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Amidst the Temper across the Equality, Equity, Ethics and Responsibility: A Stymied or Pondering Administrator?

A Little Highlight on the Concept of Equality

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The public administrators often face with the challenges involving the difficult ethical issues. As a defender and executor for social justice, he is expected to deliberate on the concept or value of equality and equity beyond the efficacy and productivity. They are politically responsible for their constituents, which interacts with the professional responsibility on equitable administration and equal treatment of law. In this ambit, the paper attempts to make some of illustrative lesson between the two concepts and ethical paradigm of decision making.

Keywords: Equality, equity, ethics, ethical decision making, public policy, fair administration, local government, South Korea, administrative responsibility

CONCEPT

The concept of equality is dressed in a different ethos and understanding in history and tenets. It certainly does neither connote the kind of identity nor cohere with the objects in any identical finding. It is, therefore, a relational and social concept, which is directed to the human beings. A morality-based equality does not compel to treat the objects same, in general tense, but similar, and complete or absolute equality might be envisaged, but either practically hardly achievable or deemed undue to address the equality challenge. Hence we consider the general and specific context of justice, which presumes the idea of distributive justice and can respond to an argument on equality. As a modern critique, R. Dworkin lodged his viewpoint

of disagreements about the proposition of absolute equality (Bellamy, E., 2014; SEP: Equality, 2013). He rather cast a competitive strand drawn from the value concept where the equality quest should be contested in the respective province of society. It is interesting given his scholarly pursuit as a legal philosopher. He is generally considered to bridge the common law tenet and ethos with the explanation of coherent uniformity and possibility of governance. As we are aware, an ultimate purpose of law underlies the liberty and equality within the subject. These concepts would be sublime and enjoy a sanctity that buys, however, a scope of realistic challenges. Particularly, the pragmatic measure and perception from the

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common law lawyers like to substantiate them to expand the rule of law ideal in the hybrid or multifaceted layer of international structure of governance (West, C., 1989). In his framework, the concept of value rose to center in penetrating a new wave of demand in the international politics. The legal pluralism can also be projected in his ambit and law elements to enable the picture of ideals as we note in his treatise, titled the *Empire of Law*. So the value, in his thesis, plays leading us to a legal plutocracy and legal pluralism, which opens the eyesight to the realistic posture of our legal system. Then, his perception of equality would not be one of formalistic generalization, but enriched a scope of distributive justice to the emerging diversities via emancipation and post-colonial new republics on earth. In a most comprehensive context of equality, a moral could be encapsulated in the nomenclature of egalitarianism under which a tack of principles or specifics would be proposed, contended, argued, and debated.

In approaching the concept of equality, there are two ways in deals as a matter of intellectual strand, which would cover a descriptive equality and prescriptive one. This view was proposed in most extent by *Oppenheim*, and accounts for the realities of equality narrative (SEP: Equality, 2013). The descriptive equality concerns the kind of story telling practically shed in our realities, which also could be afforded in an enhanced application in the tradition of common law jurisprudence and post-modern context of intellectual exposure. The ways of approach can lead to an inductive reasoning practiced on the attitude of common law judge. They never mind to become a story teller to expose a lengthy fact about inequality or harms on injustice. Of course, their final destination would not be merely descriptive so that they analyze the facts to find a most proximate precedent to be applied. In rare cases, they undertake a solitary role to shape his or her own rule given that he fails to find a binding precedent. The context of judge-made law begins with the concern of descriptive equality to finally produce a forest of prescriptive

equality. It may be compiled in order, as in the Restatement, to respond with the civil code and prescriptive justice or equality. The ways of approach would be quite opposite in essence concerning the civil law tradition, which, nonetheless, sees an extent of convergence in the practical viewpoint. The prescriptive equality would come, in the first, as to the statutory requirements or provision. A deductive reasoning would be undertaken to apply the law to the facts presented. A phase in the intellectual deliberation, in any case, may often be resolved in *tertium comparationis* to allow a distinct preserve of jurisprudence as in other area of disciplines. This view can also expand to other disciplines that we often class them in the inductive and deductive formalities (Jeffreys-Jones, R., 2013). The sense and attitude about this point may pose a grand disagreement between the creationists and evolutionists in the past years.

We may reflect on our intelligent strand as a public policy student, which would also be advisable given an increasing number of public laws, hence, in the form of statute, as well as needs to refer to the case law in dealing with public agendas.

In consideration of the equality concept to be realized in public administration, we may deliberate on morality and justice in general and distributive justice in particular (SEP : Equality, 2013). Actually the policy environment would be constituted from actions, persons, social institutions, and circumstances, which drives us on how to pillory certain inequalities. We may defer to an ethical individualism, but keep on his or her voluntary action and can allot the responsibilities, who would be a policy subject. In the course of weighing, we can learn the general and specific concept of equality as *Rawls* and *Roe* expounded. We may revert, in some cases, to the basic about the formal equality and presumption of equality. Within this province, we are required to treat like cases as like (2013; Aristotle, *Nicomachean Ethics*, V.3. 1131a10-b15; *Politics*, III.9.1280 a8-15, III. 12. 1282b18-23). In view of moral equality, the humans or policy subject in the public administration

In approaching the concept of equality, there are two ways in deals as a matter of intellectual strand, which would cover a descriptive equality and prescriptive one. In consideration of the equality concept to be realized in public administration, we may deliberate on morality and justice in general and distributive justice in particular

should deserve a same dignity and respect as founded in the stoicism, new testamentary of Christianity and a scope of religious branches (also for example, *Déclaration des droits de l'homme et du citoyen* of 1789).

The presumption of equality would be sustained in various rationales and scholarly propositions, i.e., relevant reasons approach by *Williams*, a conception of symmetry by *Tugendhat*, default option by *Hinsch*, and even for criticism of the presumption of equality (2013). Also one useful tenet involving the equality concern can serve the foundation of our governance structure from the ancient times through the present context. The idea is about a proportional equality as meditated by *Aristotle*. The concept then comes applied beyond the moral aspect of equality by dealing with a numerical and proportional dimension (2013: *Aristotle, Nicomachean Ethics*, 1130b-1132b; cf. *Plato, Laws*, VI.757b-c). Therefore, it turns to possess the quality of being incorporated as the political ground, a virtue of head count in the equal election and governance measure, involving the proportionality concept, so that it enables a hierarchy and inegalitarian treatment. The findings of justice come to be pluralistic, realistic, and circumstantial, but on the proportionality principle about the leeway of policy measures on different treatment. Aristocrats, perfectionists, and meritocrats would rely dominantly on this concept of equality and may be seen adapted in the kind of value argument from *Dworkin* (2013).

Three Typical Cases on the Distributive Justice

Please let me outline several issues entailing some of dilemma in our intuition of justice or equality, which I have considered to reflect our realities in the contemporary society (West, C., 1989).

First, the UN framework is interesting to operate, in major, within two dimensions between the General Assembly and Security Council. The

First, the UN framework is interesting to operate, in major, within two dimensions between the General Assembly and Security Council. WTO envisages as its ideals and coincides with the developmentalist claim on the "level playing field. "In the counter thesis, the less capable states may raise their position in favor of the more concretized concept of substantive equality. Third, the admission policy of public universities is expected to administer fairly based on the quality and his academic achievement.

former organ accommodates all member states as their constituent in dealing with the organizational responsibility. They, however, have no realistic power to decide on a coercive action or remedy unlike the National Congress. The UN Security Council would be a unique organ to impose a compulsory measure or sanction where we also have two types of member states between "permanent and non-permanent." The permanent members of UN Security Council are comprised of five major powers, and non-permanent ones would range at ten. The latter serves a two-year term, and the permanent members have the power to veto where one dissent may null any possibilities of coercive measure for the international justice and against intolerable challenges. Given the equal right of state to her sovereignty in the international community, the non-member state may complain about their status, particularly if the state is economically powerful or maintains on international bearing as the kind of lead or influence.

Second, the global economy, in this contemporary framework, requires the states to be interdependent among another, and virtually could not survive if in shutdown from the international trade regime. This leads to such a high number of WTO memberships, about over 150, and recently allows to witness the entrance of Russia and China. The advent of this behemoth was achieved in 1995 through the valiant efforts of international policy makers and on the extensive negotiation so long as seven years, from what we call the Uruguay Round. The scope of jurisdiction expanded and many intricacies to catalyze their public role and function were instituted. For its foundational vision, almost all of significant global states were incorporated that the component and attribute of member states would be highly incongruent. Some states may be unable to the dire needs of people, and the national system of economy may take a different path as we find in

the Communist case. In this background, the contention in basic ways of approach is notable, what we often call the North and South issue. The southern states, located in the southern part of hemisphere, are populated by low income earners, hence, massively underdeveloped countries. That is posed as opposite for the northern states. They are nevertheless as tuned, in tons of proposition, with the liberalization ethos and framework, which WTO envisages as its ideals and coincides with the developmentalist claim on the "level playing field." In the counter thesis, the less capable states may raise their position in favor of the more concretized concept of substantive equality.

Third, the admission policy of public universities is expected to administer fairly based on the quality and his academic achievement. That is required given its nature of organization which would not be compared to the private universities. In some cases, we bubble on a gossip about lots of donation, esoteric or other exterior element involving the children of famous politicians or superrich, which allegedly factors an admission decision of the prestigious private universities. However, that is just the case for pass time. In the context of public universities, it could be disputed as a matter of law, what we are familiar with the label of affirmative action. The context gives a useful point when we think about the nature and essence of equality and social justice. It exposes a scope of elements in contention which are often raised as a focal point to deliberate. To say, the simple or complex equality, equality for welfare, choice and responsibility, equality of result, equality of resources and functioning, and so on, which many scholars visited to consider.

The Principle of Equality, and Points of Thought

Let us consider the first case through the thoughts. The libertarianism has a repercussion to claim its primate value from the right to original freedom, while it being largely critical about the social right and redistribution policy (SEP: Equality, 2013). The state entity is often considered to enjoy the kind of similar aspect on an individual, hence, inviolable nature of selfdom and right to equal treatment in the international norms. We hardly find whatsoever reason to any privileged status, in

principle, for the class of nations. A realistic lesson and history may influence the shape and work role within the UN enabling the concept that even a political issue is not to be complacent with the simple equality (Jeffreys-Jones, R., 2013; West, C., 1989). The concept of "complex equality" may be of use to explain this exposure if the permanent members are viewed to possess the power of policing the international community. A historical contingency upon the bitter World War II also factored to create this power structure, so that the utilitarian concept of equality would less be pertinent to arrive at any persuasive reasoning. That is because the theory presupposes an equal share in tenet to maximize the happiness of constituents. Japan and Germany, for example, however, would no longer be saturated given the lapse of long decades and their rise or emerging impression nowadays. The choice and responsibility argument may enlighten a ground for this contemporary structure. Since two nations voluntarily assumed to wage the war and incurred the breach of peace, they should be responsible to be excluded from the sensitive foundation of world politics. From the camp on equality of resources, the "veil of ignorance" works importantly to explain the distributive justice as in *Rawls*, so that the difference principle may find its dimension on justice (SEP: Equality, 2013). They are, therefore, innocent from an unjust consequence from the circumstances beyond his or her control. They are responsible, however, for the consequence grounded on his decision or action. The tenet came rather applied in the case of *Dworkin* or *Sen* where the former shed a more emphasis on "ambition-sensitive" as a prelude to the *Sen's* "equality of functioning" (2013). Both stressed on the human element and the life conditions more emphatically than the resources or economic elements. In this sense, we can note an "endowment-insensitive" plane that *Dworkin* has played to enable an equal intelligence, choice, decision, and value. He, then, would be more callous about the materialistic anonymity or capitalistic logic embedded on the autonomous or inhumane dynamism. His illustration, "hypothetical auction," also implies his undertaking about the importance of human strands, which perhaps would be tuned most vividly with the choice of each individual. This

way of thinking is less helpful in the first case given the realistic road of international politics would see the materialistic elements, such as the extent of nuclear capabilities and the national strengths dominantly from a materialistic quality on the basis (West, C., 1989).

However, the creative economy and web-based business or industry, now in public attention, could be discussed intimately on his version of justice. Apple may have no manufacturing base or large facilities of factory. It earned a tremendous amount of dollars simply with some of high-tech web network, which could well surprises the global public about its aggregate of corporation value in the stock market. We also occasioned, in the newspaper, a success story of information business, the function of which is distinctive from the traditional ways of business. Even the scholarly sector of business, say, contribution of article to the journals, e-books and articles, and the mode of education and so, would turn on the internet-based interplay. The equality of functioning, as Sen focused, needs to be adjusted by incorporating the technological advancement. For example, the unincorporated limited liability entities are now to be a dominant form of internet-based business, which provokes our thought about the ethics, fiduciary duties of officers and directors, and possible misuse of business form as well as due regulation. What is an endowment in this case, in the sense of Dworkin, would perhaps be gotten in a different strand like the Apple's case.

The equality of resources can yield a very instant conclusion to support the current standard of WTO practices, and that would also be complemented with Rawls and Sen (SEP : Equality, 2103). How to boost the underdeveloped economies is a serious concern that we need to ponder through the delivery of trade justice in the international community. They may well be viewed to manage on the "veil of ignorance" and

within the circumstances beyond their control. For example, they plainly would be frustrated with the level of high protection given the current standing of national science and the needs to raise any requisite knowledge or technology for their developmental paradigm. We perhaps would find no ways to accuse them of any control or choice on their behalf. The context also corroborates with the "equality of welfare," though in some variations toward any "maximization of welfare" in the WTO commitment. A theme of WTO would likely be on the tons of welfare advocacies often available from the politicians. This attribute contributes to a special treatment of underdeveloped countries by exempting them from an instant institution and implementation of the western standard of legal protection for the intellectual property rights. They

may be privileged by obtaining a legal counsel under the aid of WTO administration bureau and institutionally from the special proceeding requirements. This is because they are less competent to legally claim their interest and right by the formal proceedings. This status is also pertinent to the ambition-sensitive or functioning version from Dworkin and Sen (2013). In this aspect, the privileged group of states would be ambitious to play within the WTO system

despite a less endowment and vulnerable capacities in disparity with their developed peers. That may be remedied from many provisions and practices instituted to procure the substantive justice and equality.

I suppose that the third case has a distinctive element as notable against other two, say, the "past wrong." The affirmative action designed and practiced in the US involves the concern and policy strand to cure the past wrong. Other justice theories most always trigger a progressive and future-looking moral argument as in the equality of resources and functioning, ambition-sensitive equality as well as the equality of welfare. It poses, therefore, challenges about the equality and responsibility, perhaps pluralism and democracy

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or merit-based approach. The affirmative action may serve a pluralism or democracy leading to the social congruence, but may damage some of merit-based approaches often considered pivotal in the public education. That may relate with the equality of welfare in a distant picture, directly, in some extent, involving the affirmative action of public bidding, and rather constructively in the school admission cases. However, the countervailing argument based on the merit or quality of students is also strong. For example, they argue that a female would be assessed inferior to the male students in view of the learning and intellectual capabilities. Their message cast a suspicion of why only the black students are preferred in the admission decision. Part of countering argument may rely on the theme of curing the "past wrong." It perhaps requires, however, undertaking a long journey to persuade from the "different principle" and "veil of ignorance." We may be reluctant to endorse the factors beyond an applicant control, and our usual criticism on the "brute-luck egalitarianism" can find a ground (2013). This generally pushed the court back from the generous stance by wavering on the case-by-case basis concerning its constitutionality.

EQUITY AND PUBLIC ADMINISTRATION

An Outskirt Highway and the Equity of Traffic Fare

Seoul is the capital city in Korea, and furnished an outskirt highway to round travel the city. The city officer recently announced that toll booths for the fare would be installed. In other words, use of highway now turns to be managed of the paid basis from the past free of charge system. The public now critically assess the nature of policy shift in square points of contention. One expert, Yong-hoon Park, who serves the Traffic Culture and National Campaign, commented, "It would be inextricable to change the system." In earlier years, the

free of charge system would be effective and mutually beneficial. That is because a number of toll booths require an extended budgetary burden to install at all the lamp entrance places.

In terms of equity, the north and south division seems to incur a graver disparity. The above scenario only would pertain to the south division which the Korean Road and Highway Management (KRHM) is responsible for. As in cases, the equity in this division may be improved. However, the north division, unlike the south, was launched in the responsibility of private enterprises, and the fare to travel has already doubled to the southern case. How do we evaluate this context of inequality between the North and South? The south division, as antedated to the North, was not privatized. However, due to the fiscal cliff, the north division took a different approach to increase the fare at 2.6 times higher. This disparity in the use of public service yields the disgruntled clients and the residents highly waver as depending on the financial problem. If the government is financially affordable, it could purchase the privatized section of highway, i.e., the north division. Then the problem may be lessened, but still pounding is it that it could not settle on the challenge of beneficiary's rule. For the non-users, the inequity would be obvious about why the government appropriated the tax only for the class of highway users. Under the current status of issue, a most plausible alternative is that KRHM purchases the privatized north, but with

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some countervailing option to complement a fiscal deficit. The precedent could say some, that Korail once has the same fiscal dilemma, but that they could be aided by taking over the management of Incheon Airport Rails. The policy wisdom can solve to lower the fare of north (2013; Stillman, R., 2009). One other issue in terms of the equity and social justice is that some highways had been replete of their basis of collection since the construction and maintenance expense was already recovered. They, nonetheless, continue to

collect the fare. This problem also leads to think about the inequity among the various nature of clients. Some may reside in the area where the highways have a long history. Others may live to be adjacent with the newly built highway cut or section. This inequity, in nature, could hardly be addressed that the citizens of *Inchon* have no way to share tolerating. Some policy discretion could diversify the operation by building an underground road on the free of charge system. It can diminish an excessive use on the on-land highway which is a culprit of squeezing traffic congestion. A mere delivery of policy for the free of charge reform could not cure effectively the overall dissatisfaction of *Inchon* clients. Any imposing factor to the traffic users would be from the congestion more than a little higher fare to travel. In any case, this section in the coverage from *Seoul* through *Incheon* would bear the same way of solution that the management responsibility should be clarified and transferred to *Inchon* city (2013; Stillman, R. 2009).

Between Two types of Medical Service

One other public issue to be related with the equity concern in Korea has been discussed in the National Assembly (NA). *Eon-ju Lee*, a congress woman from The public health committee in the NA, raised an issue about the inequity of the National Health Insurance (NHI) between the Western mode hospitals and Eastern Methodist clinics. Korea has two types of health service which is official. That differs from the US and other western states. Probably, this dual system, which is sustained from the public education, tax and public insurance program, and others, would often be practiced within the Oriental states on earth. Mrs. Lee cast her critical viewpoint, "the public health insurance needs to be designed on the basis of medicare demand, say, the scientific basis of health service, as coupled with the patient's financial burden." Any most important standard to weigh the various factors of policy issue would be an equity. The Eastern Methodist health service now achieved an international standard of health science, and the national demand has increased steadily. The public education to breed the professionals often is included in many universities along with the western mode medical college. Nonetheless, it is

unreasonable to discriminate the types of health service in terms of the national health insurance program (2009). Mrs. *Lee* illustrated the statistical data by pointing to some grossly limited ambit of national insurance policy. In Dec. 2009, the Eastern Methodist physical treatment was incorporated as the policy item of NHI. Afterwards in the next four years, it turned to be a stalemate without any addition of policy item. This stalemate would be get worse if the initial scope was found to be limited about three sub-strands of policy item, not all of scope we often denote with the meaning of "physical therapy" The total amount of subsidies from the government is as less as 24.4 million dollars in 2011, and 21.7 million dollars in 2010.

This passive nature of number shows the government has been unresponsive to the emerging demand of nationals for this type of health care. According to the statistic bureau of government, the satisfaction rate of nationals from this type ranges at 55.9%, which indicates some higher than the western type. Given this, she saw no reason if the scope of physical therapy was limited in the insurance purpose, which would be contrary with the comprehensive recognition for its counterpart.

This flaw of system and an unequal treatment without the proper ground about classification would bring a discriminatory effect on the share of patrons within the health service. It also exhibits the harms to make a chilling effect on its universalization. The expansion of insurance scheme is now greatly demanded, according to her view, to increase the public incorporation of Eastern Methodist as well as equity among the different taste of nationals.

Some Reflections on the Equity

A promise of equity often is desired to restore the fundamental justice, hence, possesses a quality in subtle difference from the equality (2013; Young, H.P., 1995). Most plainly, the common law system has two types of court division between the Court of Chancellor and ordinary court. The ordinary courts are responsible to administer the technical issue of law and often involve dealing with the issue as a matter of law. The whole concept of justice often can be graced from the Court of Chancellor as a matter of equity. The tradition of

legal institution rooted in the equity court also could be found in the contemporary US laws, such as the specific performance, injunctive relief and so. The equity concept often requires a grand scale of wisdom, whose nature can be more salient in the public administration than in the administration of justice. For example, it appeals to the nature of humanity and social justice so that the jumble of difficult legal theories may be avoided. While the public administrators need to understand the law, the policy measure and its shaping would be creative to respond with the political and social challenges. This attribute can be seen as distinctive from the nature of judicial role.

Across the two cases imposed now in Korea, the clients of public service and other parties involved would be impacted to incur a possible loss from the inequity. The nature of issues was posited in the economic justice and equal access to the provision of public service. As we see in the doctrine of commercial speech concerning the first amendment issue, the issue would be dealt less seriously when we approach in the shoes of judicial business. Unlike the library case of disabled, it does not entail any intrinsic of humans. Then the library case would be more amenable to the logic and metaphor in equality as we often encounter in the case laws (Kranich, N., 2007). The highway fare and different treatment of two types of health services, on the other hand, may be looked into from the quest of equity. There would be a lesser of accurate rules and any common law justice, rather the public administrators can tackle the issue vastly from his professional inner mind process, which would be evaluative, analytical, politically and economically sensible, and socially agreeable, and also comprehensive beyond a specific rule of law (Cooper, T.L., 2012). Through the *Chevron*, the court developed this aspect notably in the label of “judicial deference” about the administrative actions.

The Equity Issue and Responsible Administration

Inchon Nam-Gu is the prescient that functions on the independent statute ground and as a local government. Mr. Park served as a major of city, who is responsible as an ultimate decision maker about the permit and license to construct. He

recently revoked a construction permit around the time when the Muslim temple was virtually completed and foresaw to lay a cornerstone. As the completion embarked and it had been progressed under the construction permit, this sudden and unforeseeable drastic measure surprised the public. The people suspect if the measure is arbitrary and abusive as well as in violation of the universal rights, such as free exercise of religion and equality among different religions (Laureate Education Inc., 2013; Stillman, R, 2009). The *Inchon Nam-Gu* Branch of Civil Association claimed a full disclosure of administrative dealings including the background, motives and reason to reach the revocation conclusion. According to the source of branch, “The decision was rendered that one section of parking lot was not furnished as legally required to meet the permit change from the educational to religious facilities.” However, the decision was impermissibly drastic and in contradiction of equity or common concept of justice, which foreclose

s any cure and correction.

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Nam-Gu, in the progress of construction, had affirmed the change of design and purpose of construction, which incurred the problem of public distrust concerning the city administration. This concept has been affirmed by the court and in the theory of administrative law of Korea that the government is precluded from the action, decision, or disposition as contrary to the established trust from those of past dealings. A public excuse announced by *Nam-Gu* elicited that the terminal measure of this kind often is either purported to sanction or invoked in the exercise of disciplinary authority. This case has gone in the same context. The Branch raised its tone of criticism that the public administration has to keep a neutral and balanced concept of diverse interest groups and public. It is required as a matter of administrative ethics and to ensure the responsible administration (Cooper, T.L., 2012). Absent this

prudence in the score of public issues and resolution, it is, as a matter of course, deemed illegitimate, usurped of power, unethical and irresponsible, as well as arbitrary against the equity and justice (Laureate Education Inc., 2013; Kranich, N., 2007; SEP: Economics and Economic Justice, 2013). The Branch also elucidated that the Christian society petitioned with 50,000 signatures containing their resentment and opposition against the construction. This may work as a pressure and may present an implied and hostile circumstance leading ineluctably to reach this decision. Of course, the suspicion could well be based if this inequitable decision was to avoid a possible backlash from the Christian society. A political compromise in the coming election with the major religious group and as discriminatory of the minor one would factor this prejudice as well as odd administrative decision. The Branch also heralded that the present decision would hardly be sustained. This is evidenced that the suit already was brought to the courtroom and the boycott of *Asian Games* is being considered seriously in reaction. It expressed gravely that the present decision would undermine a national honor in the international community in the face of *Asian Games*. Against the spirit and expectations from the Games, it may provoke a distrust or antipathy among the Asian countries. Finally, the Branch urged a reconsideration of this issue to restore the equity and free exercise of religion. An Equal treatment between the different religious groups is expressly ordained in the Korean constitution, and history lets us to make sacred and sensitive to correct.

In any case, a narrow focus on one sphere often may invite a contention, turfs, or public criticism. This means that the neglect on any one essence would pay a due price as we notice in many of public controversies. The case above described can be seen well in this context. Other point to merit our concern would be autonomous and self-serving tendencies of the large and bureaucratic

structures. As Appleby suggests, when functioning properly the hierarchy is, the structure of responsibility would tell its axiomatic process of justice and equity (Cooper, T.L., 2012). That could, however, encounter a high chance of variance from the challenges, the nature of complicacies in the agenda and issues, political wind, personal interests, and particularly moral mazes or callous routines. Other useful dualism in approaching an equity or ethical decision making would cover the deontological (duty-oriented) and teleological (consequentialist) dimension in philosophy, and could facilitate the difficult technical strands or requirements in the more principled resolution. This way of thinking also serves much to address the challenge of equity issue in the workplace (Kranich, N., 2007; SEP: Economics and Economic Justice, 2013).

As Appleby suggests, when functioning properly the hierarchy is, the structure of responsibility would tell its axiomatic process of justice and equity.....An ethics issue involved in this case is serious to impact on the Korean people and Nam-Gu officials as briefed above. As the officer of local government is paid in wage as less than the private employees, their sense of honor and personal conviction as a fiduciary trustee are any principal factor to pull their vigor of service.

An ethics issue involved in this case is serious to impact on the Korean people and Nam-Gu officials as briefed above. As the officer of local government is paid in wage as less than the private employees, their sense of honor and personal conviction as a fiduciary trustee are any principal factor to pull their vigor of service. His or her self-esteem would be affected to discourage their followership. They suspect if

the decision could comport with the societal expectations of the nation (Cooper, T.L., 2012). The *Asian Games* would be some Korean favorite in the process of years on its preparation, public sharing of progress, occurrence of events, and through the aftermath in terms of economic benefit for the locale and international prestige as conducive to the success. They could even be frustrated from the neighbor's criticism and ill ways of dealing to invite an international controversy. The leadership of mayor also can be derogated by the suspicious and disloyal attitude of officers. The local autonomy and its constitutional subscription in an adequate chapter had long been debated since the nation is small in the scale or function. Typically, we, Korean people, are on a congruent basis in view of ethnicity and national history. The

opposing views perceived that the restructuring of national administration in a dual dimension would unnecessarily burden the national budget and may operate as contrary to a fiscal soundness. These views had been held throughout the decades of militaristic government in the 1970's and 1980's, but the democratic passion of nation had, in a tough assumption, endorsed as one of constitutional mandate in the late 1980's. This foundation may well be vitiated at this incident in the mind of officers and Korean people that the mayor lost a strategically paramount side of his policy decision. The Muslim people, who resided in Korea also have a worse impression from this unanticipated overhauling of initial undertaking.

As the right to free exercise of religion is universal in tenet and human rights framework, their disappointment would never be surprisi

In applying the decision making model to the equity issue, I found it finer to rely on the four planes of deliberation as reflected below....(A) The conscious delimitation of commitment to an employing organization and the cultivation of identities that transcend its boundaries.... (B) Legal and institutional protection for the individual rights and conscience...(C) An ethics of awareness and cultivation of principled thinking.

ng. They consider gravely the contradiction of decision to the requirement of ethics that the responsible administration has to respect. In the substantive aspect of issue, it would be dubious if such minor point of violation could result in such serious consequence, say, a revocation of license, which continued in effect over the years. Hence the proportionality principle could be weighed in the negative force against the decision of mayor.

APPLICATION OF THE DECISION MAKING MODEL

In applying the decision making model to the equity issue, I found it finer to rely on the four planes of deliberation as reflected below (2012).

(A) *The conscious delimitation of commitment to an employing organization and the cultivation of identities that transcend its boundaries.*

A propensity and perception of mayor could be questioned to have a bias and narrowly focused to being misled for himself. He is an elected official who would calculate and plot on the public response or impact on the election. In this aspect, the decision can be compromised or may even bribed with the majority religious group. He seems to be quite dismantled to apprehend the nature and quality of issue. It seriously transgresses the normal standard of equity and justice to prejudice the Muslim minority (2007). The conscious delimitation of commitment to an employing organization would be failed in coming into any reality and practical force to determine the issue. He seems to be overwhelmed by his personal interest of re-election. As a professional, he also seems to craft his own ways to cultivate the ethical identities, and neither on any continued practice with the design approach in shaping an ethical decision. Given his respect of this advice, the chances to render this type of ill decision would be inconceivable.

(B) *Legal and institutional protection for the individual rights and conscience*

The local government operates under the constitutional structure and its mandate is a guide in hierarchy to be faithfully honored. It is also an ultimate factor often recommended to respect in face with the difficult and multifaceted ethical dilemma. The mayor's decision seems to contravene this requirement so that it harms the equity and justice well assumed to be due for the Muslim minority. His personality can also be questioned if to cling to the reelection possibilities by attracting the majority voters, in this case, the Christian group in Nam-Gu. It obstructs a conscience often seen essential to be required of responsible administrators as a public fiduciary. Overcoming the conflict of interest might be pressing leading to the impermissible emphasis on a minor requirement of laws and regulation as well as the breach of principles

(C) *An ethics of awareness and cultivation of principled thinking.*

The mayor, as a responsible administrator, has to practice the ethics of awareness which cover a scope of elements, i.e., adequate knowledge, exposure to the general ways of approach and specifics in the issue, organizational structure and culture, as well as societal expectations. Being more aware of the nature of issue and standing points of controversy, more ethical and practically efficient policy decision can be shaped and implemented. The issue, in this case, includes a sensitive policy area about the religion of minority in Korea, and also entails an aspect of diplomacy as well as the universal notion of human rights. The mayor should have to comprehend an enhanced level of the Korean culture in this light. Korea is a nation of international esteem due to its public virtue and culture. The selection as a host country of *Asian Games* plainly vindicates our international status in this respect. He failed to apprehend this aspect to disappoint the heat and passion of Asian countries with the commitment and trust by selling his responsibility to his political transaction or personal interest. As mentioned above, if he accepted the lesson and practiced a cultivation of principled thinking over the course of his professional career, the way of dealings and outcome would develop in other ways.

FACTORS AND RECOMMENDATIONS IN IMPLEMENTATION

A solution to facilitate the correction of perceived evils in his final rendering of decision seems straightforward, say, revoking the decision of license revocation and endorsing a completion of construction on the pertinent statutory basis, but upon the condition to fix the flaws of parking lot requirement. As the Christian people are a mass of their constituents, their support seems pivotal to administer the city politics and governance. Hence, the public forum could be planned to explain the course of development concerning the issue and obtain their recognition of legitimacy.

The factors operating in the contrary or facilitating influence may be explored if to pertain to the individual attribute, organizational structure and culture, as well as social expectations. The individual attribute of city mayor can factor in facilitating the cure and proper remedy to the

This implies that the heads and directors of local government entertain the greater conviction as an elected official leading to a tension between the central and local governments. The social expectations in this case, however, come higher than other cases so that more chances would lie to favor the possibility of cure.... He would be directly responsible to cure the revocation decision, but the practice often does not submit to that way of dealings.... ..so as to be responsible and in the ambit to produce a working ethics and interactive leadership...

public condemnation. The city mayor may be stubborn on his decision, and can think if he may bend to the public pressure (2012).

However, the civil

monitor group worked effectively to enable a full disclosure of the administrative process. The high chances would be that it also can facilitate the administrative cure to restore an equity value. Over the decades, particularly in the recent trend, the head of local government often has been arrogant and stresses the local autonomy in neglect of the national needs for uniformity. The governor of *Kyung Nam* Province showed a determined attitude against the call of NA to make an appearance in the investigatory session. He actually went his own way to shut down one public project for the aged people in the claims about the fiscal deficit of local government. His testimony was deemed precious, but his logic and understanding was fairly entrenched that the any subpoena of NA would be repugnant to the separation of powers principle. He eventually sustained himself his views and the NA took no action to escort him in the purpose to realize his presence in the session. This implies that the heads and directors of local government entertain the greater conviction as an elected official leading to a tension between the central and local governments. The social expectations in this case, however, come higher than other cases so that more chances would lie to favor the possibility of cure. In terms of organizational structure, the mayor is placed at the center of power to remedy his vulnerable action. He would be directly responsible to cure the revocation decision, but the practice often does not submit to that way of

dealings. The local government often cherishes the stability of decision that most cases to be remedied would process in the judicial proceedings. As the nature of issue is highly sensitizing and touches on the core of Korean concerns, say, the international games and human rights, the organizational structure and culture may possess the quality of dual side of coins in view of limiting or facilitating my recommendation.

A CONCLUDING COMMENT

As we learnt, we expect the public administrators would be ethicists to make a legally valid, effective and efficient decision to maximize its utility and happiness of organizational members or constituents. Their decision, hence, could be examined in the organizational strategy and planning to have an essential bearing with the imagery of organizational development specialists (2012). The case briefed above entails a miscalculation of policy sequence and actually created the gash that now, amid the public reaction as acid, hardly avoids the alternative to squelch on its basis. While the public administrator would be a juggler managing the multitude of competing obligations and interests, the case actually revealed a vicious aspect of unethical contemplation involving the political interest of mayor himself. Often we believe, as Michener commented, that he or she, as a responsible administrator, needs to pay a due respect to the real moral problems in the abstract where character is formed, hence, they may not be fragile to be a miscreant of policies and specific decisions of challenging nature (2012). This would require, over the course of professional development, of ethical identity beyond their title and status, and can appropriate the mechanism to reach an ethical decision as suggested by Cooper (2012). Four levels would foreground the process to deliberate on behalf of responsible administrators, what we staged in the inner mind process on evaluation or assessment. They would cover the expressive level, level of moral rules, ethical level and post-ethical level. The level corresponds in dimension with the process espoused in the Cooper's design approach including the identification of issue, available options of ethical decision, and probable consequences, and so. The public administration

often involves some share of leeway in the spectrum of public values and ethics as leading, far lesser in extent however, to any ineluctable conclusion. We often rather are susceptible of ample choices to deal, and often reach more like an aesthetic logic or gestalt in the end purpose to attract the citizenry (2012). The public administrators are postulated well in its practical role to respect the obligations to the citizenry and the organization established to serve the citizenry. The public employees would favor to develop a professional career and buy in, in many probabilities, the compensation in the monetary form or promotion, which their conduct or activities may lead to. They, nonetheless, can see a vignette well-rounded life outside the work. This well vindicates the thesis about the spectrum from the individual attributes through societal expectations.

That often, as a tenet in the basics, coheres, and should do, but the issues or agenda may be complicated in a contradictory demand or in the conflict of interest. As the policy issues, in this diverse society, are staged amok over the factors and interest groups, the admonition from *Ralph Kilmann's* to avoid "quick fixes" would help and they could base their dealings on the more practical and comprehensive context (2012). That said, it would project over the internal and external controls as general approaches and specific techniques. The responsible administrators would also be attached with a deep awareness and professional attitude to interplay with the individual attribute, organizational structure, organizational culture, and societal expectations. For example, we would know ourselves that an inherent tension exists between the individuals and the organizations where they are employed. On this point, we need to take an in-depth reflection about the possibility of individual ethical autonomy in the organizations. Then we may explore the useful suggestion about four elements so as to be responsible and in the ambit to produce a working ethics and interactive leadership; "(1) the conscious delimitation of commitment to an employing organization and the cultivation of identities that transcend its boundaries, (2) legal and institutional protection for individual rights and conscience, (3) an ethic of awareness, and (4) the cultivation of principled thinking" (2012).

REFERENCES

- Cooper, T.L. (2012). *The Responsible Administrator*, San Francisco. CA: Josey-Bass.
- Bellamy, E. (2014). *Equality*. Seattle. WA: Amazon Digital Services, Inc.
- Jeffreys-Jones, R. (2013). *In Spies We Trust: The Story of Western Intelligence*, New York, NY: Oxford University Press.
- Kranich, N. (2007). *Equality and equity of access: What's the difference?* Retrieved July 10, 2008 from the American Library Association Web site: <http://www.ala.org/offices/oif/iftoolkits/toolkitrelatedlinks/equalityequity>. doi: 388396
- Laureate Education Inc., (2013). *Ethics and Social Justice "Equality and Equity: Applications"* with Amanda Baker (approximately 6 minutes)
- SEP: Economics and Economic Justice. Retrieved July 20th, 2013 from <http://plato.stanford.edu/archives/su/m2008/entries/economic-justice/>.
- SSEP: Equality (2013). Retrieved July 20th, 2013 from <http://plato.stanford.edu/entries/equality/>.
- Stillman, R. (2009). *Public Administration: Concepts and Cases*. Boston. MA: Cengage Learning; 9 edition (April 16, 2009)
- West, C. (1989). *The American Evasion of Philosophy: A Genealogy of Pragmatism* (Wisconsin Project on American Writers). Madison, WI: University of Wisconsin Press.
- Young, H. P. (1995). *Equity*, Princeton. NJ: Princeton University Press.

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