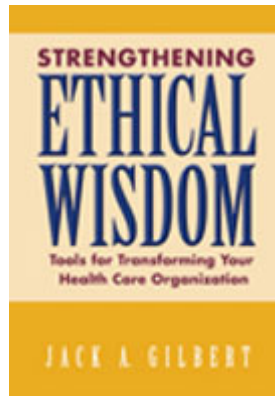


*Note: This Table of Contents, Preface, and Chapter One of the book is from an advanced draft. The final version differs in some minor ways from this text*



**STRENGTHENING ETHICAL WISDOM: TOOLS TO TRANSFORM YOUR  
HEALTH CARE ORGANIZATION**

**By**

**Jack Gilbert**

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**“I long to accomplish a great and noble task, but it is my chief duty to accomplish humble tasks as though they were great and noble. The world is moved along not only by the mighty shoves of its heroes, but also by the aggregate of the tiny pushes of each honest worker.”**

**Helen Keller**

## PREFACE

The purpose of this book is to affirm the belief that when health care organizations and those who work in them can more fully express their passion for caring by doing the right thing everyday the result is stronger organizational performance, including improved care, and higher personal satisfaction for those working in health care.

I have written this book to give leaders, managers, and individual contributors in health care organizations effective and practical ways to strengthen everyday ethical behaviors and ethical decision-making. The book looks beyond compliance programs to provide a blueprint for success for organizations and individuals committed to achieving exceptional performance while aspiring to the highest levels of organization and personal integrity. In fact, it demonstrates that high levels of integrity are critical to reaching and sustaining higher levels of organizational performance in safety, care, patient and employee satisfaction, retention, and financial health. This is a practical book full of ways to assess where the organization and individuals stand in their relative strengths and weaknesses regarding everyday ethical decision-making. It provides guidance for actions needed to build on the strengths and to lessen weaknesses.

My intention is that it will also support those who struggle with reconciling their personal values with organizational actions at odds with those values by offering ways to resolve this conflict. And that it will support those who experience a match between their own values and the values of the organization by showing ways for them to further strengthen that match.

This book is researched based. My doctoral dissertation focused on the role of ethics in decision-making. From that and other research and from my own work and life experiences I have observed the phenomenon of ethical erosion. Research shows that it is the small steps and small decisions that lead even well-meaning individuals and their organizations into ethical conflicts; a slippery slope that can ultimately undermine the organization's viability and credibility. The antidote to ethical erosion is ethical wisdom. Tapping the latent individual and collective ethical wisdom of staff and other stakeholders is critical to stopping ethical erosion and to strengthening organizational and personal integrity. How to avoid ethical erosion and foster ethical wisdom is an important focus of the book.

More than all that, I have made mistakes and have failed at times in my personal ethics. I know what it is like to park some of my values at the door at work in order to keep a job to pay the mortgage and to support my family. I also know I was less than fully effective, much fun to be around, and not a

great Dad or husband during those times. Like so many others I strive to do what is right even when there are pressures to do otherwise. My hope is that this book supports you and your organization in doing the same.

Part One of the book defines what doing the right thing means for health care organizations and for those who work in them, shows the linkage between ethical behavior and sustainable performance, and explores the negative dynamic of ethical erosion and the opposing, positive dynamic of ethical wisdom. The rest of the book focuses in depth on the four Ethical Pathways through which an organization produces exceptional results by doing the right thing and discusses the disciplines (or practices) that are essential to the health of each of those pathways: Part Two focuses on Culture and the disciplines of Mindfulness, Voice, Respect, Tenacity, and Legacy; Part Three focuses on Leadership and Governance, the leadership disciplines of Noble Purpose, Ceaseless Ambition, Candor, and Passion, and the governance disciplines of Noble Purpose, Independent Engagement, Ethical Board Culture, and Ethical Succession; Part Four focuses on Infrastructure and the disciplines of Ethical Engagement, Accountability, and Management by Facts; Part Five focuses on Personal Integrity and the disciplines of Personal Legacy, Mindfulness, and Choice.

Each part of the book that discusses an ethical pathway includes a “vital signs” diagnostic to help you assess the strength of that pathway and its disciplines with ways to use the diagnostic to create needed change. Appendix One brings together these diagnostics in a comprehensive Ethical Health Survey that is also available for completion on-line. Appendix Two contains the key needed to evaluate your responses to the Approaches to Ethical-Decision-Making Diagnostic included with the permission of Brian O’Toole, Vice President, Mission and Ethics, Sisters of Mercy Health System, and presented in Chapter Fifteen.

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## **PART ONE: SETTING THE STAGE**

### **Chapter One: Ethics, Integrity and “Doing the Right Thing”**

*“Man is born a predestined idealist, for he is born to act. To act is to affirm the worth of an end, and to persist in affirming the worth of an end is to make an ideal.”*

Oliver Wendell Holmes

There are enough different definitions of what constitutes ethical behavior to stock a few shelves in a book store. And if you search through them long enough you are sure to find a definition to suit any point of view that appeals to you; whether you believe that ethics is relative and depends on the culture of our times or specific circumstances, or you believe that ethical behavior is absolute and transcends any time, place or circumstance, or you believe that ethics is what is best for the greatest number, or you believe that ethics is what is best for you. What is common to those definitions is that they seek to explain which behaviors and practices are right and which are wrong in deciding how we treat others as individuals, as groups, as organizations, and as a society.

The definitions you are about to read have been created for this book for the purpose of illuminating what it means to do the right thing in health care organizations that have social and business commitments and that are full of people with a passion for healing and caring, and for the health of the individuals, families, and communities they serve.

This interdependence of the organization and individuals who work in it is universal but is amplified in health care organizations in which the organization and those who work within it share the calling to service.

#### **A Partnership of Goodwill**

It is very difficult for an individual or small group of employees to make a substantial impact in having their organization do the right thing when the leadership, culture, and work processes give them insufficient support in making that impact. In rare cases critical input from an employee about an ethical issue may be ignored or rejected by the organization. In such cases whistle blowing may follow, driven by current or ex-employees who, having failed to make a difference working within the organization, go public in order to be heard and to create change. Or an employee may see unethical decisions and decide to

withhold that information for fear of retaliation, or for personal gain by reporting those acts to a third party and receiving a financial reward for doing so.

By the same token it is discouraging to any leadership trying to make changes and to do the right thing when employees defeat their sincere efforts by spending their energy debating the leadership's sincerity, finding it lacking, and then deciding to sit on the sidelines. Doubters who are concerned about the future of the organization, who are willing to share their questions about change in constructive ways, and who are open to being participants in change are contributors to finding ways to do the right thing. But employees who are immovable in their cynicism about the value and possibility of positive change are persistent obstacles to progress of any kind.

For the organization and those who work within it to succeed in doing the right thing requires a partnership of good will, each engaged by the other in strengthening ethical behavior (Figure 1.1). For that reason this book consistently looks at ethical behavior and decision making from the perspective of the organization and of the individual employee, starting with defining ethical behavior.



Figure 1.1: A Partnership of Goodwill

### **Personal Integrity Defined**

Part Five of the book, *The Ethical Pathway of Personal Integrity*, details the role

of personal integrity in sustaining high ethical standards. The purpose of defining personal integrity here is to provide a way to think about individual action and accountability throughout the book.

For the individual, doing the right thing consists of demonstrating through our actions those values we hold most dear. When we are acting in full harmony with those cherished values we experience personal integrity - a sense of wholeness and peace. When we act in ways inconsistent with them we often experience an internal dissonance and uncomfortable emotions, among them disappointment, frustration, blame of ourselves, others in the organization, or the organization itself. With the realization of this dissonance comes the opportunity to be "truer" to ourselves, to enhance our personal integrity. This "truing" is a life-long work that brings us closer to our ideal of ourselves. Work provides important and continual opportunities for this. We define personal integrity as:

A state of wholeness and peace experienced when our goals, actions, and decisions are consistent with our most cherished values

### **Organizational Integrity Defined**

Organizations also have an ideal of themselves that is expressed through their vision, mission, values, strategies and goals. Organizational dynamics are more complex than individual dynamics given the diversity of individuals, groups of employees, and stakeholders that influence an organization's actions and performance. Nevertheless, the goal is organizational integrity which we define as:

The means of producing stronger, sustainable performance through ethical pathways consistent with the vision, mission and values of the organization.

Implicit in this definition is a belief that the vision, mission, and values of a health care organization speak to the best aspirations of the organization and those who work within it. This is reasonable. The calling to care for and to enrich the quality of life for patients, to support their families in times of stress, and to lift the wellness of communities served by the organization, are implicitly or explicitly stated in vision, mission, and value statements, and are at the heart of what draws many to health care; whether in for-profit or in not-for-profit environments. It is one reason why some many react negatively when health care is talked about as a business or the term health care industry is used. For many these terms discount the avocation of working in health care.

An organization experiences its own integrity when its behavior and decision making are consistent with its vision, mission, and values. And an organization experiences dissonance and stress when its behavior and decision making are at odds with its vision, mission and values.

For example, dissonance occurs when the vision, mission and values are not integrated into the everyday life of the organization. Sometimes an organization and its leadership become preoccupied with the financial condition of the organization to the exclusion of its vision, mission, and values. This can look like a tolerance of behaviors and decisions that conflict with the organization's values. For example, a results-producing member of the management team, or a long-term employee, or an influential physician is tolerated even while their treatment of others in the organization is completely at odds with the values of the organization. The message heard loud and clear by staff is "Yes, our values matter; but sometimes we need to downplay them to get the results we need. Once we are out of the woods and producing the results we need, we will refocus on our values." In such an organization values are a contingent commitment; their day-to-day importance depending on the circumstances the organization faces. It is a slippery slope. The management of Enron, a company with a 64 page code of ethics, asked its board of directors to waive a part of the code, opening the door for some executives to engage in activities that were a clear conflict of interest, all supposedly in service of the company's financial health. This permitted activities that contributed to the eventual collapse of the company.<sup>1</sup>

It is essential that doing the right thing is an unwavering commitment if the vision, mission, and values are to be strengthened. As long as ethical behavior is seen as a "nice to have" and not a "need to have" it will quickly lose its place as a priority in decision making, especially when times are tough or when a decision poses a choice between organizational values and financial results. And as a "nice to have" it will accelerate the erosion of ethical behavior and decision making that is discussed more fully in Chapter Two.

Another version of values as contingent commitment is maintaining a pretense of their importance rather than demonstrating their importance by continually seeking to strengthen them in a variety of ways. Some leaders may express satisfaction that high ethical standards are assured in their organization because there was a leadership workshop on values 12 months ago, because the values are prominently posted, and because every employee has received training in ethical compliance sometime in the last couple of years and signed that they understand the organization's code of conduct. We will see in Part Three, The Ethical Pathway of Leadership and Governance, and Part Four, The Ethical Pathway of Infrastructure, that health care organizations committed to living their vision, mission, and values are relentlessly creative in finding ways to bring a focus to them every day; ways that include events and trainings but go far beyond them.

## **Intentions, Performance and Ethical Pathways**

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<sup>1</sup> Kurt Eichenwald, *Conspiracy of Fools* (New York: Broadway Books, 2005)

In this book we take the point of view that (1) all performance, including financial performance, is strengthened through a consistent focus on vision, mission, and values, and (2) that the realization of the organization's vision, mission, and values is attained through diligent attention to the ethical pathways used to create high, sustained performance. These ethical pathways are introduced in Chapter Three and discussed in more detail throughout the book. Figure 1.2 shows ethical pathways as the vehicle to transform the organization's intentions into performance.



Figure 1.2: From Intentions to Performance through Ethical Pathways

Intentions include not only the vision, mission, and values we have begun to discuss. They also include the strategies and goals of the organization; not only at the highest level but throughout the organization. For example, we include departmental, team, and individual values and goals in these intentions.

By performance we mean a wide range of outcomes vital to the health and welfare of patients and their families, to the communities served, and to the sustainability of the organization. They include:

- Stronger performance in patient safety
- Improved quality of care
- Higher productivity
- Sound financial health
- Increased patient and employee satisfaction

- Improved retention of staff
- Strong community reputation

Clearly, the scope of organizational and personal integrity extends far beyond risk management or compliance issues. Integrity is about more than avoiding exposure. It is about instilling the vision, mission, and values the organization and those who work in it aspire to in everyday work. As Lynn Paine, a Harvard Business School professor points out, “risk management is only part of the story and the benefits of positive values go well beyond problem avoidance.”<sup>2</sup>

Survival is a powerful motivator. Leaders can jolt their organization out of the status quo by convincing employees that only immediate dramatic action will avoid dire results including the possible failure of the organization. That works, but only in the short term. A sole focus on survival over time becomes wearying, discouraging, and exhausting, which is to say that a persistent narrow leadership focus on doing more with less will lead to fatigue, burn-out, turnover, and more and more difficulty in producing results.

But when a call to action even in difficult times is accompanied by the possibility of a compelling future for the organization and those who work in it then the work itself is enriched as are those involved in it. After all, work is about far more than earning money. It is an access to self-identity, self-esteem, contribution, independence, social relationships, and a sense of accomplishment.<sup>3</sup> This is not to say the way is not hard, but this book presents examples of the results of this approach.

## **Values and Profit**

Over three quarters of hospitals in the United States fall under the definition of not-for-profit.<sup>4</sup> It is clear that whether investor-owned or not-for-profit any hospital needs to operate on sound business principles to ensure economic viability. This has created ongoing debate, especially in the not-for-profit community, about whether the adoption of business principles has come at the expense of the treasured vision, mission, and values of health care organizations; that it is a devil’s bargain selling the soul of health care for financial benefit which has become the end and not the means. The old maxim is “no margin, no mission.” The fear is of a new maxim “more margin, more margin.” .

For those working in health care this is not a philosophical debate but a day-to-day reality. Doing more with less can become a primary goal as measures of

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<sup>2</sup> “Where Morals and Profits Meet: The Corporate Value Shift,” *The Carbon Report*, Harvard Business School, 2002

<sup>3</sup> Jo Manion, *Create a Positive Health Care Workplace* (Chicago: AHA Press, 2005)

<sup>4</sup> Vernon E. Weckwerth, “Is there a future for the not-for-profit hospital,,” *Frontiers of Health Services Management*, Summer 2006

organizational effectiveness such as patient safety and quality of care can take a back seat to financial measures of success. By far the top issue confronting hospital CEOs is financial challenges. In a survey, 67% of CEO's cited financial challenges as their most important. Other major issues trailed. Quality was cited as the top challenge by 23%) and 20% cited patient safety as their top challenge.<sup>5</sup>

By choosing a top priority we run the risk of being trapped and led by a false choice. Living values and making a profit or surplus is not an either/or proposition. There is no reason why one should be subordinate to the other. In fact, there is strong evidence that a key to long-term organizational success is the capacity to focus on the organization's vision, mission, and values while also having a clear focus on all parameters of performance, including financial goals. The authors of the book *Built to Last* conducted rigorous research in comparing the performance of visionary companies to other companies that were primarily driven by profit. They found that:

“Contrary to business school doctrine ‘maximizing shareholder wealth’ or ‘profit maximization’ has not been the dominant driving force or primary objective through the history of the visionary companies. Visionary companies pursue a cluster of objectives of which making money is only one – and not necessarily the primary one. Yes, they seek profits, but they are equally guided by a core ideology – core values and a sense of purpose beyond just making money. Yet, paradoxically, the visionary companies make more money than the more purely profit-driven comparison companies.”<sup>6</sup>

Here are two examples of successful companies with very different products and histories that have followed these principles: Johnson & Johnson and Kyocera.

### *The Story of Johnson & Johnson*<sup>7 8</sup>

Johnson & Johnson was organized in New Jersey in 1887. Today, it is a family of companies employing over 115,000 worldwide. It has had 73 consecutive years of sales increases and 44 years of dividend increases for its shareholders. It is committed to the health and well-being of people and to financial success.

The company was founded by Robert Wood Johnson and his brother Mead. Robert Wood Johnson had a commitment to creating a profitable enterprise that would reduce unnecessary death and increase health. He was convinced of the validity of Joseph Lister's theory of germs at a time when support for it was mixed and attacks on the theory were frequent. He partnered with a pharmacist, Fred Kilmer, who became a lifetime colleague and friend. On his death Johnson was

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<sup>5</sup>Chief Executive Officer, ACHE, Winter 2006

<sup>6</sup> James Collins and Jerry Porras, *Built to Last* (New York: HarperCollins, 1994) p. 8.

<sup>7</sup> Lawrence Foster, *Robert Wood Johnson The Gentleman Rebel* (State College, PA: Lillian Press, 1999)

<sup>8</sup> Johnson & Johnson Website 2006

lionized as a great humanitarian and a great businessman. Kilmer's contributions to medicine did not waver even in the face of great personal tragedy suffered by his wife and himself. All four of their children died; the last, Joyce Kilmer the noted poet, was killed serving in the First World War. Fred Kilmer would come to be called the most revered pharmaceutical chemist in the country by Time magazine.

Both Johnson and Kilmer had a thirst for knowledge and innovation, and they also shared a yearning to explore the frontiers of medicine and health. Their business and research collaboration created a range of products consistent with Lister's principles of antiseptic surgery. Their experiments in product development yielded products that would have an important impact on the practice of health care and the health of society.

Good medicine and good business went hand in hand. In 1888, based on Kilmer's extensive research, the company published a manual titled *Modern Methods of Antiseptic Wound Treatment*. This scientific contribution was coupled with business promotion. At the back of the manual the reader could find surgical products available from the company. The manual's compilation of wide-ranging notes from eminent surgeons was hailed as the most authoritative discussion of aseptic wound treatment ever published. Demand was overwhelming and the manual became an influential argument for Lister's principles. Sales of Johnson & Johnson products soared. The company continued to develop innovations that responded to unmet medical needs. For example, Robert Wood Johnson on a train ride with the Denver and Rio Railway's chief surgeon learned of the growing number of railroad accidents and lack of medical expertise and supplies that increased the adverse consequences to those injured. This conversation resulted in publication of the first First Aid manual accompanied, naturally, by the first set of First Aid products.

Robert Wood Johnson died in 1910 and 22 years later his son General Robert Wood Johnson took the helm of the company. It was this Johnson who created the Johnson & Johnson credo. First conceived as a broad statement of corporate responsibility in 1935 for fellow industrialists it was published as a Johnson & Johnson document in 1943; a set of guiding values that codified the company's balance of service and of financial responsibility. In 1957 at an event celebrating the 70 year anniversary of the founding of the company that had by then become profoundly successful Johnson said "... we are dedicated to the success of this business, and it will continue to succeed if we adhere to the principles of our credo – first, the serving of our customers, then to the people in the plant, and then the management, and then the community, and, finally and last, to the stockholders."<sup>9</sup>

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<sup>9</sup> Lawrence Foster, *Robert Wood Johnson The Gentleman Rebel* (State College, PA: Lillian Press, 1999) p. 424.

What made the credo famous was the company's reaction to the Tylenol tampering events of 1982 and 1986. Seven people died in 1982 when cyanide was introduced into this Johnson & Johnson product. Guided by the credo ("We believe our first responsibility is to the doctors, nurses, hospitals, mothers<sup>10</sup>, and all others who use our products"<sup>11</sup> and at a \$100 million charge against its earnings the company immediately pulled every Tylenol from the shelves not to be replaced until they could ensure the products safety. Another person died in a similar event in 1986 and the company decided to stop selling Tylenol in capsule form. It was these quick and clear decisions driven by values and not by financial concerns that elevated the company's reputation.

Johnson & Johnson, like any positive example cited in this book, is not perfect company. There have been times in the company's history when the focus on the credo has wavered. The credo represents an ideal to strive for perhaps never to be attained in full measure. The inevitable gap between the ideal and the current reality can either be taken as a reason to throw up our hands in resignation to our current circumstances or the gap can be used to bring attention to the ideal and fuel action to close the gap. This is true of organizations and individuals. We continue to strive to close the gap between our ideal of ourselves as a spouse, partner, friend, parent, child, employee, or other role important to us, even though we realize perfection is not at hand.

### *The Story of Kyocera*<sup>12 13</sup>

Kyocera is a company started in a different era than Johnson & Johnson, in a different country, and with very different products. Yet it shares important characteristics with Johnson & Johnson and other visionary companies.

Kyocera, was founded in Japan by Kazuo Inamori in 1959 with a staff of 28. The company first established its presence in the United States in 1969. Kyocera initially focused on the production of fine ceramics to support the emergent semiconductor industry. Its initial product was a ceramic insulator critical to that industry. Today, Kyocera is a global company with over 12,000 employees. It also has 170 subsidiary companies employing over 60,000. Profits are important to Kyocera. Over the last five years, for example, net sales, net income, and earnings per share have all grown.

For a company rooted in science and engineering, and for a company with an eagle eye on profit, its vision may surprise you. It is "Respect the Divine and Love People" meaning "to preserve the spirit and work fairly and honorably,

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<sup>10</sup> "and fathers" was added in a later version

<sup>11</sup> Lawrence Foster, Robert Wood Johnson The Gentleman Rebel, State College, PA, Lillian Press, 1999 (page 454)

<sup>12</sup> Kazuo Inamori, *Respect the Divine and Love People* (San Diego: Joan Kroc Center for Peace and Justice 2000)

<sup>13</sup> Kyocera Website 2006

respecting people, our work, our company, and our global community.” Kyocera’s Management Rationale is to provide opportunities for the material and intellectual growth of all our employees, and through our joint effort, contribute to the advancement of society and humankind. Its Management Philosophy is to coexist harmoniously with nature and society; harmonious coexistence being the underlying foundation of all our business activities as we work to create a world of abundance and peace. Inamori never saw a conflict between making a profit and doing the right thing. Indeed, he wrote a book titled *For Profit and For People*.<sup>14</sup> He did see a problem if a decision-maker’s view was limited to the issue of profit, “It isn’t what is good for Kyocera or what is good for me as an individual that matters... we have to carry out the right decision, which you as a human being can be proud of, surpassing shallow ideas about profit and loss to the corporation – or to any one individual. This is the most fundamental standard of conduct for all employees, including myself.”<sup>15</sup>

This vision and these philosophies are rooted in the personal values of Inamori who today is Chairman Emeritus of Kyocera and is a celebrated and much honored figure in Japan. Early on in the history of the company after Inamori had taken a huge risk in leaving his job and starting his own company he was weighed down by the responsibility he had assumed not only for himself but also for those who had committed themselves to his company. He wrote “... a bad decision on my part could send the company into the gutter almost immediately. This pressure to make correct judgments gave me many sleepless nights ... I realized that business decisions must be made on fundamental truths and principles... I made a firm resolution: ‘From now on I will base my management decisions on whether or not they are the right thing to do as a human being’.”<sup>16</sup> It is that philosophy that has been a constant touchstone for the company in making decisions large and small.

Is it a challenge for Kyocera to hold to these principles? Absolutely. Pressure on profit targets and personal agendas at odds with these core values can erode a focus on values. But the company continually strives to lead and to make decisions based on the values of Kyocera. Indeed, currently there is a great deal of discussion and a focus on how to preserve the essence of the value system as the generation of workers and leaders who have grown the company pass the baton to the next generation.<sup>17</sup>

## In Short

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<sup>14</sup> Kazuo Inamori, *For People and For Profit* (Tokyo: Kadonsha, 1994)

<sup>15</sup> xxxKazuo Inamori, *Respect the Divine and Love People* (San Diego: Joan Kroc Center for Peace and Justice, 2000) p. 77.

<sup>16</sup> Kazuo Inamori, *Respect the Divine and Love People* (San Diego: Joan Kroc Center for Peace and Justice, 2000) p. 31

<sup>17</sup> Rod Lanthorne (President, Kyocera International) interview with author, San Diego, CA, February 17<sup>th</sup>, 2006.

A partnership of personal integrity and organizational integrity are essential for a health care organization to strive everyday to realize its vision, mission, and goals. Behaviors and actions consistent with the vision, mission, and values of the organization and expressed through ethical pathways transform those intentions into sustainable performance over a wide range of parameters. . The vision and mission may never be reached and the values may not be demonstrated perfectly every day, but a consistent focus on closing the gap between the current reality and the ideal yields positive results.

The impact of the dynamic of ethical erosion that draws an organization and those within it away from the ideal, and the impact of the dynamic of ethical wisdom, its counterweight, on the health of ethical pathways are discussed next in Chapter Two.