

INSTITUTIONALISING ETHICS IN THE SOUTH AFRICAN PUBLIC SECTOR

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Abstract:

This article explores ethics management approaches for institutionalising ethics in the South African public sector and presents a case for a value-based integrity approach to the institutionalisation of ethics in public sector organisational contexts. Qualitative thematic analysis based on documentary sources were utilised to theoretically and conceptually analyse how ethical practices could best be institutionalised and to explore approaches that could be used in the South African public sector. Institutionalising ethics can promote the embedding of ethical values, accountability, integrity, and administrative responsibility. The article theoretically and conceptually analyses and examines institutionalisation of ethics through the lenses of neo-institutional theory and social constructivism. Neo-institutionalism unravels the processes and structures for ethical meaning in public sector organisations, rather than simply their ethical value. The paper argues that compliance-based accountability measures fall short of institutionalising ethics. Rule-based controls which seek to enforce compliance, are often insufficient in activating a responsible approach to ethical conduct in public administration. The article concludes that, if ethics are to be institutionalised in South African public sector organisations; ethical values, ethical principles, steward and servant leadership, stewardship-based trust, ethics management and ethics education and training must be embedded into institutional ethical cultures rooted in a value-based integrity approach and complemented with rule-based compliance approaches.

Key words: Ethics institutionalisation, value-based integrity approach, compliance-based accountability, ethical values, public integrity.

JEL classification: D72, D73, H83

1. INTRODUCTION

The inevitability of ethical problems in government demands that ethics be institutionalised into practices and cultures of public sector organisations to restore “an ethics consciousness” (Foote & Ruona, 2008, p. 294). This calls for a paradigm shift from mainly compliance rule-based ethics to value-based integrity ethics approaches. In the South African public sector, generally, a compliance-based culture is the primary method of maintaining ethical standards. South Africa has promoted an ethics infrastructure laden with control, regulatory and compliance measures. Chapter 10 (sections 195 to 197) of the Constitution, (1996) enshrines basic values and principles governing public administration (RSA, 1996). Regrettably, South Africa continues to experience numerous cases of corruption, *malfesance*, and administrative pathologies in public sector organisations (Corruption Watch 2015, 2016, 2017, 2018). Evidence of ethical *malfesance* corruption, irregularity and personal enrichment are widespread and are widely reported in the 350-page long State of Capture report (South Africa, 2016). This report details gross irregularities in the appointment and dismissal of government ministers and directors of state-owned enterprises (SOEs), and the ensuing irregular and corrupt awarding of state contracts (South Africa, 2016).

There have also been widely reported sustained attacks on state institutions that uphold South African constitutional democracy, such as the Public Protector (Gordhan vs Public Protector and others, 2019), the South African Revenue Service (SARS) and the National Prosecuting Authority (NPA), with cases of illegally intercepting communications and corruption being reported (Watson 2018; Maughan, 2018ⁱ; The Judiciary (RSA, 2019). State Owned Enterprises (SOEs) ⁱⁱ have also become avenues for uncapped pilferage of the nation’s wealth. The convergence of business interests and politicians’ private interests has resulted in parasitic plundering of public resources through clientelism, patronage, patrimonialism, and state capture (Dassah, 2018). This

has culminated in groups and individuals “capturing” State-Owned-Enterprises (SOEs) (Feketha, 2018)ⁱⁱⁱ, from the Electricity Supply Commission (ESKOM) to the Passenger Rail Agency of South Africa (PRASA) (Bhorat, Buthelezi, Chipkin, Duma, Peter, Mzukisi, Swillin & Friendenstein, 2017, p. 2; Mlambo, 2019, p. 217) for self-interest and personal enrichment. In their policy report titled, “Betrayal of the promise: how South Africa is being stolen”, Bhorat, et al., (2017) detail empirical evidence of the growing sophistication of corruption and bribery through “donations” and the perversion of corporate governance norms in SOEs. More recently, the Zondo Commission of Inquiry into State Capture has been inquiring evidence of corruption and *malfeasance* on a grand scale (Moult, 2019, p. 3-5). As noted by Bhorat, et al., (2017, p. 2), state capture in South Africa has allowed a power elite to centralise predatory rent-seeking behaviour.

Within the South African context previous work points to ethical malfeasance in the public sector. Manifestations of ethical malfeasance are often rooted in nepotism, extortion, theft, fraud, conflict of interest, embezzlement, bribery, state capture, favouritism, kickbacks, unauthorised use of power or influence and tender irregularities (Madonsela, 2012; Mamphiswana, 2012; Public Protector, [South Africa], 2014; Monyaka & Nkuna, 2014; Kanyane, & Sausi, 2015; Mlambo, Mubecua, Mpanza, & Mlambo, 2019; Mlambo, 2019). Previous work has also examined public service ethics and professionalisation from an altruistic and utilitarian ethical perspective (Matshabaphala, 2014), ethical problematiqués and the theory and practice of public administration (Sebola, 2018) and whistle-blowing intentions through the lens of institutional isomorphism (Pillay, Reddy & Morgan, 2017). Work by Appel & Plant (2015) resulted in a framework for assessing ethical behaviour in South African government departments. Fourie (2017) came up with an ethical framework for high standards of professional ethics and integrity in procurement in the Military. Several other South African scholars have also produced scholarly work on public sector ethics; however, their focus was not on institutionalising ethics. They mainly examined public service ethics, normative expectation, and ethical dilemmas (Clapper, de Jager, & Fourie 2002; Naidoo, 2015), responsibility, accountability, and ethics in public service leadership (Kuye, & Mafunisa, 2003; Sindane, 2009) and public service ethics and values (Vil-Nkomo, 2015). In 2019 South Africa, marginally improved from a score of 43 in 2018 to 44 out of 100 on the Corruption Perception Index (CPI), ranking 70 out of 180 countries surveyed (Corruption Watch, 2020, p. 20). Institutionalising ethics in the South African public sector therefore still largely remains an uncharted territory and this article seeks to bridge this knowledge gap. The main objective of this article is therefore to explore and analyse ethics management approaches for institutionalising ethics in the South African public sector and present a case for complementarity between rule-based compliance approaches and value-based integrity approaches to the institutionalisation of ethics.

2. CONCEPTUALISING ETHICS

Ethics as a philosophy date back to the works of Plato, Aristotle Immanuel Kant, Jeremy Bentham, John Stuart Mill, Alasdair MacIntyre, and John Rawls. Philosophically, the concept of ethics derives from the Greek word *ethos*, which refers to character or custom (Kakabadse, Korac-Kakabadse & Kouzin, 2003, p. 478). Ethics is the study of morality, philosophically reflecting on moral beliefs and practices, mirroring values, which guide and motivate attitudes, action, and ethical behaviour (Foote & Ruona, 2008, p. 297). As moral principles, ethics govern people’s behaviour (Leone, Stame & Tagle, 2016, p. 151). As postulated by Waldo (1948/2007, p. 171), administrative study is concerned “with thinking and valuing,” where “valuing implies morality”. Lawton (2008, p. 53) emphasises the importance of “evidence-based ethical performance regimes” as “part of the NPM discourse” focusing on codes of conduct. Hood (1991, p. 15) has argued that NPM “assumes a culture of public service honesty as given”. Within the public sector organisational context, ethics connote “moral integrity and consistent values in service to the public” (Kakabadse, et al., 2003, p. 478). It relates to the norms, values and standards, which guide the behaviour and actions of public servants (Van der Walddt, 2016, p. 40; Khaltar & Jae Moon, 2019, p. 3). Corruption results in public resources being misused; applied to benefit a select

individual(s) or entity(s); or it may result in public resources getting diverted from public revenue to private income (Fourie, 2007, p. 741), serving private interests. In South Africa, non-compliance with legislative prescripts, including public sector regulations, codes of conduct and norms and standards often results in unethical conduct in the public sector (Public Service Commission, 2010, p. 13). Non-compliance often creates fecund opportunities for favouritism and nepotism, irregular appointments (Public Service Commission, 2011, p. 13), as well as rent-seeking behaviour.

3. INSTITUTIONALISING ETHICS

An old philosophical proposition is that, ideally, government is ethics institutionalised for pursuing the public good (Lewis, & Gilman, 2005, p. 14). Aristotle, postulates that, since social organisation is instinctual, a social contract becomes inevitable as an expression of public morality. In the natural state of nature, Hobbes argued that public officials pursue self-interest, and that the public are to be protected from predatory behaviour (Wagner, & Simpson, 2009:44). Hjelmar (2019, p. 3) has defined institutionalisation as the “process in which ethics get entangled in organisational structures that drive public officials’ actions, ethical behaviour patterns, ethical values, norms and public service principles, forming ethical institutional regimes”. Such a process instils values into policies and practices of the public sector (Lo & Yeung, 2018), and embeds values into organisational ethical decisions and actions. Values guide ethical decision-making and behaviour based on principles, norms, values and guidance in public sector interactions” (Florea, Cheung, & Herndon, 2013, p. 396). Public sector values are constructed through stories, routines, symbols, structures, language and institutional cultures. As pointed out by (Berger & Luckmann (1966, p. 72), institutionalisation takes place “whenever a reciprocal typification of habitualised actions by actors, in an institution occurs”. Values get institutionalised in a three-step process (Esmaili, Khalili, & Gholipour, 2020).

Firstly, through externalisation, values get precisely defined and clarified, and a common sense gets created among all actors. Secondly, through objectification, moral and ethical action attains the character of objectivity, when communicated codes of conduct are effective in objectivising values. Thirdly and lastly, through internalisation the objectivated social world is retrojected into consciousness. Through socialisation, objective values come into the realm of awareness and consciousness, and the institutionalised social world, immediately interprets the objectivated social world and public officials find personal meaning in it (Esmaili, et al., 2020). The theory of institutionalism, classify institutionalisation mechanisms into three domains: *cognitive* (values get visualised as a reality), *normative* (result in commitment to values, and existing norms make up and act in accordance with values and *regulative* (with laws and regulations, values seem acceptable) (Esmaili, et al., 2020). Explicit institutionalisation of ethics and values embeds into institutional values through codes of ethics, codes of conduct, values and ethics seminars, employee’s ethics and values training, internal control systems, orientation programmes and ethics officers programmes (Esmaili, et al., 2020).

4. INSTITUTIONAL AND NEO-INSTITUTIONAL THEORY

Institutionalising ethics in public sector organisations has roots in institutional theory. Institutional theory assumes that organisations are products of social reality constructed by human interaction through symbolic and relational systems, routines, and artefacts (Foote & Ruona, 2008, p. 298). It explains the role of symbols, values, and organisational climate/culture to the functioning of an organisation. Institutional theory deconstructs organisational social structures, considering processes by which structures, (including schemas, rules, norms, and routines), become established as authoritative guidelines for social and ethical behaviour. Historical institutionalism assumes that “structural choices made at the inception of an institution has persistent influence over its behaviour for the remainder of its existence” (Steinmo, Thelen & Longstreth (1992, p. 15). More than using the notion of “path-dependency” as an explanatory principle for the persistence of institutional

stasis, historical institutionalism is also interested in the exogenous shocks that help to re-negotiate the directions of institutions (Mahoney & Thelen 2010; Rixen & Viola 2014; Giovanni, 2016).

Neo-institutional theory explains how organisations relate to their social environment, and how that environment shapes, penetrates, constraints and changes organisations (Pillay & Kluver, 2014, p. 117). Neo-institutional theory applies social constructivism and view institutionalised norms as products of interpretation and reformulation within organisational culture contexts. Neo-institutional theory therefore provides a potent lens for interrogating how organisations, groups and individuals create social structures (Theodorakopoulos, Ram, & Kakabadse, 2015, p. 240). Neo-institutional theory's central postulation is that organisations become legitimate by conforming to institutions (Singh, Tucker, & House, 1986). Actors create institutions by negotiating shared 'typifications' or generalised expectations and interpretations of ethical behaviour (Barley & Tolbert (1997). Three pillars, the regulatory component, normative component, and cultural-cognitive component (Scott, 2013) underpin the institutional framework. The regulatory component comprises of legally enforced laws and formal rules that are established by the State and regulatory bodies. The normative pillar is made up of standards and values and the role of professionals in shaping professionalism in this normative pillar. The cultural-cognitive component is embedded in the shared reference frameworks that confer on the practices and social norms the quality of being taken for granted and not being called into question (Chaney, Slimane, & Humphreys, 2016, p. 473-474). Neo-institutionalism is thus an agency-oriented theory. Public sector organisations are not passive, but constantly configure meaning and influence the three institutional pillars (Chaney, et al., 2016, p. 474). DiMaggio & Powell (1983) have used the concept of isomorphism to describe the imitative procedure by which public sector organisations engage. Regulative isomorphism relies on formal and informal rules, laws and legislation, public service value systems and principles by which public servants are expected to adhere to. Normative isomorphism is rooted in professionalisation. Mimetic isomorphism is manifested through peer influence. Ethical leadership, role modelling, and organisational cultural orientation is internal to institutions and stems from frames of reference, public servants use to shape how they perceive themselves and how they behave. Frames of reference construct, a cultural system including shared beliefs, customs, norms, and mental programming (Hjelmar, 2019, pp. 427-429).

Ethics institutionalisation therefore integrates activities that promote ethics into daily work lives of public sector organisations (Foote & Ruona, 2008, p. 298). Value institutionalisation builds organisational cultures that promote and support ethical sensitivity and behaviour. Sharma & Purang (2000, p. 13) define value institutionalisation as the "extent to which values are entrenched in the culture of the organisation, the extent to which the espoused public service values are the values practiced in public sector organisations". Foote & Ruona (2008, p. 298) identified a typology of six frameworks which are critical in institutionalising, promoting, and sustaining ethics and public ethics integrity. These include; moral/ethical leadership; stakeholders; value statement commitment; codes of ethics; culture; ethics programmes; ethics offices and ethics training (Foote & Ruona (2008, p. 299). Dalla Costa (1998) writes that ethics institutionalisation is promoted through "strategic sensibility", which means willfully integrating public service ethics and integrity value, orientation and strategy, which countenance flexibility and creativity in resolving ethical dilemmas. For Carrol & Buchholtz (2006, p. 233) best practices for improving an organisation's ethical culture/climate is contingent on top management/leadership commitment and ethics/moral management. Carrol & Buchholtz's (2006, p. 233) emphasise various tangible elements that help to institutionalise ethics in public sector organisations. Designing, structuring, and implementing ethics can be institutionalised through amongst other strategies; effective communication; ethics audits; oversight; ethics training; transparency; whistleblowing mechanisms; disciplining violators/consequence management; codes of conduct; ethical decision-making processes; realistic organisational goals; and ethics programmes and offices/units.

Rossouw & Van Vuuren (2013, p. 305-306) view an ethical culture as "an independent interrelated dimension of the broader organisational culture". Fallon & Butterfield (2005) believe that such an ethical culture pervasively influences ethical behaviour and ethical moral decision-

making. Such a culture is composed of formal and informal components. For Rossouw & Van Vuuren (2013) such components consist of visible and measurable aspects of organisations' structures, inclusive of "norms and standards, rules, codes of ethics, policies, disciplinary procedures and ethics management structures". Various other scholars believe that such formal and informal components provide shared perceptions and guidance when dealing with ethics and integrity issues in public sector organisations (Brown & Trevino, 2006, p. 601; Ardichvili, Mitchell & Jondle, 2009, p. 446; Protiviti, 2012, p. 1; Rossouw & Van Vuuren, 2013, p. 305-6).

5. ETHICAL CLIMATE THEORY

Victor & Cullen (1988, p. 101), conceptualised ethical work climate (EWC) theory, which they defined as "prevailing perceptions of typical organisational practices and procedures that have ethical content". The theory has been used to explain organisational outcomes, ethical and unethical behaviours, accountability, and commitment (Essien, Kostopoulos, Konstantopoulou, & Lodorfos, 2019, pp. 653-654). Victor & Cullen's (1988) ethical criteria or moral philosophy dimension is predicated on three constructs: egoism, benevolence and principle climates. While egoistic behaviour is based on self-interest, benevolence is rooted in utilitarianism (the greatest happiness principle), and principle or deontology climates/cultures encourage compliance with extant rules, laws and codes of ethical conduct and professionalism. Deontological ethics as a rule-based theory, judge moral behaviour in terms of the nature of actions. As a basic tenet of Public Administration, public servants are obliged to follow rules and regulations. Rule-based or compliance-based approaches to ethics provide maxims, public officials are obliged to follow and are thus based on rules (De Vries & Kim, 2011:6).

Simha & Cullen's (2012) sociological dimension ethical reference group uses three loci analysis: individual, local, and cosmopolitan dimensions. The individual locus of analysis bases ethical decisions on personal convictions, beliefs, and values. The referent dimension is 'local' in the sense that the individual takes cues from institutional policies, practices, and procedures. Cosmopolitan ethical decisions are based on factors external to the individual, such as Constitutional principles, norms and values and professional associations (Essien, et al., 2019, p. 655). Likewise, institutional theory and resource dependence theory are both premised on the assumption that public sector officials act in tandem with institutional rules, norms, and values (Essien, et al., 2019, p. 655). In combination these result in ethical work climates, such as "self-interest, efficiency, personal morality, social responsibility, rules, procedures, law and professional codes" (Essien, et al., 2019, p. 656). Such, climates shape ethical cultures, that potentially construct or deconstruct institutionalisation of ethics in the public service. The following sections present ethics management approaches for institutionalising ethics in the South African public sector.

6. SOUTH AFRICAN ETHICAL ARCHITECTURE

The Constitution (1996) is the supreme law in South Africa. Chapter 10 of the Constitution (1996) enshrines principles and democratic values of public administration. One way in which South African public sector organisations guide members' ethical behavior is by developing formal codes of ethical conduct. A code of ethics is "a set of moral principles or guidelines, which govern behaviour, and which cherish a set of values and beliefs" (Sebola, 2018, p. 58). Codes of ethics are supplementary to codes of conduct and are used as supplementary documents in disciplinary cases to assess aggravating or mitigating circumstances (Venter & Levy, 2012, p. 557). They also prevent or dissuade public officials from unethical practices and protect public officials from improper pressures (Leone, Stame & Tagle, 2016, p. 151). While codes of conduct play a symbolic role (Adams, Tashchian & Shore, 2001), formalised core ethical standards and principles for the guidance of the public service are important (Mafunisa, 2008, p. 83). Core ethical standards and principles basically serve three functions in public sector organisations. They serve a guidance (prevention) function, Management (oversight) function and control (enforcement) function. The

guidance function emphasises, explicit statements of values and legal standards, conflict of interest disclosures, past employment disclosures, as well as post-employment cooling off periods. The management (oversight) function centres around training on organisation values, standards, and compliance procedures in terms of administrative policies and practices and safeguards in Supply Chain Management when contracting and in procurement processes and procedures. Control (enforcement) revolves around public sector organisations' adherence to and upholding of ethical code's stated values (Sullivan, 2009, p. 32) through legal enforcement frameworks, accountability mechanisms, reporting requirements, enforcing private sector codes of conduct on corporate governance, leveraging on civil society watchdogs and trade unions, and enforcing professional associations codes.

Formal ethics management practices are positively correlated with organisational commitment, improving justice and fairness and can be useful control devices for preventing waste of resources (Khaltar & Jae Moon, (2019, p. 4). For instance, in South African local governance, Schedule 2 of the Local Government: Municipal Systems Act (Act 32 of 2000) provides a code of conduct that applies to every member of a municipal council. Schedule 1 of this Act enshrines a Code of Conduct for municipal Councillors (elected public officials) and Sections 69 and 70, as well as Schedule 2 provide for a Code of Conduct for appointed municipal public officials. At municipal level, section 69 of the Municipal Systems Act provides a code of conduct that applies to every staff member of the municipality. However, a persistent challenge is in translating these codes of conduct into action by the public officials. For example, while the expectation is that municipal officials should "perform the functions of office in good faith, diligently, honestly and in a transparent manner" (Thornhill & Cloete, 2014, p. 162), often, lack of adequate control and accountability mechanisms result in ineffectual, dishonest officials exploiting the situation, thus furthering their personal interests and private gain (Van Der Waldt & Du Toit, 2007, p. 49). Thus, despite the Constitutional principle of public administration, stating that; "a high standard of professional ethics must be promoted and maintained" (South Africa, 1996), unethical conduct within the public service, continues unabated (Sebola, 2018, p. 59). As noted by Khaltar & Jae Moon, (2019, p. 4) unethical behaviour threatens "public confidence in government; waste resources; decrease productivity; and weaken learning ability".

Nonetheless, while the codification of ethical conduct has received much attention, it is often criticised for: "being too specific or general; unworkable; unused; unknown or that as mere statements of rules, they are not the ideal medium for responding to complex ethical dilemmas confronting public servants (Kakabadse, et al., 2003, p. 481). Empirically, there has been mixed results on the extent to which codes of ethical conduct influence perceived wrongdoing in organisations. While some studies indicate that these codes do not affect the propensity to report observed unethical activities (Somers, 2001; Thaler & Helmig, 2016); other studies from developing countries show potency of the symbolism of codes in growing organisational commitment to ethical goals (Kumasey, Bawole, & Hossain 2017). This is indicative of the growing realisation that codes may not always suffice in institutionalising ethics in the public sector.

Ethical codes of conduct should therefore be conceived as just one source of influence on ethical behaviour in public sector organisations. Juxtaposed with commitment and ethical responsibility, it is the Constitutional duty of public officials to render public service with loyalty and excellence, as competent meritorious professionals with high regard for ethical principles (Kakabadse, et al., 2003, p. 486). Social equity is premised on responsible administration and adherence to a set of core values (Plant, 2018, p. S40) which promote integrity in public administration. Kakabadse, et al., (2003, p. 488) has identified such ethical values, which include: "integrity; honesty; impartiality; taking responsibility and building accountability; probity; prudence; honesty; equity; objectivity; disinterestedness; selflessness; trustworthiness; discretion; respect for law and due process; and the careful stewardship of public resources".

7. ETHICS OFFICE/UNIT

Hubert & Six, 2012, p.159 use the term “integrity systems” to characterise mechanisms aimed at suppressing corruption. They view integrity as a professional responsibility, which must be balanced with checks and balances (internal and external), value-based, as well as compliance-based, ethics management infrastructure. Glor & Greene (2003, p. 53) advocate “a shared ethics of integrity”. They postulate that “a shared ethics of integrity” balances codes of conduct, obligations, and the internalisation of a “trustee/fiduciary responsibility” on the part of public sector organisation elected and appointed officials. Glor & Greene (2003, p. 53) argue that impartiality as a trustee relationship creates integrity in public administration by safeguarding accountability. Niewenburg (2003, p. 22-30) advocates virtue, arguing that virtue is premised on public officials acquiring practical disposition, which manifest in morality and ethical sensitivity. A critical aspect of the ethics institutionalisation process in South African public administration is the creation of the ethics office or unit.

In South African public administration, the ethics office/unit is provided for in Section 15(1) of the Public Administration Act (Act No 11 of 2014) which codifies the establishment of a Public Administration Ethics, Integrity, and Disciplinary Technical Assistance Unit. Section 15(4)(a-f) provides for the functions of such a Unit (South Africa, (Republic), 2014). In terms of section 15(7)(c) the Unit performs functions contemplated in subsection (4) in respect of - a municipality. This may be in concurrence with the Municipal Council or upon request by a Member of the Executive Council as provided for in section 106(5) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000). The establishment of the Office of Standards and Compliance is provided for in terms of Section 17(1) of the Public Administration Act, 2014. The Office ensures compliance with minimum norms and standards set by the Minister, but also being cognisant of the fact that in South Africa, spheres of government are distinctive, interdependent, and interrelated (South Africa (Republic), 2014, p. 18).

While intergovernmental agencies do exist, they however are limited in terms of creating the environment to build an ethical culture. Part of an effective internal organisational control measure will be the establishment of internal ethical units. A report from the Public Service Commission (PSC) in South Africa into professional ethics in the North-West Provincial government established that only half of government departments had established ethics focused units (anti-corruption units) and that these units seemed to be limited in effectively contributing to building an ethical culture (PSC, 2011). Another study in the KwaZulu-Natal Provincial Health Department found out that government hospitals faced challenges in building “a deliberate comprehensive approach to grappling with professional ethics and ethical dilemmas” (PSC, 2018, p. 16). This, however, exist in a context where in terms of Section 195(1) of the Constitution (RSA, 1996), the Public Service Commission (PSC), has a responsibility to promote values and principles governing public administration. Effective Ethics Offices must have capacity to assume preventative and advisory roles. Such Offices must bolster ethics management by providing guidance and confidential advice on ethics related concerns, to reflect the values, principles, and standards of conduct in the public sector. Indeed, much as with previous work (Shin, Sung, Choi & Kim, 2015), institutional theory shows organisational structure as one institutional enabler which assigns meanings and norms, thus shaping employees’ cognition and behaviour. This implies that effective ethics units can offer strong structural support needed to build and infuse professional responsibility and ethics in the public sector. However, it behooves the designers of such units, to deliberately structure units, which are empowered to effectively play an ethical culture-building role.

8. ETHICS TRAINING IN THE PUBLIC SECTOR

Cognitive theory focuses on the degree to which the learning environment tolerates *post hoc* rationalisations for ethically dubious behaviour (Atkinson & Fulton, 2013). Cognitive theorists presume that limits on ethical capabilities exist regardless of organisational form and informational

context. Rather than the imposition of rules and codes, cognitive theory rather suggests that rules should embody an organisation's culture. Based on cognitive theorisation, public officials must balance public desires, with the knowledge, standards, and values of society as well as their professional ethics (Plant, 2018, p. s37). In support of this view, Plant (2018, p. s36) asserts that, the essence of public administration, is responsibility, which provide "administrative ethics with a foundation on which to build the acceptance of rationality, and discretionary judgement" when confronted with ethical dilemmas. Ethics training expose employees to situations they may face whilst in the employ of public sector organisations (Svensson, Wood & Callaghan, 2009). Empirical evidence shows that ethics training increase trainees' ethical sensitivities and ethical judgments in ethical decision-making (Delaney & Sockell 1992, Mumford, Connelly, Brown, Murphy, Hill, Antes, Waples, & Devenport, 2008; Martinov-Bennie & Mladenovic, 2015). While ethics training is aimed at preventing ethical malfeasance, it also stimulates ethical sensitivity and ongoing reflection among public sector organisation employees. It inculcates a professional identity, entailing "life-long commitment to act ethically" (Dewald & Clark, 2008, p. 2; Aydinlik & Donmez, 2008, p. 781). Training programmes for public officials must therefore entail how to reward public officials for positive ethical behaviour, communicating ethical values and dealing with public sector ethical dilemmas (Mostafa & Abed El-Motalib, 2018, p. 14).

Notwithstanding, the critical importance of ethics training, Manyaka & Sebola (2013), identified several constraints impinging upon effective ethical training in the South African public sector. These include pressure to reduce costs, which negatively affect training programmes, induction, and on-going ethical training. Other identified constraints include inadequate identification of ethical training needs and poor skills audits, which result in misapprehension of staff training needs. This means that often, in practice workplace skills are not informed by skills auditing and training needs analysis processes, to determine organisational development needs (Phalane, 2008, p. 24). Manyaka & Sebola (2013, p. 83-84) further identified uneven distribution of training programmes, which tend to focus more on top and middle management employees, thus neglecting frontline employees, as another constraint. This means that, institutionalising ethics in the South African public sector should more robustly encapsulate integrity management systems, which emphasise training on; knowledge of practical integrity, requirements derived from legislation, codes of professional conduct or practice, integrity value norms and standards and application of moral decision-making approaches in the public sector (van der Wal, Graycar & Kelly, 2016, p. 17). This implies that Ethics Offices/Units must play significant roles in institutionalising ethics, through appointing Ethics Training Officers, whose purpose amongst others must be to identify ethics training needs in the South African public sector.

9. COMMITMENT TO ETHICAL SERVANT LEADERSHIP

Scholars generally believe that leadership is one of the "biggest factors" contributing to work engagement (Zhu, Avolio, & Walumbwa, 2009, p. 592; van der Wal, Graycar & Kelly, 2016, p. 17). Work meaningfulness has also been found to be a "necessary prerequisite" for work engagement (Albrecht, 2013, p. 243). Other scholars view ethical leadership as having a positive association with work meaningfulness (Demirtas et al., 2017; Wang & Xu, 2017). Blau's, (1964) social exchange theory provides an explanation on how ethical leadership relates to work engagement. The theory assumes, that "when people believe that someone has been good to them, they will feel obligated to reciprocate with positive attitudes and actions" (Blau's, 1964; Mostafa & Abed El-Motalib, 2018, p. 40). Mayer, Kuenzi, Greenbaum, Bardes, & Salvador, (2009, p. 4) believe that ethical leaders "have the best interest of employees in mind". Through role-modelling and the rewarding of ethical conduct, ethical leaders inculcate morals, ethical values, principles and public service norms and standards to followers (Mostafa & Abed El-Motalib, 2018, p. 4).

For public sector organisations, the implications are that ethical leadership must be emphasised and nurtured. Lammer's theory of institutional messages, indicates how communication institutionalises, builds on, and contribute to institutional work (Frandsen & Johansen, 2013).

Selznick's theory of institutional leadership postulates that institutional leadership is a managerial function to defend institutional integrity (Selznick, 1957, p. 119). Such leadership promotes the persistence of distinctive ethical values, competence, and "fidelity to self-defining public service principles" (Selznick, 1994, p. 322), which enhance ethics, integrity, and accountability. Selznick's theory of institutional leadership revisited by Kraatz (2009, p. 74-82) identify institutional work accomplished by leaders. Kraatz (2009) postulates that, the managerial function of organisational leaders requires of them to manipulate symbols; create formal structures; make value commitments; create coherence; maintain integrity; make character-defining choices and to be transformational. To achieve this, transformational leaders must appeal to followers, motivate them, fulfil followers' emotional needs, and intellectually inspire followers. Transformational leadership should nurture ethical behaviour, by role modeling ethical decision-making, emphasising moral development and ethical behaviour (Khaltar & Jae Moon, 2019, p. 7). Such leadership must be characterised by solid moral standards and ideals and lead followers to commit to public rather than personal interest. This means that to institutionalise ethics in the public sector ethical leadership must set moral standards, focusing on ethical conduct, moral decision-making, professional integrity, and espoused public service values, principles, and ethos.

Stewardship theory posit a model of public official, based on a steward whose behaviour is collectivist and eschews individualistic, self-serving behaviours (Davis, Schoorman & Donaldson, 1997, p. 24). Contrasting principals and agents as propounded in principal-agent theory, who put their interest first (opportunism), "stewards derive personal satisfaction from feeling accountable for some larger body than [them] selves" (Block, 1993, p. 6). Institutionalising steward leadership calls for high levels of stewardship-based trust. Segal & Lehrer (2012, p. 186) have termed this "trust-maintenance mechanisms". Servant leadership is widely viewed as a way of addressing unethical conduct in the workplace (Mafunisa, 2008, p. 85). In a study to determine the role of servant leadership in creating an ethical culture in organisations, Anderson (2017) found a strong correlation between ethical culture and two important variables in the ethical leadership discourse: servant leadership and trust in leaders. Individuals tended to accept and practice shared norms of ethical behaviours where there was servant leadership, because it builds leadership trustworthiness. This happens when servant leadership addresses followers' needs and core values, which in turn mobilise followers to accept organisational goals (Anderson 2017). Thus, stewardship fosters commitment to public service values and imbues personal ethical responsibility and professional ethics pride. This implies that servant and steward leadership can be a potent catalyst of ethics institutionalisation in public sector organisations.

10. CONCLUSION

The main purpose of this article was to explore and analyse ethics management approaches for institutionalising ethics in the South African public sector and present a case for complementarity between rule-based compliance approaches and value-based integrity approaches to the institutionalisation of ethics. A comprehensive analysis of documentary sources and extant literature showed that the South African public sector guides public officials' ethical behaviour through formal codes of ethical conduct. Codes of ethics mostly serve guidance (prevention), management (oversight), and control (enforcement) functions. Some studies have shown that codes of ethics do not affect the propensity to act ethically (Somers, 2001; Thaler & Helmig, 2016), while others have shown potency of the symbolism of codes of ethics in encouraging commitment to ethical goals (Kumasey, Bawole, & Hossain, 2017). These mixed results may be suggestive of the realisation that codes of ethics do not always suffice, as approaches to institutionalising ethics. Promoting integrity in public administration, may thus require institutionalisation of ethical values, based on a "shared ethics of integrity" complemented by codes of conduct, moral responsibly obligations, and the internalisation of a "trustee/fiduciary responsibility in institutional ethical cultures.

To this end, Ethics Offices/Units provide preventative and advisory roles, and bolster ethics management by providing guidance and confidential advice on ethical values, principles, and acceptable standards of conduct in the public sector. Extant literature suggests that ethics training increases ethical sensitivities, ethical judgments, and ethical decision-making, capacitating public officials, to grapple with ethical dilemmas (Mostafa & Abed El-Motalib, 2018, p. 14). However, several constraints impinge upon effective ethical training were identified in the South African public sector. This implies that, Ethics Offices/Units in the South African public sector must be capacitated, to significantly bolster ethics institutionalisation. Ethics management systems must focus more on developing institutional cultures of ethical integrity, public service norms and standards, professional conduct and practices, integrity, and moral decision-making. This calls for a multipronged integrated ethical management system, consisting of code of ethics; good governance practices; ethical leadership support and commitment to public service values and ethos, as well as ethical mentoring and training in integrity enhancing strategies. Commitment to ethical leadership is necessary for persistent promotion of distinctive ethical values, competence, integrity, and accountability. This means that, institutionalising ethics must be buttressed by high levels of stewardship-based trust. Trust fosters commitment to public service ethos, values, personal ethical responsibility, and professional ethics pride.

A public administration professional ethic rooted in public service professionalisation (Rauh, 2018, p. 237), should emphasise public value co-creation, through (bottom-up) formulation and internalisation of organisational aspirations, moral and ethical values. In essence, public service ethics must be about a commitment to the public interest and social contract. Taken in this sense, “public service ethics become an ethics of care”, whose central tenet is meeting the needs of others for whom one is given responsibility (Stensota, 2010). This implies that, the epistemological grounding of the ethics of care and integrity in the public sector, should assent to an emotional or emotive connection to the object of care, the citizen. Ethics mostly become institutionalised in public sector organisations when they appeal to the internal motivation of public officials, rather than to external controls or merely enforcement of rule-based compliance approaches. Integrity or value-based approaches stress individual awareness and responsibility and imply an increase in the degree of discretion a public official can exercise. Such approaches underscore the need for ethical “self-control exercised by public officials” (Brewer, Leung & Scott, 2015, p. 395), and aim to ensure that public officials’ degree of personal awareness of ethical issues is high. In the South African public sector integrity or value-based approaches are mostly constrained by rule-based compliance approaches, where public servants are as constrained as possible from exercising discretion. Compliance approaches use laws and regulations to control unethical behaviour and integrity approaches use training, education, and the integrity of the individual to curb unethical behaviour (Lawton, Rayner & Lasthuizen, 2013:95). While integrity and compliance are perceived as a soft and a hard approach respectively, and at opposite ends of a continuum, they should ideally complement each other, as neither, on their own, could be sufficient in institutionalising ethics in the South African public sector.

ENDNOTES

¹ Gordhan outlines why Moyane should be fired - while president remains silent SOWETAN Karyn Maughan - 14 June 2018 - 16:56 <https://www.sowetanlive.co.za/news/2018-06-14-gordhan-outlines-why-moyane-should-be-fired-while-president-remains-silent/>

² Electricity Supply Commission (ESKOM), to Passenger Rail Agency of South Africa (PRASA), to TRANSNET (a State Owned Company (SOC), wholly owned by the Government of the Republic of South Africa and is the custodian of rail, ports and pipelines), and *South African Airways* (SAA) and SASSA (The South African Social Security Agency (SASSA) is a national agency of the government created in April 2005 in order to distribute social grants on behalf of the Department of Social Development).

³ ANC 'shocked by scale of corruption', vows to root it out <https://citizen.co.za/news/south-africa/1956323/sars-warfare-back-in-court/26> June 2018, 06:30am/Siviwe Feketha <https://www.iol.co.za/news/politics/anc-shocked-by-scale-of-corruption-vows-to-root-it-out-15688966>

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