Tracking Ethical Compliance and Violations in Government: Contemporary Approaches and a Research Proposal

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Introduction

WHILE RULES have been developed making it possible to assess the “rationality” of decisions taken by public officials, there is as yet no fool-proof method of evaluating the integrity and fairness of the decisions. A recent case provides an illustration. The head of the United Nations tribunal for Rwanda, Carla Del Ponte, refused to renew the contracts of seven African and Indian prosecutors, citing the latter’s incompetence as her reason. The dismissed attorneys, for their part, termed the decision as a racist act (CNN.com/World, 15 May 2001). As individuals with rigorous legal training, the parties to the dispute would undoubtedly prepare briefs, enter pleas and marshal evidence in support of their positions. Knowing what is at stake—reputation, power and positions—they would be unsparring in the use of “factual” information, highlighting what favored them, and downplaying, if not altogether, “stonewalling” awkward pieces of data. To vindicate their positions, they will be generous with “facts,” even at times, being economical with the truth. This is what “rational” individuals do: they channel “means” towards preferred “ends.” In contrast, their ethically-inspired counterparts are likely to obliterate the distinction between “self” and “others,” and by so doing, consider the consequences of their choices for objects external to themselves.

The central thesis of this paper is that the world is not divided into the “good” and the “bad” as such, but that every human being is endowed with both attributes. The paper argues that the failure of past efforts at promoting public service ethics stems from the failure to recognize that besides the conflict between self interest and public good, there is another kind of conflict—the conflict between and individual’s craving for perfection, and the same individual’s corrupt leanings.

Nature, Magnitude and Significance of the Ethics Challenge

Despite its pervading influence on human life, ethics did not enter into the discourse of public administration until the 1970s when the Watergate scandal revealed the scale and depth of corruption perpetrated at the highest level of government in the world’s leading democracy, the United States of America. It is true that contemporary public administration started with a normative theory of “good” government—that is, if the

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contributions of the “scientific management” scholars like Frederick Taylor, H.L. Gantt, Frank Gilbreth, and Henri Fayol are discounted. Woodrow Wilson’s celebrated essay on the study of administration made no pretension to absolute scientific neutrality. The aim of administrative study, according to him (Wilson, 1887: 197-198) was:

to discover, first, what government can properly and successfully do (ends), and secondly, how it can do these proper things with the utmost possible efficiency and at the least possible cost either of money or of energy (means” (emphasis mine, MJB).

Up to the 1970s, it was generally believed that only the developing countries of Africa, South East Asia, Latin America and the Middle East were confronted with an ethical challenge—more so as they were invariably “traditional” societies just setting out on the journey to development and “modernization.” Primordial loyalties were still too strong in such societies to allow the public service to imbibe the norms of probity, professionalism, political impartiality, accountability, transparency and responsiveness. Accordingly, the “development administration” movement focused on ways of eliminating the “ecological” barriers to the assimilation of the “rational,” mostly Anglo-Saxon norms of public administration (Riggs, 1964; Easman, 1972; La Palombara, 1963; and Lerner, 1958).

The Watergate scandal, as noted earlier, dispelled the illusion that the mature democracies were ethically above board. The collapse of communism in the former Soviet Union and Eastern Europe further reveals that ethical concerns now transcend cultural, political or religious divides. Today, corruption is on the public agenda in places where it was once discussed in hushed tones. It accounts for the change of regimes or the defeat of once powerful political parties in countries as far apart (in terms of space, stage of development, cultural and religious belief) as Holland, Israel, Turkey, India, South Korea, Columbia, Philippines, Nigeria, Japan, Italy, and most recently, Germany (Klitgaard, 1988: 10). The European Union, which as a donor institution, tends to be most uncompromising when faced with the possibility of corrupt handling of aid resources, was itself embroiled in a corruption scandal leading to the dismissal of its high-ranking officials. Institutional corruption has been detected in city police organizations in the United States of America, Germany and Great Britain.

It is necessary to say that not every kind of malfeasance falls under the heading of corruption. Homicide, high treason, robbery and kidnapping, fraud, forgery and embezzlement, are heinous crimes, but they are not “corruption.” The laws forbidding criminal conduct are so clear and the procedure for detecting transgressions so precise that deciding on guilt or innocence tends to be relatively easy. The prosecution’s task is accomplished once the “motive” or intent is established, and the “opportunity” is successfully correlated with the illegal act.

Corrupt behavior is not always so easy to pinpoint or to prosecute. By its very nature, corruption is a crime that is planned and executed in the darkest reach of the mind. To that extent, the “motive” is difficult to establish, and any evidence linking “opportunity” with the “act” may at best, be circumstantial, at worst, a huge fabrication. For example, a female aspirant to a position fails at the interview, and all the male panelists who once complimented her on her looks come under immediate suspicion. A top
government official’s relation wins a lucrative contract and it is all suddenly “because of his/her connections.” A customs inspector impounds imported items, and the ready “explanation” is that s/he is sending signals for ransom payments (bribe, kickbacks, extortion, “family support allowance,” “baksheesh,” or “tea money”).

This is not to argue that corruption is a figment of the imagination. It is a real problem with devastating consequences. Corruption emerges in its true form when, on the basis of the information provided, evidence can be adduced that manifest plans have been vitiated by latent, and arbitrary moves—specifically, that the rules duly enacted have been applied to attain personal ends, or breached to frustrate public intentions.

Following from this, establishing or proving allegations of corruption requires that the “purity” of the decisionmaker’s “motive” be successfully contested. Considering the powers conferred on the average decisionmaker by the bureaucratic ethos of hierarchy, secrecy and “executive discretion,” this is a Herculean task. To prove that an impugned decision has been vitiated by “impure motive,” the aggrieved party has, as a minimum condition, to tender evidence showing in clear terms that a particular act does not accord with the rules governing it, and that the act has, for reasons not provided for under the rules, side-tracked “due process.” This further entails assembling information on substantive and subsidiary legislation as well as the implementation modalities spelt out in internal procedure manuals. Assuming that information on extant rules is readily available, the aggrieved party must establish that the actual interpretation and enforcement of the rules are tainted by impure motive. In any case, the motive becomes questionable when evidence reveals that “extraneous factors” had influenced the contested decision. All these underestimate the creative and rule manipulation capacity of the officials who are determined to hijack the decision process for private ends.

**Forms of Corruption**

All the same, and provided that freedom of information laws are enacted and independent adjudication bodies are established, it is possible to verify cases of corruption. Let us, for instance, revisit the three hypothetical cases cited earlier, beginning with the frustration of the lady who “flunked” the job interview. She may be in the same situation as several unsuspecting individuals who respond to vacancy announcements which are meant, not to solicit applications (as the vacancies had already been filled ahead of the announcements anyway), but to fulfill legal or procedural requirements. An applicant for a faculty position was so frustrated by the lack of transparency of the recruitment process that she demanded to know who was selected and the criteria applied by the selection body (Chronicle.com/jobs/2001/04/2001042001c.htm, Career Talk, 20 April 2001). She adds,

...as a woman and a racial minority, I am aware of being used to superficially comply with some internal or external diversity statistics.

Suffice to say that every action taken before, during and after the issuance of formalistic vacancy announcements will anticipate the possibility of disputation, and will therefore be “pre-textual.” A pre-textual action puts a cloak of legality on an illegal
decision, in effect, spraying aromatic perfume in large doses before polluting the air with foul, rotten substances. Its primary aim is to put nosy individuals “off the scent.” It is to the government office’s corrupt management of inter-personal or inter-group transactions what “match-fixing” is to competitive sports. Joseph’s case study on goings-on in a public service department may at first appear fictional, but it clearly depicts realities as far as pre-textual decisionmaking in public bureaucracies is concerned (Joseph 2001: 285-287).

With regard to the second hypothetical case, there is nothing wrong with the relation of a top government official competing for, and eventually winning, “lucrative” contracts. However, if the other competitors are able to prove that the official in any way used his position to influence the tender board’s decision, and that the processes leading to the award of the contract were pre-textual and prejudicial, they would have established a *prima facie* case of corruption. Again, how to assemble the necessary evidence in the face of the mutual protection and the “stonewalling” habits of public officials is an open question.

The case of the customs official reveals the fact that corruption cannot succeed without the collusion of different parties—say, the members of an appointment and promotion committee or of a tender’s board, and in the case of the customs official now examined, the giver and the taker of bribes. By impounding and detaining in the customs warehouse goods on which duties are still outstanding, the “diligent” customs inspector could always cite the relevant provisions of the law. To find out whether the reason for the seizure is the official’s observance of the law, as he claims, or his need for extra spending money, as is sometimes suspected, the owner of the items has two options before him. Specifically, he may choose either to pay the duty as stipulated, or grease the official’s palm. If the importer complies with the law while the customs official erects fresh barriers, the latter has dispensed with pretexts and has revealed his true intentions. If the owner of the impounded merchandise opts, in the first instance, for private “settlement” over payment of tax, the customs official has an opportunity to demonstrate his allegiance to the state by reporting the matter to his superiors. If the customs inspector and the importer reach a private agreement—that is an agreement outside the bounds of the customs law—corruption would have triumphed as a “normal” business practice. Determining the likely response to each situation requires that an empirical investigation be undertaken into motives, opportunities and actions. It also requires a highly imaginative and unconventional research methodology.

Besides the three cases discussed in the preceding paragraphs, it is possible to identify other manifestations of corruption. Certainly, it is a corrupt utilization of public resources to deploy armed forces or police personnel on private “arm twisting” operations or debt collection assignments. Corruption may further take the form of inflation of contract prices, skimming of external aid resources, abuse of office, use of public resources/facilities for private purposes, failure to remove oneself from conflict of interest situations, sexual harassment, nepotism and favoritism, distortion and manipulation of rules, usurpation or vitiation of the roles of internal administrative structures for private ends, opaque and inconsistent application of rules, moonlighting, connivance at the evasion of civic and legal obligations, offer and acceptance of inducements to subvert
the law or to pervert the cause of justice, soliciting the assistance of powerful allies to circumvent rules and procedures for personal ends, and in participation in, or giving succor to, “mutual protection” rackets.

Consequences of Ethical Violations

Depending on its form and gravity, corruption is capable of rewarding indolence and penalizing hard work, undermining morale and esprit de corps, compromising a nation’s external security, threatening internal order and stability, and generally slowing down the pace of economic growth and sustainable development. As an observer puts it (Klitgaard, 1988: 3), corruption threatens “agency missions and the broader goals of national development.” Certainly, corruption is at the root of illegal importation of arms and ammunitions into, and thus, the destabilization of political and social order in, a number of African countries (Cornwell and Potgieter, 1998). When an applicant has to rely on the intervention of a godfather to secure a place in the police force, s/he is likely to remain beholden to his/her benefactor, and to sell law enforcement favors to the highest bidder. When the judiciary is rotten, law and order breaks down, while life and property remain constantly at risk. A vehicle licensing officer who retails driving licenses in return for easy money has exposed himself, members of his family and other road users to the consequences of reckless driving. A tax or customs bureau that can be easily induced to neglect its basic revenue collection functions cannot but share the responsibility for short-term fiscal and macro-economic imbalances and the perpetuation in the long haul of a nation’s under-developed status.

Of course, it may be, and has been, argued that corruption serves some purpose (Leff, 1979: 329-333). First, it greases the wheels of commerce by allocating goods “according to willingness and ability to pay.” Secondly, the favors dispensed in an otherwise corrupt system are part of the larger “arrangements” at the integration of diverse communities. Thirdly, when the rules prove too inflexible and suffocating, managers cannot achieve programmed objectives until they operate outside these rules and apply creative solutions to problems. In any case, it is only the managers that have the professional knowledge to decide who is best fitted for what position or how resources could be most “productively” allocated.

The attempt to rehabilitate corruption is not likely to succeed. In particular, the economic argument cannot be sustained in view of the issues of public morality raised by the “willingness-” and “ability-to-pay” concepts, and the conflict between the two. If willingness-to-pay is the basis of the law enforcement function of government, drug trafficking, homicide and other forms of social transgression would be redefined by the forces of supply and demand, compelling society to revise in a drastic way, its notion of “right” and “wrong.” Certainly, most of the existing crimes would have to be taken off the statute books as the police and the judiciary that are assigned the prosecution and adjudication tasks by society would already have been put on the payroll of new, mostly affluent private employers—employers that might not necessarily share society’s concern for the sanctity of life or the inviolability of personal property rights. And where the “ability to pay” is the decisive factor, the poorest and the weakest sections of society
would have to forgo their human and civic rights, since only those endowed with the resources would have the ability to pay for access. Far from lubricating the engine of growth, corruption merely carves the economy into enclaves of privilege, leaving the disadvantaged groups with deep feelings of injury and despair. In its mildest form—that is, when its scope is limited to tradable goods—privatization raises fundamental issues of fairness and equity. When extended to the public goods domain, it unabashedly glorifies the amoral tendencies toward greed, egotism and callousness. We shall return to this later.

With particular regard to the argument that corruption serves as a tool of national integration, nothing could be farther from the truth. Experience reveals that national integration is the last thing on the mind of the dispenser of political spoils or managerial favors. As a matter of fact the “national integration” argument ignores the possibility that the authority conferred on a political decisionmaker might be misused depending on the decisionmaker’s transient mood and innate character (an issue discussed in greater detail later). By placing the powers of patronage in the hands of a few, corruption transfers resource allocation decisions from the competitive, open market to, at best, a fickle-minded oligopoly, and at worst, a self-seeking monopoly. The accompanying distortions in political resource allocation lead to the impaired functioning of political communities, just as they result in market failure in the economic sphere, or performance shortfalls in formal organizations (Dwivedi and Jabbra, 1998). Specifically, the lack of correlation between contributions and rewards breeds large-scale political discontent, constitutional crises, civil strife and, in extreme cases, irredentism.

The managerial pitch for corruption is the least defensible. Professionalism is the central theme in management. Where its opposite, favoritism, rules, jobs will go to the least competent, contracts will be awarded to firms without the slightest idea of how to proceed, and laws would be applied arbitrarily with the gratification of private desires in view. In a corrupt system, perpetuators of crime would be turned loose while their victims languish in jail.

If the rules governing a particular decision are cumbersome or obsolete, the most logical thing to do would be to have them openly debated, prior to embarking on the review and amendment process. To allow individuals the freedom to decide when to comply with the rules is to confer unlimited license on buccaneers without a prior guarantee of successful or beneficial innovation (Balogun and Mutahaba, 1999: 6). In any case, the rules are a means to the buccaneer’s ends. They are liable to be cited approvingly when they conform to the buccaneer’s wishes, but thrown out the window immediately they appear to stand in the way of “change”—no matter how nebulously this is defined.

A minimum degree of trust is essential to the success of any co-operative endeavor (whether it is business, government or marriage). Trust can only be sustained if there are rules defining the rights and obligations of parties to a compact and serving as a check on opportunism or perfidy in interpersonal relations (Rowthorn, 1999: 664-666). It is the rules which encourage each party (e.g. the worker in relation to his/her employer, a citizen in relation to government, and business partners in general) to invest time, energy
and resources on joint enterprises confident that the other party could not exit from commitments without paying a price. Where individuals are free to renounce obligations, different parties would spend more time looking for external opportunities and escape routes than in consolidating internal gains.

In response to the contention that the manager “knows best” who is fit for what job or how resources ought to be allocated, it should be stressed that modern organizations are too complex to be successfully run as personal fiefdoms. More often than not, they require a whole range of knowledge, skills and aptitudes that are definitely beyond the reach of a single individual or a narrow circle of officials. Suffice it to say that a system whose fate hangs on personalities rather than on rules is bound to disintegrate on the exit of its “strong man.” Therefore, on simple, logical grounds, it is difficult to sustain any decision that leaves the destiny of organizations in the hands of super-men and super-women who know so much that they can do without the guidance of rules or the accountability to oversight institutions.

The Methodological Quagmire

It must be obvious by now that public service ethics is an enigma. As a value-loaded concept, it does not readily lend itself to rational, scientific analysis. It is also a target that does not stand still long enough so it could be properly dissected. What is ethical at a point may be monstrous behavior at another. Attributes deemed “praiseworthy” in capitalist countries will in all probability be roundly condemned as decadent in communist societies (Klitgaard, 1988: 3). Among the various ethnic communities of Nigeria, it is ‘bad’ to commit murder or adultery; it is ‘ungodly’ to tell lies or steal; but all these moral codes apply only within a narrow, sharply defined circle of people (Balogun, 1982: 51). Citing the Ibo as an example, Basden (1966: 36) observes that if a crime is perpetrated outside the town area, the criminal who returns safely with large amounts of booty “will be congratulated on his success.”

Science thus fails us when we are confronted with ethical choices. Indeed, as argued in this paper, the cause of understanding will not be totally served unless and until we acknowledge the infinite possibilities in the interpretation and evaluation of ethics and ethical conduct. Using human character as a point of departure, the next section shows how an individual’s evaluation of the choice open to him/her under different circumstances provides a clue to the conflicting responses to ethical dilemmas.

Ethics in Government: An Unconventional View

In tracking the fons et origo of corruption, analysts have focused on factors external to the individual—especially, the position taken by political and administrative leaders on public service ethics (Jurkiewicz and Brown, 2001; Adedeji, 1992; DeGeorge, 1986; Baumhart, 1961; Brenner and Molander, 1977). That leadership is critical to the success of integrity programs is beyond doubt. It is behind the success of Hong Kong’s “quiet revolution” (de Speville, 1998: 30). It is the leadership category that would institute most
of the measures that the World Bank (1997: 99) deemed necessary in “restraining arbitrary and corrupt behaviour” in the provision of essential services – e.g., guarantee of judicial independence, separation of powers, and the strengthening of internal and external oversight mechanisms. Without leadership, the ethics infrastructure that OECD deems crucial (OECD, 1997) will either fall apart or remain largely dormant.

Yet, important as it is, leadership does not provide all the answers to the dominant ethical questions. In Hong Kong’s specific case, anti-corruption measures succeeded not so much because of leadership commitment to integrity as the public acknowledgment of the benefits of clean government – i.e., the recognition on the part of the generality of the people that “honesty pays” (de Speville, 1998: 29).

Leadership is thus a necessary but insufficient condition for the successful construction or reconstruction of integrity infrastructure. Where the leader is genuinely committed to change, every action taken under his/her supervision will further the cause of ethics. Conversely, a declaration of commitment to “ethical rebirth” may serve as a cover for the perpetration of the worst form of ethical violations. It all boils down to individual orientation or character. The resources invested by the leadership class on the construction of an “ethics infrastructure” will come to naught unless and until the appropriate values and ethics are internalized in the average citizen and public official (McCoy, 1985; Dwivedi, 2001; Dicke and Ott, 1999: 513). In place of leadership’s monocentric approach, there is need for the wide diffusion of ethical values and the rapid “cloning” of ethically-inclined citizenry. The question is how to proceed in translating the leadership’s vision into a people’s way of life.

Public Service Ethics: The Conflicting Signals

The contemporary approach to public service ethics proceeds on the assumption that the state, as the embodiment of the common weal, is the institution endowed with the moral authority to legislate and enforce standards of acceptable behavior. Flowing from this assumption is the hypothesis that as an employer, the moral code enacted by state is the arbiter and legitimate authority when employees look for a guide on what is the “right,” as against, “wrong” conduct (Hart and Hart, 1992: 80-107; Jeavons, 1994: 184-207).

It is true that the individual public official is not a free agent. Whether in liberal democracies or in authoritarian systems, the state reserves the right to set standards of acceptable conduct and to expect its edicts to be obeyed. It may declare as unethical or downright criminal actions inconsistent with the prevailing moral or legal code. All the same, as long as internal conflicts of law are not swiftly resolved, the ethically flexible public official will continue to have a wide latitude to pursue personal goals at public expense.

Individual Character as a Guide to Ethics

The upshot of the preceding analysis is that public service codes by themselves provide but only a poor guide to the conduct of public officials. This requires that the conflict
between the ethics of the state and the moral inclination of each public official be bridged. Super-imposed on this conflict is the conflict embedded in individual character. Indeed, the thesis of this paper is that at both the micro (individual) and macro (state) levels, ethics is best understood as a constant struggle between right and wrong, with the outcome of the confrontation being decided, neither by the state nor by leadership, but by the prevailing social forces. The dual and conflicting influences operating on the human mind explains the individual’s vacillation between rectitude and decadence. The average human being is at one and the same time endowed with the loftiest and the basest instincts. As the Qur’an (95:5-7) says:

Surely, we have created man in the best form. Then we returned him to the lowest of the low.

In likewise manner, the Bible (Genesis, 3:21) relates man’s fall from grace as follows:

And the Lord God said, “The man has now become like one of us, knowing good and evil.”

In essence, therefore, no one is all good or all bad. The same individual is capable of displaying contradictory emotions and traits, depending on circumstances. While psychology (Freudian and neo-Freudian) generally describes the attributes of a well adjusted, as against, neurotic, personality, it has so far been unable to penetrate the fortress of conflicting human values. Psychology can paint a whole range of human emotions, but, focusing as it does on the “mind,” it cannot “pass judgment” on human choices. At any rate, by placing the human “ego” at the center of its analysis, Freudian and neo-Freudian psychology encourages the individual to “look out” for himself—even if at the expense of others.

This is not to say that science has no room for “judgment.” Indeed, the anatomy of the brain reveals that the “association areas” of the cerebral cortex are responsible for human thought, learning, language, judgment, and personality (Solomon, Schmidt, and Adragna, 1990: 443). However, the judgment that science is capable of making is of a material, factual, analytical, and possibly, inventive kind. Science fails us when we need it to answer value-laden questions and reconcile differences that are, by nature, irreconcilable.

All the same, and applying “reason” as an arbiter, it is possible to suggest a whole range of values that could serve as a basis for the construction of ethical compliance indicators. This is the rationale behind the attempt at assessing the performance of corporate leaders against the Machiavellian Scale (Mach V) and the Moral Judgment Scale developed by Christie and Geis (1970), and Kohlberg (1969) respectively.

The problem with the Machiavellian and the Moral Judgment Scales lies in their a priori assumption of a uni-linear and progressive development of ethical attributes in a single individual—an assumption that produces a dichotomy between the “rightly guided” individual and his/her ethically flawed neighbors. Based on this assumption, Jurkiewicz and Brown contend that the ratio that really counts is that between an individual’s ethical reasoning capacity and his/her exercise of power. They further argue that both (the
individual’s ethical reasoning capacity and his/her effective exercise of power) are positively correlated (Jurkiewicz and Brown, 2001: 7-8). These conclusions are not supported either by logic or empirical analysis. Power does not always co-exist with morality, and powerless is not always synonymous with moral turpitude. Instead, morality and lack of it constitute an integral, sometimes, indistinguishable, part of the individual—whether rich or poor, high or low, leader or follower, the seeker and the “seller” of favors, the giver and the recipient of bribes, and, naturally, the accuser and the accused! As argued in this paper, what counts is neither the P/E ratio nor the individual’s hierarchical position, but his perceptions of, and reactions to, the prevailing circumstances.

This is where lies the relevance of the contribution of Imam Abu Hamid Muhammad Al-Ghazzali, a rationalist and leading Islamic philosopher. In his landmark work titled *Ihya Ulum al-Deen* (meaning, Revival of the Sciences of Religion), he attempted centuries ago to employ formal and empirical methods in outlining a universal code of ethics. His starting point is the Qur’an that traces human behavior to the “state” of the heart (as against the mind or the brain). The assumption is that if the heart is “blind,” the clinically healthy eye will not see. If the heart is dead, the entire sensory and discriminatory organs will become totally dysfunctional.

Following this syllogism, Al-Ghazzali (Faris, 1962: 41-46) distinguishes between two “states” of the human heart, i.e., the detestable or “diseased,” and the “praiseworthy.” The former condition is brought on by the individual’s responses to external stimuli. Where the heart is “diseased,” the responses will take the form of lust, avarice, hypocrisy, envy, haste, impatience, fear of death or poverty, discontent, deceit, conceit, arrogance, obduracy, constant fault-finding, paranoia, xenophobia, or the tendency to exult over successes and lapse into despair over setbacks. According to Al-Ghazzali, these “detestable states of the heart” stand between the individual and true happiness, and explain the frequent deviation from ethical conduct.

In contrast to the detestable states are what Al-Ghazzali terms the “praise-worthy” states of the heart. Among these are fortitude; gratitude to, and fear of, God; contentment; endurance in the face of adversity; recognition of one’s obligations under all circumstances; truthfulness; humility; penitence; contrition; courage in the face of danger; and preservation of emotional balance (i.e., refusing to exult over gains, and mourn losses, believing that gains and losses were pre-ordained).

A Tale of Two Ethics: Ethical Profile Sketching

Distinguishing between “right” and “wrong” is a hazardous exercise. Atheists and agnostics will certainly feel uncomfortable with the association of good conduct with God. Even the believers will not always agree on the relevance of certain religious injunctions, or the applicability of the Ten Commandments. Still, Al-Ghazzali’s classification is likely to prove useful at least in identifying character ideal-types, and ultimately, in developing ethical compliance indicators (See Table 1).
Table 1. Character Types Classified by Response to Situations
Relationship Between Individual and Public Morality

We have up to now concentrated on ethics at the individual level – that is, on “private morality.” However, the individual is never alone. S/he is invariably part of a diverse group. It may be a primary group such as the family, clan, tribe, nationality, religious, secular, or agnostic community. The individual may also belong to secondary associations like a business firm or a public service agency. Besides, public morality is itself an aggregate of individual ethics. The questions is which moulds the other—the individual’s or the society’s notion of right and wrong?

If we proceed from the central thesis of this paper – i.e., that the individual character is a blend of “good” and “evil,” we would expect the society (as a collection of individuals) to be evenly split between rectitude and decadence. In other words, the typical human society would be divided into two opposing but equally strong camps – one advocating ethical uprightness, the other glorifying corruption.

This two-way classification might have oversimplified the link between the individual and society. According to some observers, it is society that shapes the individual not the other way round. It is their view that in explaining the course and direction of political development or the ethical pattern noticed at a particular point in time and space, we have to play down the role of the individual, and specifically, of leadership. The individual (leader or follower) is a transient and insignificant factor compared to the dominant historical forces and the prevailing economic and political circumstances (Allen, 1995: 301-2).

Societies and Corruption “League Tables”

The argument that identifies society as the “senior partner” in the society-individual relations is quite compelling. It is based on the logic that the whole is greater than the sums of parts. We shall therefore make no attempt to falsify it. In any case, the “clash of civilizations” is more frequently interpreted as the conflict of moralities or world-views – capitalism versus communism, fundamentalist Islam or Christianity against secularism, faith against atheism, and consumerism versus environmental sustainability.

Following the same holistic approach (while steering away from idiosyncratic or cultural superiority claims), we can test a whole range of propositions establishing causal relationships between, on the one hand, the prevailing historical, cultural, economic, and political conditions, and, on the other, a particular society’s placement on the rectitude scale.

In tracking the incidence of corruption across cultures or countries, the practice up to now is to ask panels of experts or focus groups in the business community and in civil society to assess the integrity of specific components of public policy. For instance, the corruption perception indices developed by Transparency International and the World Bank rely heavily on responses of those who, because of their daily interactions with governments the world over, are assumed to be sufficiently knowledgeable about the level
and magnitude of corruption. This is the rationale behind the worth placed on the opinions of private business organizations and risk analysts. Useful as the conclusions from such exercises might be, the methodology has serious limitations (Schwella, 2001: 384). For a start, it takes a narrow view of corruption since it excludes non-business forms of ethical violations. Secondly, it overlooks the possibility that the respondents – the private business firms – might, in an effort to “expedite” transactions, be the initiator, rather than helpless victims, of corrupt acts. Evidence abounds that private corporations have made huge donations to American political parties in anticipation of one party coming to power and taking decisions affecting the corporation’s fortunes. There is no reason to believe that private firms in other parts of the world would not have the same corrupt inclinations. Thirdly, and by far and most fatal flaw in the contemporary corruption research is its routine and a priori association of the average government official with sleaze and the client with rectitude. Proceeding from the presumption of the official’s guilt, the corruption perception studies invariably turn to business firms and risk analysts (the accusers, the judges and the jury) for the “evidence” required for a conviction.

In light of the methodological limitations of contemporary perception studies, this paper explores a new approach to the tracking of ethical violations. First, it assumes that corruption goes beyond the obstacles to private sector growth (e.g. crooked judicial and law enforcement mechanisms). Secondly, the paper is interested not only in the “outcome” of ethical violations, but also – indeed, more especially – in the symptoms and causes of the malaise. It is the paper’s contention that depending on the factors that are dominant at any particular period, societies are likely to fall into one of three broad ethical categories, viz: the ethically sound, the totally decadent, and ethically median categories. In other words, the “causes” of ethical violations are a function of the prevailing social forces. Above all, the paper not only begins with a presumption of innocence, but attaches a lot of importance to the “evidence” provided by government officials (the “usual suspects”) as well as their clients.

The starting point in the analysis is the society. At the primeval stage – that is, before the development of science and technology – the inclination of societies will most probably be towards rectitude. This is based on the premise that in societies governed by tradition, religion would be a strong influence on human behavior, and institutions propagating values deemed acceptable to God or a Supreme Being would play crucial roles in the life of the people. It is true that as a “rational, systematic, and specialized pursuit of science” progress, the existing belief systems would come under attack (Weber, 1930: 15 and 27). However, until social change reaches a point at which a serious crisis of faith occurs, the erstwhile monastic values would continue to govern the basic social transactions. Population distribution in this type of society (the ethically sound society) would then correspond to the one plotted in Figure 1. This hypothetical society would have, over a period of time, forged a broad measure of consensus on “right” and “wrong.” With the exception of a few deviants (located on points ABC along the x and y co-ordinates) the majority of the people (within points BCDE) would have no problem meeting society’s high ethical standard.
Yet the economic gains made possible by technological development and religious monasticism would inevitably join forces to advance non-religious and probably, unethical and amoral, causes in the once “pious” community. The possibility can therefore not be ruled out of the ascetic ways of religion logging in unexpected “benefits,” that is, fanning the embers of materialism, spearheading anti-religious revolt, and promoting sacrilege and profanity (Weber, 1930: 175).

It is thus safe to conclude that no society exists today as to lay an indisputable and undisputed claim to ethical flawlessness. When judged against the standards earlier outlined in Table 1, not one society on the face of the earth will emerge without some ethical low-points. The affluent societies, in the process of wealth accumulation, would have separated the church from the state, and would have promoted business practices that ridicule moral and/or ecclesiastical codes.

It may be argued that – whether in capitalist and non-capitalist societies – secularism has produced a whole range of institutions to replace, or even, build on, the faith-based ones. A legitimate research question is the extent to which individuals in these societies have for temporal rules the same type of reverence that the ecclesiastical codes once enjoyed.

Undoubtedly, no society is perfect. What is not so obvious is whether there are societies that can justifiably be pronounced totally and irredeemably “corrupt.” Some
observers envisage the possibility of the perpetual struggle between social “right” and “wrong” ending up in favor of the latter at the expense of the former. To put it another way, it is possible that the vast majority of the people would find the ethical standards in the second column of Table 1 “too high” or “too foreign,” and so decide to move *en masse* to the third column – the amoral zone (see Figure 2). Where this is the case, almost everybody will look out for him or herself, convinced that the Almighty has better things to do than to show the slightest interest in the goings-on on planet Earth.

Societies in the developing regions of the world are particularly liable to be torn between “other-worldly” (spiritual) obligations and “this-worldly” (material) pursuits. As societies emerging from tradition to modernity, they are under constant pressure to choose between faith in divine providence and direct (human) action. The religious orders will constantly harp on the former, while secular forces (particularly, literacy, urbanization, political mobilization, and modern means of communications) will be in league to promote the later, i.e., “development,” “modernization” or “progress.” Where the “this-worldly” alliance has the upper hand, self-aggrandizement, greed, arrogance, one-upmanship, and artifice would be among the prized attributes. In contrast, in societies where religious asceticism remains a potent force, altruism, self-restraint, and unsung as well as unadvertised humanitarianism would be the guiding principles.

Every thing being equal, the battle between “this-worldly” and “other-worldly” orientations will, in a period of rapid transition, end in favor of the former. Unless steps are taken to reverse the trend, old ethical values will break down without a guarantee of being replaced with viable, secular, ones. This is the tendency which Figure 2 attempts to capture.

*Figure 2: Population Distribution in an Amoral Society*
According to Lao Tzu, a central figure in Taoist philosophy, “reversal is the movement of Tao.” In other words, when an action exhausts its momentum, a process of its negation commences. This is the case with corruption. It will continue to wax strong so long as confidence in the fairness of earthly institutions is shaken and the hope of an after-life recedes. As time passes, however, revulsion against worldly decadence will gather strength, and the process for the rehabilitation of the long discarded values (of public-spiritedness, honesty, equity, and fairness) will be set in motion. This is likely to be the case in societies where corruption has reached epidemic proportions, and it is perceived as a threat not only to the community’s existence, but also to its internal development and external prestige.

Where the campaign for rectitude appears to achieve the intended results, population distribution on the rectitude scale would begin to follow the “normal” pattern (Figure 3). Specifically, a small fraction of the populace would ignore the reform message and stick to their bad, old ways on the negative end of the scale. Another small proportion will consolidate their position on the positive side of the scale, while the majority would fall in between the moral and amoral zones. It is to this majority that the opposing forces on the two ends of the scale will appeal from time to time for support.

**Figure 3: Population Distribution in an Ethically Normal Society**

It is significant that Figure 3 accords with the central proposition of this paper, i.e., that the individual is a blend of “good” and “evil,” and that s/he matters in the formation of public morality. In charting the way forward therefore, attention ought to shift towards accentuating the positive and neutralizing the negative tendencies in the individual. This is the focus of the concluding section.
Tracking Ethical Compliance and Violations: 
Meeting the Policy and the Research Challenges

The upshot of the preceding analysis is that public service ethics is too important to be left in the hands of a few individuals occupying leadership positions. When left alone, the average human being – the leader, included – is not incapable of substituting self-interest for the general good. It takes, at the minimum, a combination of societal rules, a network of integrity-promoting institutions, and a dispersal of leadership roles among several competing centers, to bring the individual to the realization that s/he must of necessity fulfill obligations and answer to, other individuals. None of these objectives will be realizable until the key challenges are tackled.

Knowledge of Ethics and of Applicable Codes

The first challenge is that of concept clarification. It is sometimes assumed that since “right” is to “wrong,” what daylight is to darkness ethical choices are always clear. Yet, this may be a wrong assumption. A person who is dead earnest about the anti-corruption crusade may not realize that lack of transparency, the doctoring of vacancy announcements, and canvassing for favors are manifestations of institutional corruption. From the research point of view, instruments need to be developed aimed at assessing the citizens’ and the public officials’ knowledge of extant public service codes of conduct, and of the codes’ internal consistency (or lack of it).

Perception of Scale and Magnitude of Corruption

In addition to soliciting cognitive responses on ethical codes, the research instruments should incorporate a cluster of questions on the respondents’ (that is, the citizen’s and the officials’) knowledge and/or perceptions of:

(a) the level and magnitude of corruption in government and in society;
(b) the consequences of ethical violations, as well as the need for, and feasibility of, anti-corruption measures;
(c) agency/program/policy most susceptible to ethical violations;
(d) (as far as officials are concerned) the frequency with which rules are breached in the public service, in their ministry or department, and in their immediate work environment;
(e) methods/tricks applied in circumventing rules, regulations, and procedures.
Evaluation of the Efficiency of “Ethics Infrastructure” and Decision Audits

It is possible that in response to the challenge facing it, a government would have provided leadership in enacting appropriate (including freedom of information) legislation, establishing monitoring and enforcement institutions, and encouraging oversight and watchdog institutions to complement the formal anti-corruption efforts. Yet, it is one thing for the measures to exist on paper, it is another for them to make the desired impact. Future research studies should reveal gaps between political and legal intentions, on the one hand, and realities, on the other. Decisions taken by public officials on various subjects (e.g., procurement, personnel selection, company tax administration) should be randomly selected with a view to auditing the degree of compliance with, or deviation from, established rules. The “decision audits” should serve as case studies and presented along with the result of the substantive ethics compliance research.

Respondents’ Feeling of “Empowerment” in Anti-corruption Campaigns

As noted earlier, the success of anti-corruption programs hinge to a largely extent on the role of individuals – whether they are in government, or in civil society. If these individuals see nothing wrong with ethical violations, or deem themselves “helpless” victims of “the system,” even the most ambitious anti-corruption program will fail to get off to a promising start or falter midway. The research instruments should consequently accommodate a good number of questions on individual character – specifically, on how respondents perceive their role when confronted with miscellaneous ethical dilemmas. To cross-check responses to yes/no or other structured questions, the instruments should encourage the respondents to recall occasions in the past when they were confronted with ethical choices, and to further recall how they finally resolved their dilemmas.

Explanatory Variables

We have so far focused on ethical violations without going into the question of possible causes. Considering that we know very little about the subject, it will be a grave omission if the proposed research study makes no attempt to identify the fons et origo of corruption or ethical violations. We need to know whether, as frequently argued, human nature and religion have anything to do with ethical conduct. We may even broaden the question to include a comparison of the presumed with the actual impact of various forms of religious education, training, and child-rearing practices.

In contrast to the religious angle, we may wish to test a whole range of hypotheses linking efforts on the secular front with success in the construction and operation of an “ethics infrastructure.” In this later case, our research instruments should solicit factual data not only on the “ethics infrastructure” established across countries, but also on demographic variables.
Need for an Inclusive Approach to Research

The framework outlined in this paper is open to challenge. This is the purpose for which the paper was written – to provoke discussions on the subject of ethics and on methods to apply in assessing degrees of compliance with ethical injunctions. Undoubtedly, there will be other ways of approaching some of the issues raised therein. This is one area in which conceptual (and possibly, methodological) diversity promises to be most enriching.

REFERENCES


