

ETHICS, CODES OF CONDUCT, MORALS AND PROFESSIONALISM AS A BULWARK AGAINST CORRUPTION AND UNETHICAL CONDUCT IN THE PUBLIC SECTOR: A CASE OF SOUTH AFRICA

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Abstract

This paper endeavours to critically examine ethics in South Africa especially after the first democratic elections and later developments. Such an analysis will inevitably overspill to the quality of service delivery and participation. As such there is a need for ethics to be re-examined and investigate how this may be used to improve efficiency and effectiveness in the South African government service.

Much has been written on ethics and their relevance to the public sector organisations. Indeed they are critical for service delivery for both sectors namely, private and public sectors. This paper will trace the origins and development of ethics and their relationship with other associated terms such as morals, codes of conduct and relate same to the guidelines emanating from the South African Constitution Act (Act 108 of 1996). Once this objective has been achieved the position of ethics to our daily lives from individual and citizenship perspective will be explored. By such investigation it is envisaged to reposition ethics to our working environment as a vehicle that supports and fuels accelerated quality decision-making and service delivery. In that way it will be possible to locate the area of responsibility and accountability in the public sector. One will also examine the power-authority-responsibility triangle relative to ethics, ethical conduct, codes of conduct, and professionalism and indicate how these can be effectively applied to address issues of violation of human right through fundamental deprivation of critical services and products.

Keywords: Ethics, Government, Public, Private

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1. Introduction

According to Jaska and Pritchard (1994) ethics can be defined as: “being concerned with how we should live our lives. It focuses on questions about right and wrong, fair or unfair, caring or uncaring, good or bad, responsible or irresponsible, and the like.” Trevino and Nelson (2004) further affirm the view on ethics: “. . . includes the principles, the norms, and standards of conduct governing and individual or group”. Johannesen (2002) views ethics as “. . . Ethical judgment focus . . . on degrees of rightness and wrongness, virtue and vice, and obligation in human behaviour”. Finally Ferrell (1991) comments as follows on ethics: “An ethical act or decision is something judged as proper or acceptable based on some standard of right and wrong”.

Cooper (2006: 1 -4) defines ethics as an attempt to state and evaluate principles by which ethical problems are solved. The normative standard of conduct derived from philosophical and religious traditions of society. It is concerned about what is right, fair, just, or good; about what we ought to do, not just about what is the case or what is most

acceptable. It is a moral philosophy and includes four main goals: 1) clarification of moral concepts; 2) critical evaluation of moral claims focused on testing their truth, justification and adequacy; 3) constructing an inclusive perspective by elucidating the interconnections among moral ideas and values and 4) providing moral guidance action through improving practical judgment.

Ethics is one step removed from action, involving an examination and analysis of logic, values, beliefs and principles that are used to justify morality in its various forms. It examines principles such as justice, veracity, the public interest, their implication for conduct in particular situations and how one might argue for a particular principle over the other as a determinant of a particular decision. It takes what is given or prescribed and asks what is meant and why. Ethics seeks to clarify the logic and adequacy of critical values that shape the world. It assesses the moral possibilities which are projected and portrayed in the social-give-and-take. It can be dealt with descriptively or normatively by revealing underlying assumptions which are connected to conduct. It is a critical reflection on morality towards

grounding conduct in systematic reflection and reasoning. Moreover it deals with moral status of families, organisations, and societies and its reasoning is focused on characteristics associated with good family, good organisation, good societies grounded on certain principles.

Morality on the other hand, according to Cooper (2006: 3) assumes some accepted modes of behaviour given by religious traditions, a culture including that of organisations, social class, community or family. It sometimes includes perceived or assumed values, norms and standards. Sometimes these are written in codes of conduct or rules, but are asserted by tradition, culture, religion, community, organisation or family.

2. Origins of morals, ethics, codes of conduct and professionalism

Johnson (2007) makes an exposition that the poor work record of contemporary work organisations is proof that decoupled approaches to ethics do not work. A new perspective is proposed - one that (a) recognises the moral dimension of every aspect of organisational life and (b) leads to significant improvement in organisational performance. Scholars have investigated terms such as “ethics-based approach”, “integrated focus”, “purpose-driven” and “value-centered”. At a broader level, transformation is more inclusive as incorporating integration, integrity, purpose and values. To transform means to alter something (in essence) for the better - producing fundamental long-lasting positive change. When such transformational perspective is applied to ethics, it goes beyond just lip service. Ethics is at the center of the workplace - significantly altering attitudes, thinking, communication, behaviour, culture and systems. It drives key values such as individual decision, and decision-making process, interpersonal relationships, group interaction and organisational goals.

Kuper (2006: 2) identified “two lenses” to look at ethics: 1) normative ethics – the province of philosophy. This examines what ought to be done and develops systems of making decisions about what is wrong or right and 2) empirical ethics - a perspective of social scientists. To stand back and objectively try to see what happens. It examines how people and organisations will actually behave, given their differences and external influences.

3. Laying an ethical foundation

One has to resist the temptation of choosing favourite perspectives at the expense of the rest. The emphasis here is on combining the different perspectives to help in coming up with better or probably the best solution. Johnson (2007: 4-7) made the following exposition regarding the perspectives under discussion:

a) Utilitarianism: Do the greatest good for the greatest number. Johnson makes reference to Bentham (1748 – 1832) and Stuart Mills (1806 – 1873), and argues that the best decisions generate the most benefits. That means attempting to do the greatest good to the greatest number. It considers both short and long-term consequences. Utilitarians are more concerned with the ratio of harm to evil than the ‘absolute’ of happiness or unhappiness produced by choice. If immediate benefits outweigh future costs, this alternative is rejected forthright. Utilitarians keep personal interest in mind but give them no special weight than anyone else’s. When utilitarians make a choice they follow specific principles by following three stages: (a) identify all possible course of action; (b) estimate the direct and indirect costs and benefits for each option and (c) select the alternative that produces the greatest amount of good based on the cost-benefit generated in step two. This approach and perspective is very popular and followed in the public sector especially when deciding to impose or loosen a regulation.

b) Kant’s Categorical Imperative: Do what is right no matter what the consequences are. Immanuel Kant (1724 – 1804) developed a simple set of rules applicable to every type of ethical decision. Kant contended that moral duties are categorical - that means they should be obeyed without exception. Individuals should always obey and do what is right no matter what the consequences. Subsequently, this moral reasoning falls under the category of deontological ethics (Johnson, 2007:8). It entails following truth, intuition or reason. Moral acts arise out of our will or intention to follow our duty. What is right for one is right for all. Kant cites an example of borrowing money that one does not intend to repay which violates the categorical imperative. The final arbiter is to treat humanity as an ultimate end. Consent and knowledge by those affected by decision-making is imperative.

Cooper, (2006: 3) regards deontological approaches on ethics as a focus on one’s duty to certain ethical principles such as justice, freedom or veracity without regard for the consequences of one’s action. In contrast, Cooper explains that teleological ethics involves a concern for the ends or consequences of one’s conduct. This position is notably associated with the utilitarian perspective of ethics – do greatest good to the greatest numbers. Driven by the conviction that certain behaviour is either right or wrong no matter what the situation, pressure groups for example are likely to blow the whistle on unethical behaviour. (Johnson, 2007: 8-9). Complex, conflicting ethical dilemmas often place a challenge on deontological thinking involving competing obligations.

c) Rawls Justice as Fairness: Balancing freedom and equality. There are never enough organisational resources to meet the demands of customers and/or citizens. Budgets are never enough for governments

all over the world and departments struggle to increase the share of each item. Participants often complain that they have been victims of discrimination, unfair treatment or favouritism. During the last quarter of the twentieth century, Harvard philosopher, John Rawls developed a set of guidelines for resolving disputes involving the distribution of resources (Rawls, 1971). These principles were designed to foster cooperation in democracies which include: (i) all citizens are free and equal before the law; (ii) however, they are also unequal because they vary in economic standing, talents and abilities and (iii) encourage more equitable distribution of societal benefits.

Rawls theory primarily focused on the underlying structure of society as a whole, but his principles also apply to organisations and institutions. He believed that citizens have rights that should never be violated no matter what the outcome. He contended that seeking the greatest good for the greatest number could seriously disadvantage the other group (Johnson 2007: 10 -110). Rawls proposed an alternative based on cost-benefit ratio and argued that the principles to follow are:

Principle 1: Each person has an equal right to the same basic liberties that are compatible with similar liberties for all and;

Principle 2: Social and economic inequalities are to satisfy two conditions namely:

(a) They are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and

(b) They are to be of the greatest benefit to the least advantaged members of the society (Johnson 2007: 10).

The first principle is a priority and equally applicable to all in terms of rights and freedoms as laid down in the Constitution of South Africa (Act 108 of 1996). Principle 2(a) brings equality for all in terms of accessing jobs, equal education and training. Principle 2(b) recognises and acknowledged that inequalities exist and as such, is a 'difference principle' but specifies that priority should be given to meeting the needs of the disadvantaged. Recognising the flaws in the principles, Rawls introduces the 'veil of ignorance' which state that the best option is the one whose worst outcome is better than the worst outcomes of all options. Under the veil of ignorance it is suggested that individuals should adopt these moral guidelines because they are likely to ensure the best outcomes even in the worst of circumstances.

Rawls viewpoint on moral ethical foundations was most influential at that time because it offered a way to reconcile long standing tension between individual freedom and social justice. The distribution of resources and benefits encompasses personal liberty and common good. In addition, talented, skilled and fortunate people are free to pursue their goals, but the fruits of their labour must also benefit their less fortunate neighbours. Applying this model

would have significant positive benefits to organisations such introducing a living wage and health insurance. It would ensure equal opportunity for training, promotion, education and advancement.

d) Communitarianism: Promoting shared moral values. While Communitarianism can be traced back to ancient Israel and Greece, it is associated with sociologist Amatai Etzioni who gathered fifteen ethicists, social scientists, and philosophers to address concerns about the health of American society. Communitarianism was adopted to highlight the shift of the plight from the individual to focus on citizens from individual rights to communal responsibility. The major tenets of Communitarianism are: (1) human dignity - intertwined with the health of the community; (2) the success of democratic society depends not on force or government intervention, but upon building shared values, practices and habits; (3) communal values in responsive communities are developed by a group but are subject to universal standards; (4) the institutions of civil society are charged with reinforcing moral values; (5) citizens should reject selfishness and care for the material and social well-being of others and (6) community members have a responsibility to stay active in political and civil matters by staying informed, voting, paying their taxes, serving on juries (Johnson, 2007: 13).

The proponents of this view describe it as a second environmental movement that protects nature. Environmentalists hope to restore the social fabric of society already showing plenty of decay as verified by declining schools, excessive materialism, drug abuse, high divorce and crime rates and teenage pregnancy. Communities including organisations and individuals develop a relationship that is evident of a shared history, identity and future.

Brown and Isaacs (1995) identified seven core processes (seven C's) essential to building and maintaining organisational communities. They are: commitment, competence, contribution, collaboration, continuity, conscience, and conversation. This is a promising approach to moral reasoning and recognises the social basis of morality while accepting the views on right and wrong.

e) Altruism: Concern for others. Altruism is based on the principle of helping others regardless of whether or not we profit from doing so. It seeks to benefit the other person and self- sacrifice. Advocates for altruism argue that the love of one's neighbour is the ultimate, while biologists believe that human beings are conduits of 'selfish genes' – that anything we do on behalf of a family member is motivated by the desire to transmit our genetic code. Others argue that people are egoists. A growing body of researchers have affirmed that true altruism does in fact exist and is an integral part of human experience and common behaviour in everyday life. Care for others appears to be a universal value promoted by religion the world over. Every person deserves

humane treatment irrespective of skin colour, background, language, political beliefs or social standing. The command to love God and to love others as we love ourselves is the most important obligation in Judeo-Christian ethics (Johnson, 2007: 17-19). Johnson (2007) further concludes: “since humans are made in the image of God and God is love, we have an obligation to love others no matter who they are and no matter what their relationship to us. . .”

4. Ethics and public administration

Clapper (1999:138) observed: “ethics within the realm of public administration and management is concerned with the application of morality based on the activities of public officials. It is concerned with what the public official does, and how he/she does it. The foregoing implies the very domain of morality - that is the personal domain. Every public official is in the first place a public official with a fundamental personal morality. Vetlesen (1995: 173) epitomises an optimistic anthropology when he pronounces that ‘morality signifies what we ineluctably are’. This is no overstatement. It is more than just positioning morality in the daily life of individuals and the relationship with each other in the public life and other social groupings. Esterhuysen (1989: 14) states that responsible moral agency is a capacity obtained by each person in relationships to others in society in which she or he is born or nurtured throughout childhood to adulthood. Morality is communicative – the knowledge of what can be regarded as moral or immoral is gained through dialogue with others. The point is when an individual in the public domain encounters other resources, the personal morality plays a dominant role, informed by the society from which he/she originates. Referring to leader-follower relationships, this works best when a mutually supportive atmosphere exists with a common goal to achieve. This is moral relationship which exists in a culture of trust based on shared purposes, actions and visions. This requires the leader and followers to engage in a mutual process of raising one another to a higher level of morality and motivation (Westerbeek and Smith 2005: 130). If winning is important, business people will do anything to avoid losing.

Personal integrity and reputation is slowly diminishing. Trust has become almost meaningless. Yet organisational norms within corporate culture can determine thought and behaviour in the workplace. Such culture almost invariably stems from the top of the organization. Leaders remain the most important and significant influence on the culture of an organisation and are responsible for creating credibility and trust. Their examples provide guidelines for those beneath them. Without guidelines from leaders, followers often seek the lowest acceptable level (Westerbeek and Smith, 2005: 131).

5. Identity, Value, Culture and Ethics

Pitt and Koufopoulou (2012: 111 – 112) state that ‘values’ are ‘normative beliefs’ which means that they are concerned with how the enterprise should behave. The ethos of an organisation integrates the enterprise’s core values, internal culture and ethical outlook. Ethical ethos encodes the principles that members perceive to be worthy, morally necessary, enduring and central to existence and purpose. They guide individuals unambiguously toward appropriate actions.

Organisational “culture” concerns “the way we do things here” by drawing from wider and broader national and local cultures which make up personal values of the members, shared experiences and stories (Pitt and Koufopoulou, 2012: 112). An enterprise’s identity is comparable to the individual’s personality and it gains strategically by developing a coherent identity which helps support its mission and vision and facilitate its implementation. Underlying values are often unspoken but when widely shared can reinforce a coherent ethos and identity of an enterprise (Pitt and Koufopoulou, 2012: 112).

Trying to interpret what is ethical and moral in the public and private sector varies from one nation to another. Ethics needs to be constantly endorsed by leaders. Ron Clarke in his book, *The Measure of Success*, states that: “cheating, in any of its many forms, is disdained as it detracts from the honesty of the test. Unethical behaviour propagating misinformation or plain lying must be avoided as they falsely influence the validity of progress towards goals and targets”. These are the tools of failure (Westerbeek and Smith 2005: 132). Ethics means treating stakeholders in a manner deemed acceptable in civilized societies. (Hopkins 2009: 31).

Mle and Maclean (2011: 1364) suggest that there are pieces of legislation, administrative frameworks and codes of conduct in place to halt the tide of unethical conduct and corrupt practices and to promote integrity and good governance.

The above allows further discussion into challenges that face leadership and followership ethics. The point is that in family units, organisations, communities, civil organisations, business organisations or government organisation, there are leaders and followers whose ethical, moral values and codes of conduct are always called to question.

6. The ethical challenge of leadership

It is an accepted fact that leadership exerts influence and has broader responsibility, accountability and authority for organisational outcomes. Johnson (2007: 171 – 178) advocates the ethical challenge of leadership as follows: 1) the challenge of power - the greatest concern for all leaders is that they have more power than they need. It is also the tool or currency which is used to influence followers over

group direction. However, leaders have to be particularly careful not to be corrupted by power because once you have the seductive power it is hard and difficult to remove it as the holder does not want to give it up, 2) the challenge of privilege - power and privilege generally operate in a tandem, that is the more power the leader has the more privilege enjoyed by him/her. The argument is that they deserve higher salaries because they shoulder greater responsibilities for the success or failure of the organisation or nation, 3) the challenge of responsibility and accountability - all leaders are publicly accountable for their actions. In fact they are held accountable for the success or failure of the organisations irrespective of whether private or public and heads may roll with different sanction depending on the nature and extent of damage, 4) the challenge of information management - leaders have access to more information than any of their followers and as such must be resourceful for the smooth running of an institution. Using information for personal benefit, violation of privacy in data gathering, withholding information from followers, sharing information with wrong people, releasing information at the wrong time are some of the challenges to avoid, 5) challenge of consistency - there is no real world where leaders treat their followers in exactly identical fashion and all their followers respond exactly in the same manner. Perhaps this where the essence of ethical treatment raises major questions as all too often leaders are inconsistent in the application of rules and procedures to their followers and the followers respond very inconsistently, 6) the challenge of loyalty - it is the responsibility of leaders to balance all multiple loyalties to fit the organisational perspective. Model leaders put the needs of the larger community ahead of their selfish interests and face the challenge of honouring the loyalty that followers and others place on them.

7. The ethical challenge of followership

The role of follower, like their leaders, places a special set of demands or challenges based upon the nature of the role they play as determined by the position they occupy in the family unit, private or public organisation including a civil community organisation. Johnson (2007: 178 – 182) lists these moral challenges confronted by followers:

- 1) the challenge of obligation,
- 2) the challenge of obedience,
- 3) challenge of cynicism,
- 4) the challenge of dissent and
- 5) the challenge of bad news.

Within the local sphere of government Mafunisa (2000: 13) (writing within the South African context) observed a tendency for public officials to use their official positions to serve and enrich themselves and those close to them This unethical conduct reduces public trust and confidence in the integrity and

impartiality of appointed and elected public office bearers (Moeti 2007: 100). Furthermore, investors lose confidence in a country whose public sector is marred by unethical practices. Countries all over the world are in competition for growth in various fields (United Nations Department of Economic and Social Affairs 2005: 5). Many countries are either successful or unsuccessful not because of their natural resources and other reserves but mainly because of their work ethic and the level of integration and fit with their vision and mission. Countries are like people, without vision, they perish.

8. Conclusion

The core of this paper is that ethics, morals, codes of conduct and professionalism play a major role in the development and sustainability of a country. There is no place for self-interest. Both the public and private sector must be committed to high performance and excellence. Ethical problems are dynamic because they change as we try to address them. An ethical problem may also become a legal problem. One cannot define ethics by the generation of alternatives. It is therefore imperative to all concerned or those ready to participate in ethical, moral and codes of conduct and professionalism to appreciate the role ethics plays. It represents how we perceive the real world in its dynamic nature and form and also how we connect and interact with it.

References

1. Brown, M.T. 2005. Corporate integrity. Rethinking organizational ethics and leadership. Cambridge: Cambridge University Press
2. Brown, J. and Isaacs, D. 1995. Building corporations as communities. The best of both worlds. In K. Gozdz (ed), Community building: Renewing spirit and learning in business.(pp. 69 – 83) San Francisco: Sterling
3. Cooper, T.L. 2006. The responsible administrator. An approach to ethics for the administrative role. New Jersey: Jossey-Bass
4. Des Jardin, J.R. 2006. Environmental ethics. An introduction to environmental philosophy. Fourth Edition, Belmont: Thompson Wadsworth
5. Ferrell, O.C. and Gardiner, G. 1991. In pursuit of ethics. Tough choices in a world of work. Springfield: Smith Collins
6. Grayson, D. and Hodges, A. 2004. Corporate social opportunity. Sheffield: Greenleaf Publishing
7. Hopkins, M. 2009. Corporate social responsibility and international development. Is business the solution? Earthscan: London
8. Hoyk, R. and Hersey Paul.2008. The ethical executive. Avoiding the traps of the unethical workplace. London: Stanford Business Books
9. Hummels, H. 1998.Organising ethics: a stakeholder debate. *Journal of Business Ethics*. Vol. 80 (7). Pg. 113 – 117
10. Israel M. and Hay, I. 2009. Research ethics for social scientists. Los Angeles: Sage Publications

11. Jaska, J.A. and Pritchard, M.S. 1994. Communication ethics. Methods of analysis. Belmont, CA: Wadsworth
12. Johannesen, R.L. 2000. Ethics in human communication. (5th edition) Prospect Heights IL: Waveland Press
13. Johnson, C.E. 2007. Ethics in the workplace. Tools and tactics of organizational transformation. London: Sage Publications
14. Kuper, L. 2006. Ethics – the leadership edge. Cape Town: Zebra Press
15. Mle, T.R. and Maclean, S. 2011. Ethics, integrity and good governance: The case of South Africa's local sphere of government. Journal of Public Administration. Vol. 46 (4)December 2011
16. Pitt, M. and Koufopoulos, D. 2012. Essentials of strategic management. Los Angeles: Sage Publications
17. Rawls, J. 1971. A theory of justice. Cambridge.MA. Belknap Press
18. Trevino, L.K. and Nelson, K.A. 2004. Managing business ethics. Straight talk about how to do it right. (3rd ed) Hoboken, N.J.: John Wiley
19. Wessels, J.S. and Pauw, J.C. 1999. Reflective public administration: Views from the South. Cape Town: Oxford University Press
20. Westerbeek, H. and Smith, A. 2005. Business leadership and the lessons from sport. New York: Palgrave McMillan