, allowing people to choose from a wide variety of world views or even to invent one of their own. But what happens when the dialogue reaches City Hall? Do people expect their city government to promote and demonstrate social justice, or do they demand that such questions be kept out of government’s considerations, leaving such matters to churches and non-governmental organizations?

Or is it possible for the dialogue on a shared ethics to apply both governmental and non-governmental resources to deal with common ethical concerns? We are seeing governments at both political and bureaucratic levels moving ethics into the spotlight.

I was interested and encouraged to see that Parks Canada has developed a strong Code of Ethics,

³ Somerville, Margaret, *The Ethical Imagination: Journeys of the Human Spirit*. Toronto: House of Anansi Press, 2006.

seeing their work not only as the administration and protection of parks, but also contributing in a “fundamental way to good government, to democracy and to Canadian society.”⁴

Parks Canada sees its Code of Ethics as a cornerstone of the Agency's organizational character. It is seen as enhancing working conditions, employer/employee relations, interpersonal relationships and decision making at Parks Canada.

It asks employees to consider all available information and to apply ethical standards in decision-making, to give honest and impartial advice, to support Agency accountability, to act in a manner which will bear the closest public scrutiny, to be open and honest in providing information, to understand that how objectives are achieved should be seen as important as the achievements themselves, to uphold the public's trust in their objectivity in making decisions in the public's interest, to demonstrate fairness and courtesy and to place respect for human dignity first in the exercise of authority and responsibility, to exercise leadership through participation and openness, with respect for diversity. Assistance is offered to employees faced with an ethical dilemma and confidential access to a Senior Values and Ethics Official is available.

The Toronto Public Service also fosters a corporate culture that sets the highest standard of ethics and ethical behaviour. One might say that recent allegations reported in the media make that statement untrue. On the other hand the reports might also be taken as proof that the system works, including the opportunity for those accused to have their day in court. It is some comfort to me as the new Ombudsman to know the public service does understand these issues that it promotes dialogue and accountability, that it has training in ethics, and ethics champions working with senior management teams to recognize situations where change is needed and appropriate action initiated.

I want to leave you today with a weighty question, and I also leave you with hope and encouragement, encouragement to give thought to the cycle in which ethics moves. If there is a cycle in which culture and belief inform ethics, and ethics inform culture, belief and conduct, is it possible that we live in a situation today in Canada where there is little context left for ethics to survive? Torontonians read daily news of the conduct of the deans of the financial world, of the captains of industry, whose decisions have scuttled the finances of entire countries, who have crushed the dreams of retired persons following a lifetime of hard work; who have put the survival of economies of powerful nations into question and disarray, and yet have themselves personally floated away from the wreckage in golden lifeboats, perhaps smarting for a day or two from the slaps on their wrists.

Joschka Fischer, former German vice-chancellor, said in a recent lecture to the London School of Economics⁵ that modern capitalism is based on, and I quote, “a global ponzi scheme”, and warned that European leadership is failing to come to grips with Europe's decline.

⁴ <http://www.pc.gc.ca/docs/pc/guide/code/page02_e.asp>

⁵ <<http://www.telegraph.co.uk/news/worldnews/europe/germany/4808718/Future-is-bleak--warns-Joschka-Fischer.html>>

President Obama has spoken about those at the economic pinnacle who embraced greed and irresponsibility and he criticized everyone who collaborated in a “collective failure to make hard choices.”

What can we say about ethics in such situations? What is the standard I can hold up to Toronto’s public servants, when the standard which has been exposed in the corporate culture has been one of arrogance and greed? If ever there was a time for ethics to come to the rescue of disaster, this is the time.

I offer you the example of Monique Bégin – you may remember her as Minister of Health in the administration of Prime Minister Pierre Trudeau. When Justice Horace Krever was conducting his inquiry into the tainted-blood tragedy, he granted the former Minister immunity. Ms. Bégin waived her immunity, however, writing Justice Krever, “If you have to lay blame, I consider it my duty to take my share of the responsibility.” She continued: “The notion of ‘ministerial’ responsibility is the cornerstone of our executive government. Justice is offended if people at the top are not held responsible for their actions, but employees at less serious levels of the hierarchy are. Public ethics requires that those at the top be accountable.”

This is the high standard I believe Torontonians expect, and I believe that if we set that kind of standard by ourselves taking personal responsibility, you will see that standard upheld in your government. We need that. We need ethics as the impulse to rebuild, to clean out decay, to be the bedrock on which foundations can be built, to be the nourishment on which dreams flourish and become real.

Long before Barack Obama became president, and again in his election victory statement, he said that the change the world needs comes from the bottom up, not from the top down. We Canadians seem thirsty to hear his message of hope, his rejection of anti-ethical conduct, to see an attitude of humility and perhaps contrition, a desire to reform and rebuild.

As ethical macro-issues attract the public’s attention, it seems that the people are deciding that political and social issues facing Canada cannot be resolved in an ethical vacuum. We are finding that if we are to be depositors and shareholders in the “common good”, we are required to balance any sense of personal entitlement with a sense of personal responsibility.

That might lead us to use ethics more frequently as the prompter of action, as the rules of action, and as the standard by which the final result will be measured. It might help us to see that many so-called “social problems” can also be seen, more usefully I might say, as ethical problems.

Take First Nations issues. Rather than simply calling for more housing money or increased funds for education, the question is being framed: Is it ethical for any party, any government, to permit any group of people, and particularly the Original Peoples of this land, to live over the course of generations in poverty, to receive a lower share of government revenues than any other people in the country? Is it ethical for this generation to avoid steps required so that it may bequeath to future generations a

healthier environment than it inherited after decades of consumption and environmental disregard?

Is it ethical, to bring the discussion home, that more and more families are lining up for shelter beds – nearly 5,000 children were in Toronto shelters last year, homelessness is growing six times faster than the population, over 150,000 Toronto households are paying more than half their income on shelter?⁶

These and many other situations have been governed by the old rules of the game which do not coincide with reality. Part of my role as Ombudsman is to make space for discussions which are urgent if not already long overdue.

I am suggesting that your role as “citizens of the city” is to engage yourself and others in these discussions, to create a permanent forum to deal with the gap between ethics and practice.

These are economic rather than ethical problems, you might say. And yet was it not Adam Smith in his writings on capitalism who gave much attention to the ethical responsibilities of the capitalist, adding that one ignored these responsibilities at ones peril?

I believe that if an ethical focus can be added to our vision, if an ethical society, ethical governance, are integral to our vision, the result will be not only economic change, but also improvements in governance, civic responsibility, in societal relationships.

If that happens, at the heartbeat of it all will be a renewed sense of shared ethics, something which for us here in Toronto embraces the rich offering of values and virtues gleaned from around the world which we have right here in our midst. This move to see the world in ethical dimensions is a spark that is igniting an accumulation of dry tinder, with flames spreading around the world. “The people” seem willing to have the issues framed and articulated in ethical terms rather than partisanship and finger-pointing.

“The people” seem to be demanding ethical and civil discourse.

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 politics, 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 my questions with you.

⁶ [http://wellesleyinstitute.com/files/blueprint/TheBlueprint\(final\).pdf](http://wellesleyinstitute.com/files/blueprint/TheBlueprint(final).pdf)

Wherever you go, in whatever you do –in your conversations with yourself in your conversations with others, initiate and engage in the dialogue – ask what are the ethical standards we want to guide our lives, our economy, our governments? You can be sure the Office of the Ombudsman for the City of Toronto will be a vocal participant, and an eager listener.

I appreciate your attention.