Developing the ‘Ethical Competence’
of Public Officials -
A Capacity-building Approach

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'In the performance of [official] duties, we shall have to... become skilled evaluators of duty, and by calculation perceive where the weight of duty lies.' Cicero, *de Officiis*, Bk111

‘Circumstances alter cases’. Trad. (often ascribed to Cicero.)

‘Trust in government’ is increasingly an issue of concern everywhere. It is self-evident that such trust cannot be demanded, but must be earned through reliable performance. Governments must therefore ensure that the public institutions through which ordinary citizens experience ‘government’ are in fact trust-worthy.

While an emphasis on ‘Core Values’ and codified standards of ethical conduct have featured prominently in public sector reform programs in the past two decades, the practical problem in this domain of activity is that ‘Core Values’ are not self-applying: they require competent interpretation, and competent application in a relevant context. Officials at all levels must therefore be ‘ethically competent’.

This chapter outlines what this competence consists of and an instructional methodology to develop this competence among public officials.

A major feature of the methodology is the non-didactic depiction of realistic ethical dilemmas through carefully structured video scenarios, in conjunction with a ‘Constructivist’ problem-based pedagogy suited to adult learners.
Much theoretical and empirical work on individual moral development has been undertaken by scholars in the Kohlbergian and neo-Kohlbergian traditions over the past five decades. This work has informed thinking about notions such as ‘moral reasoning,’ ‘moral judgment,’ and ‘moral (or ethical) sensitivity’. These notions are central to the question of developing ‘ethical competence’, which is seen as a rational process which can be developed through appropriate teaching, in appropriate contexts.

Kohlberg’s work on moral development is especially relevant in the context of training and education for professional practice. This chapter argues that Rest’s identification of four distinct elements of moral behaviour—**moral sensitivity**, **moral judgment**, **moral motivation**, and **moral character** — may provide the main elements of a framework for training and development programs for public officials who are required to demonstrate ‘ethical competence’(Rest and Narvaez 1994), and resist corruption.

A fifth element of moral behaviour applicable to public officials is proposed by the authors of this chapter, namely **moral focus**. For public officials, this is understood as a preparedness to recognise and respond to the duty which is inherent in public office, namely to observe the specific fiduciary-like obligations which are entailed in the administrative role in a democratic system of government. It is this fiduciary relationship which is called up by the aphorism ‘**Public office is a public trust**’.

It is this focus on the **moral** ‘rules of the game’ which requires public officials to distinguish role-related ethical conduct from the alternatives - misconduct, malfeasance, and corruption - and at the same time serves to inform professional development in Ethics.

The chapter also reports on the pilot development and testing of the methodology in programs in seven countries.

**Public Trust and Professional Ethics for Public Officials**

In all versions of the norms of ethical conduct for public officials we find the notions of disinterested trusteeship and fiduciary duty: ‘Public office is a public trust’, as it is said. On this basis, public officials are expected to recognize that they have a duty, in some form and at some level, to administer state (i.e. public) power and resources as trustees for the
general good. Conflict-of-interest matters are accordingly set at the core of the ethical obligations owed by public officials, as with all professional groups. Public officials never operate in an ethical vacuum.

But professional practice is often notoriously different from what seems to be required by established norms. Where this happens, failure by an official to recognize the special obligations of public office, whether because of lack of factual knowledge about their role, or a lack of ‘ethical sensitivity’ to the norms which underpin that role, or a lack of capacity to do what is in principle expected, is likely to undermine trust in the individual, their organization or office, and the profession itself. Further, public officials, as with any profession, must be competent both to recognize when a given situation falls outside the scope of relevant rules and norms, and to understand the limits of their institutionally-defined role and powers. ‘What ought I to do?’ remains the key question.

For public officials, the responsible and disinterested use of specialist knowledge and expertise by the professional to advance the interests of those who rely on their professional skill is usually of fundamental importance. For this reason, trustworthiness, the personal integrity of the professional, and Conflict-of-Interest regulation, are usually to be found at the heart of all codifications of ethical standards for holders of public office and employees of the state.

Since at least the time of Cicero’s Rome, ‘the skilled evaluation of where the weight of duty lies’ has been regarded as a desirable skill for a public official. But no Code can provide for every possible situation that might arise for an official, and the necessary exercise of discretionary judgment can raise novel and intractable ethical dilemmas. Deciding what constitutes ethically appropriate conduct in a given case relies on competent values-based reasoning, or ‘moral reasoning’ (sometimes referred to as ‘casuistry’) to identify the obligations owed to all legitimate interests.

This is problematic: if it is true (as it appears to be) that ‘good judgment comes from experience: and experience comes from bad judgment’, mistakes in judgment are inevitable, and should ideally be confined to the training room. But it appears to be generally assumed that candidates for public office do not need training, and that they will not cause undue harm as they make the inevitable mistakes while ‘learning by doing.’ This assumption offers
only an illusory comfort: while most scholars and professionals will agree about the centrality of notions such as ‘duty,’ ‘rule of law,’ ‘transparency,’ ‘accountability,’ ‘disinterestedness,’ ‘continuity,’ ‘reliability,’ and ‘procedural fairness,’ many would agree to disagree over the meaning of a host of other notions, such as ‘diligence,’ ‘loyalty,’ ‘equity,’ ‘efficiency,’ ‘legitimacy,’ ‘responsibility,’ ‘responsiveness,’ and ‘integrity,’ to name but a few.

What ‘the public interest’ might require in a particular case, in terms of both outcomes and procedures, is always likely to be contested.

As a result, for most officials ethics and integrity matters are difficult, controversial, and sensitive subjects, often being concerned with subjective judgment, personal standards, conflicting interests, and ultimately, blame. For many, ethics and integrity standards are considered to be grounded on the individual’s right to hold to a particular religious belief or philosophical orientation, or on general human rights or ‘Natural Law’ doctrines. Ethics matters are for many seen as a matter of subjective preference, and are thus closed to debate or discussion. Many versions of the proper criteria for ‘ethically appropriate conduct’ can jostle for attention, even if there is agreement about what the substantive issues are in a given case. Construing the ethics problem is the problem.

Seeing the Ethics Problem: The Limitations of Codes of Ethics

Logically prior to any reasoning about the applicability or otherwise of particular ‘core values’ is the task of understanding, or construing, ‘the ethics problem’ in the institutional context in which it arises. Once the issue of judgment is raised, there follows the question of what are the relevant criteria for judgment. As a result, reduction of the scope for judgment by the exhaustive codification of ethics standards has been widely seen as the solution to ethical dilemmas. But it is not.

The value of the codification approach is illusory, at least once minimum integrity standards (such as ‘You will not lie, cheat, or steal, or tolerate those who do,’) are established. Ethical dilemmas (as distinct from ethics problems) mostly arise when specific rules conflict, or miss the mark, or otherwise seem likely to produce adverse unintended consequences in a given case. New situations emerge continuously, and in recognition of this, modern codes are
often cast in general terms, which can be so general as to provide no meaningful guidance at all.

By their nature, codes of ethics cannot prescribe actions for every possible case that might arise. ‘Circumstances alter cases’ as we know from experience. Even prescriptive ‘Justinian’ codes, which attempt to set down exhaustive regulations, can provide certainty only in relation to standard problems, and that certainty is necessarily limited by the quality and quantity of the information provided for assessment, and the competence of the moral reasoning applied to it.

Even more problematic is the problem of ‘wilful obedience,’ where an official refuses to reason about possible alternative interpretations and solutions to a given problem, even though strict unreasoning compliance with rules will likely produce adverse consequences. A ‘strict compliance’ or ‘zero tolerance’ approach, when required by management, is likely to discourage officials from developing precisely those judgment skills needed if they are to be reliable at resolving complex issues, or dealing with new situations that are not explicitly covered by their institution’s code, especially where there is a risk of incurring sanctions.

Given the limitations of rule-based codes as guides to conduct, it is clear that training for ethical competence should be focused on the task of developing a critical appreciation of the proper application of an organization’s ‘core values’, in practice, to typical ethical problems and dilemmas. In these circumstances, the individual decision maker’s personal moral intuitions alone will rarely, if ever, be sufficient to provide a reliable outcome. Real reasoning skills are required.

**Developing Ethical Competence**

The Competency Based Education movement of the past two decades redirected the focus of instruction from seeking to impart a body of theoretical knowledge considered useful in developing a knowledge base and a range of skills, to a focus on developing a desired capacity to deliver specifically defined performance. Thus it is that the prescription of a ‘competency’ refers to *what the learner should be able to do in the field of practice*: ‘competence’ in this sense is based on underlying knowledge and skills, as well as the ability to mobilise ‘appropriate’ values and attitudes.
Applied to the task of developing ethically competent public officials, the professionalization objective aims to develop skills whereby officials can correctly identify role-relevant ethics issues accurately, and make defensible (i.e. ethically appropriate) judgments in the context of applicable core values.

Set against this background, the methodology developed by the author requires a more complete account of the specific elements of ‘ethical competence’ for public officials, in the following terms:

- **Problem identification skills:** closely related to the notion referred to in the Kohlbergian literature as ‘ethical sensitivity,’ this set of skills covers the *diagnostic and analytic skills* needed to identify (‘construct’) an ethically problematic situation in a role-relevant context, together with the ability to undertake a values-clarification process to test the proper application of relevant standards, to test assumptions, and to conclude whether further information might change the decisionmaker’s understanding of the matter. The performance objective here is to ensure that officials can reliably recognize where a given case, once properly understood, is or is not covered by one or more rules or norms.

- **Problem-solving skills:** this set of skills supports the task of resolving an issue to achieve an appropriate (i.e. role-relevant) outcome, where competing and conflicting goods compete for attention. Similar to Rest’s (Rest and Narvaez 1994) ‘moral judgment’ component, this set of skills includes the ability to *recognize and consider the competing and conflicting demands* of ethical rules or norms, in the context of applicable law, the organization’s policy and practice, professional practice rules, ‘the public interest,’ and the legitimate interests of particular individuals or special groups. Problem-solving in this context requires both ‘moral reasoning’ ability and a ‘systems thinking’ approach to deal with reasonably foreseeable consequences of any proposed decision.

- **Advocacy skills:** the ability to *advocate effectively for a principled and reasoned view* of a given matter, and to argue in favour of, or against, a proposed decision and its ethical justification. Such advocacy necessarily involves different audiences, such as ministers, media, involved parties, civil servants, review tribunals, and the public at large. It also relies
on the possession of specific language and argumentation skills. ‘Getting the words for things right,’ as Confucius observed, is a primary duty of rulers, and of their delegates, ‘lest the people become confused, and practices and institutions fall into confusion’.

• Self-awareness and trust-building skills: ‘Doing Ethics’ is fundamentally a social activity. For public officials, this involves taking proper account of the legitimate rights and interests of other parties, including the state. Officials must develop ability to be disinterestedly self-critical in recognizing the merits and weaknesses of their institutional position, and of the principled positions that may be taken by other officials, individuals, and interests. Holders of public office are necessarily obliged, by the nature of public office, to act fairly in relation to those over whom they exercise, either directly or as delegates, the power and authority of the state and the agency which they serve.

• Subject-matter knowledge: all public officials need a good-enough grounding in the institutional ethics standards that apply to their specific role, and the institutional supports, such as law, policy, and processes that define that role in practice. They also require a good-enough understanding of the real-world context in which they seek to perform their functions, to ensure that their decisionmaking is relevantly grounded. Both de facto and de jure standards of ethical official conduct and integrity standards, together with the legal, institutional, political, and cultural justifications for those standards, must be adequately understood by public officials whose role is governed by such standards.

• Attitude and commitment: perhaps the most problematic area of developmental intervention in ethics is achieving commitment to the application of standards. Notoriously, knowledge of norms does not of itself guarantee conforming conduct. Developing ‘ethical competence’ among officials aims in part to promote rational commitment to appropriate civic norms and standards, through the use of reflective learning. Such commitment may be developed in general terms, but is undermined in practice where a particular learner’s organization does not ensure that ‘appropriate norms and standards’ are observed and supported in the workplace, leading to personal and organisational cognitive dissonance.
Developing Ethical Motivation Through Professional Preparation

What makes public officials act in particular ways has been the subject of much empirical study and a good deal of theorizing. Research has explored the cognitive basis of moral reasoning development, deriving mainly from the work of Kohlberg, who identified three main ‘stages’ of moral development: ‘personal interest,’ ‘maintaining norms,’ and ‘post conventional reasoning.’ The reference-points for decision-making for each stage are respectively self-interest, laws and social conventions, and the various ethical principles and ideals that underlie those laws and conventions.

Rest and other ‘neo-Kohlbergian’ scholars have proposed, in reconsideration of Kohlberg’s model, that ‘moral development’ refers to the individual’s level of rational understanding about how to develop and sustain social co-operation. This characterisation fits well the case of individuals working in a public administration context, where officials are located in an institutionalized and hierarchical domain, reasons must be given for decisions, and principled cooperation among individuals and institutions is essential for the system to perform its function.

From the work of Rest and Bebeau, we know that a given individual may possess highly developed moral reasoning skills, but poor ethical sensitivity, or vice versa, and that an individual’s ethical sensitivity can be enhanced by appropriate professional preparation. Bebeau also has demonstrated that an individual’s ethical sensitivity can be reliably assessed, that length of professional education as preparation for practice influences sensitivity to role-relevant ethics issues, and that (at least in the case of dentistry students in the United States) students need and value instruction in moral and ethical reasoning.

More recently, work by the OECD in the area of adult learning has focused on problem solving by adults working with moderately familiar problems in a multi-domain setting. The research results support the validity of teaching ethics by ‘problem solving’ methods, which for the OECD means ‘goal-directed thinking and action in situations for which no routine solution procedure is available.’ Problem-solving success has been shown to be dependent in part on knowledge of concepts and facts (‘declarative knowledge’), and in part on knowledge of applicable rules and strategies (‘procedural knowledge’) in a given subject domain. The task of analytical problem solving is seen as central to adult learning competence.
The OECD’s Adult Learning and Literacy research has identified five steps that are characteristic of the problem-solving task, all of which are represented in the author’s methodology:

- **Problem representation**: ‘deconstruction’; description; disambiguation; definition
- **Solution strategies**: values clarification, resolution of competing values
- **Self-monitoring**: consistency-checking, adequacy of state of personal knowledge
- **Explanation and justification**: judgment against relevant criteria, coherent rationale.

The OECD research (among others) has also shown that adults’ problem-solving skills clearly improve under well-designed training conditions, and substantial transfer across problem areas can be achieved. These findings have considerable relevance for the author’s original intuition, namely that non-didactic video-based scenarios could be effective in teaching higher-level skills in Professional Ethics. The research also supports the view that individual performance on ethical decision making, values clarification, problem definition, advocacy, and moral reasoning, can be identified and assessed against contextually-relevant norms, as with other cognitive learning tasks.

Stewart, Sprinthall, and Kem (2002) had observed that while research has supported the contribution of the Extended Dialogue method in raising levels of ethical reasoning and behaviour, the complex psychological and cognitive underpinnings of ethical decisionmaking indicate the need for multi-stranded development to improve reliability of discretionary behaviour. On this evidence, in the early 1990s it appeared to be justifiable to conclude that certain forms of dialogue-based training and education could be effective in enhancing specific ethical performance by officials.

**Teaching Ethics Constructively: ‘Show-and-Tell’ for Adult Learners**

If the responsibility to act ethically is to rest on the individual, that individual must be capable of making a personal judgment and defending it, while appreciating that others may
see things differently. Drawing on work by Dewey, Bruner, Vygotsky, Knowles, and others, the teaching experiment that is set out in the remainder of this chapter is best characterized as Constructivist in character, based on the principle that *knowledge is constructed by the individual* rather than received from on high.

In 1996, when the author’s first video scenario project was undertaken, suggestions by Stewart and others that realistic video case-scenarios might prove effective in Ethics training for public officials seemed intuitively plausible. There was at the time an absence of well-developed empirical research on the application of video-based training, and so a principal objective of the author’s experiment was to seek to enhance the ability of autonomous self-directed adult learners - often experienced senior officials - to ‘calculate where their ethical duty lies’ in each particular case-scenario presented to them.

To test the viability of this approach, the author designed a suite of multi-issue case-scenarios for delivery as realistic mini-dramas, using video, so as to eliminate the inherently self-defeating task of describing problematic actions or relationships orally or in text documents.

In traditional case-study based training (such as the Harvard Case-Study method), describing (rather than depicting) the problematic situation in words or text usually serves to identify the issue(s) and possible solution(s) to trainees, as the language used provides unmistakeable clues to understanding the case-study. This difficulty is wholly avoidable with the use of a realistic video scenario–based case study which depicts events, *but does not describe them*, the relevant matters being required to be identified and considered by the trainee.

This is an explicitly Constructivist approach which is moderated or facilitated by the trainer/facilitator. The use of non-didactic video scenarios also enables the introduction of objects as purely visual clues which would otherwise have to be described in words or text, thereby alerting the trainee to the significance of the object.

A central element of the non-didactic video scenario approach assumes that realistic and specific issues, dilemmas, and conflicts, drawn from the daily experience of the public administration activity, would be more effective in engaging officials’ attention than broad
and generic ethical dilemmas drawn from ordinary life. Issue *depiction* (as opposed to description) could then require participants to identify and deal with the provided ‘facts’ and states of affairs, which in this methodology reside in the video scenario as an undifferentiated stream of events occurring in real time. This level of realism in the learning experience is not available with the use of document-based case studies, where to state ‘facts’ as facts removes realistic ambiguity and with it the need for the student to construe the depicted events and relationships against a background of multiple hypothetical possibilities.

For the purposes of the training methodology, some twenty ethics issues were depicted in each of five ten-minute case scenarios. Typically, in training applications in Australia and elsewhere over some four years, participants would be able at first encounter to identify only five to eight of the twenty available issues, and very rarely more than ten. In subsequent discussion, the various participants would routinely demonstrate that they had each identified a different selection of issues, their particular selection often reflecting their professional training or occupational focus. In this way, most of the twenty issues depicted in a given scenario were identified by the training group *as a whole*, though it was often the case that there would be individual disagreement within the group as to whether a given depicted event or relationship represented an ethics issue of a particular kind, or was a relevant issue at all.

The ethical dilemmas depicted by the video case-scenarios were carefully devised so as not to highlight the issues, as is unavoidable in text-based case studies and in the traditional expository videos involving lectures and clear-cut examples of wrongdoing. As in real life, an ethical dilemma may require the participant to recognize an apparently unimportant visual clue which is nevertheless the tip of an iceberg, in terms of possible consequences for the protagonists, the organization, and the system.

The first step for a group or individual engaged in this learning process requires the participants to identify ‘the ethics issues’ in context. Simplistic black-and-white ‘right’ and ‘wrong’ answers are resisted, and the ability to engage in independent critical and analytical thought was treated as a priority outcome. A realistically rich and complex scenario environment, featuring problems for which there will often not be one single ‘right’ answer,
fosters awareness of the extent of possible variations in individual perceptions of a given issue, and provides practice in defending a principled position against opposing views.

Participants are encouraged to formulate their own meta-cognitive awareness by examining their assumptions, which in turn would support their appreciation of the fact that everyone’s knowledge is constructed, and that ‘facts’ can be unreliable. This approach proves particularly stimulating when the materials and method were used in training staff from multi-ethnic contexts and backgrounds.

Experience with the methodology has shown that this form of learning can move the student progressively through the levels of learning posited by Bloom’s Taxonomy of Educational Objectives. It encourages participants to seek to apply a best-fit resolution of the ethics dilemma or issue. Participants are required to assemble, select, consult, interpret, and apply their experience to the problem, as well as what the participant sees as the relevant authorities such as law, policy, established organizational practice, ‘community values,’ and so on. In the classroom, this is treated as an iterative process which continues until the participant is satisfied with their considered position. In a group learning situation, argument among peers about the relevant construction of the presented ‘facts’ and the applicability of particular authority is designed-in, as a key part of the intended learning experience.

Each video case scenario is linked to selected relevant source documents, policies, legislation, and so on of the organization or jurisdiction concerned. In most cases, these are cross-referenced to the relevant cases to facilitate and encourage the learner’s appropriate reference to authoritative sources. A structured decision-making model is introduced to assist in identification of both the ‘the ethics problem(s)’ to be solved and the appropriate weighting of particular norms and values to be relied on in doing so. Dialogue has been observed to promote the development of argumentation, listening, reflection, review, and advocacy skills, provided that extraneous issues such as institutional power and seniority were not permitted to inhibit discussion.

It is often important for the facilitator to encourage the discussion of issues arising from different priorities and alternative ethical principles exposed in such discussions, in the context of differing notions of the proper role of the public official and the competing claims of legal and professional duty, justice, fairness, equity, and utility. Deeper questions about
the proper objectives of public management, what democratic or other forms of governance require of their public servants, and not least, what ‘integrity’ should or could mean for public officials, often emerges for discussion by the group.

In the absence of a specific ethics code, or where a more expansive treatment of the issues is called for, participants are asked to identify situations and actions in the video scenario that were problematic when considered against the following norms, which can be seen as a universal and generic ethics code for public sector professionals:

• *Act responsibly;*

• *Avoid conflicts of interest; and*

• *Do no harm.*

In short, trainees are encouraged to use higher order thinking skills in applying their understanding of an issue to a probable or possible future, and to call up the thinking skills from all six of Bloom’s hierarchy of skills, from basic recall of relevant factual information and comprehension of its significance, to application of newly-understood information in a new context. Analysis, and explanation of similarities and differences (for example, in applying a legislated definition to a case), synthesis of participants’ prior knowledge will often produce a new understanding of a given problem. Finally, evaluation of proposed solutions against relevant public sector criteria and crucially central notions such as ‘the public interest’ are fostered by the ‘arm’s length’ nature of the group discussion.

Further, the video case-scenarios emerged as suitable for organizational development and diagnostic purposes. Scenarios were devised in such a way that an experienced trainer could deploy the materials so as to identify the ethics/corruption (etc.) issues that are raised by a particular video scenario, *but which are not recognized as problematic* by participants. Such responses can serve to identify a lack of coherence between organizational policy and actual practice, or to focus on an identified need for other interventions such as specific training, targeted risk management, or better policy.
Evaluation of Training Effectiveness: The Adaptation Projects

The original Public Sector Ethics Resource (PSER) video scenario materials were developed in 1998 and deployed in response to the specific needs of the ten civil services of Australia and New Zealand, which had experienced two decades of unremitting scandals, inquiries, and corrupt and abusive conduct by elected and appointed officials, including officials at the most senior levels of government. Professionalism in the civil services was held to be at risk, if not in actual decline. Given the scale of the capacity-building task seen as required to address these concerns, it was self-evident that traditional approaches to face-to-face Public Service training, via stand-alone seminars and workshops, would be unacceptably expensive, slow, and unreliable. Several state jurisdictions continue to use the original PSER materials.

Five subsequent applications of the PSER methodology were undertaken in 2003-07 for various international agencies, mainly in collaboration with government anticorruption agencies. Adaptation projects were conducted in the anticorruption agencies of Lithuania and Latvia, in the Chancellery of Estonia, and in the Institute of Public Administration and European Integration in Bulgaria during 2003–2005 sponsored by the European Commission and the OECD. In 2006-07, Nigeria’s Bureau of Public Service Reforms, an office within the Office of the Presidency, piloted a similar project sponsored by the UK government’s DFID. In 2007 a similar PSER-based adaptation project was completed for the Vienna-based Organisation for Security and Co-Operation in Europe (OSCE), as an adjunct to the Organisation’s new Code of Conduct initiative. The author acted as expert adviser on each project.

The projects in Lithuania, Latvia, Estonia, and Bulgaria adapted the original Australian video case scenarios through a process whereby the original story outlines were informed by local stories and issues, as identified and developed by local focus groups of officials, academics, and interested citizens. In this process, names of institutions, people, and locations were changed to be more ‘European,’ and the issues rendered generically.

In subsequent training use during 2004–2005, the partner agencies all reported that the generic depiction of familiar issues in the Australian series had proved unproblematic. Further, two countries also reported that the decision not to represent the stories as specific to a particular country was vindicated when training participants reported that the lack of country-specific detail had meant that they could focus on the generic ethics/integrity...
anticorruption problem without being distracted by apparent references to a particular local scandal, and the individuals involved. All reported that participants found the video case scenarios engaging, and a relevant way of depicting serious, and often undiscussable, ethics and integrity issues. In Bulgaria’s case, interest levels were so high among officials that the responsible Institute for Public Administration and European Integration, with government support, issued an additional 20,000 sets of an expanded form of the two-CD resource in 2006.

In the Nigerian project, eight new twenty-minute video case scenarios were developed in 2006, based on specifically Nigerian issues and contexts. The case scenarios were developed directly from the input of a series of large focus groups sponsored by the Bureau of Public Service Reforms, and conducted by the author over the course of two weeks in Abuja in August 2006. The groups each involved some thirty participants, drawn from the public sector (with both very senior and very junior officers attending), non-governmental organizations (NGOs), religious bodies, the universities, the professions, and the media. A list of some 150 specific ethics and integrity issues was developed and prioritized by the participants; of these, about 80 were incorporated into the first eight case scenarios. The video scripts were developed by three professional scriptwriters, and filmed professionally using mainly Nigerian actors and African film directors. The video case scenarios were audience-tested in Abuja, Nigeria’s public service capital, before a range of audiences in February 2007, to very positive responses. In summary, audience comments to date make it clear that the non-didactic case scenario methodology is regarded as providing an appropriate vehicle for raising issues of public sector ethics, integrity, and corruption for discussion, at arm’s length, in particular where particular cases have rendered the underlying issues effectively undiscussable.

In 2005–2006, Bulgaria’s Sofia-based Institute of Social Sciences conducted an independent evaluation of the effectiveness of the present training methodology. An instrument was developed to identify what participants had learned to do, or do better, during the course of the one-day training session on ethics and integrity/anticorruption matters. The evaluation was conducted by Professor Antoniy Galabov of the Institute on behalf of the OECD and European Commission. It was based on a pre-test and post-test applied to each of two groups of participants, one of which engaged in training based on the present methodology, while the other (control) group was subjected to traditional didactic lecture-based training.
The pre-test and post-test, for both the control and test groups, consisted of exposure to the same short video case scenario, originally made in Australia but adapted, dubbed, and subtitled in Bulgarian. The video case depicted unambiguously thirteen standard ethics, integrity, professionalism, or corruption problems. Three open-ended questions were asked of participants after viewing the video:

1. *How many ethics, integrity, professionalism, or corruption problems did you identify in the course of the story?*

2. *How do you think these issues came about?*

3. *What could you do to prevent or resolve these issues if you were in charge?*

Participants were invited to note down their responses to the questions on personal work sheets. The tests and training were both administered by an experienced Bulgarian trainer.

Both groups, of about twenty participants in each case, were selected so as to be broadly comparable in terms of age, gender representation, and experience in the public sector, rank, and education. In the case of the control group, the pre-test was administered at the beginning of the one-day intensive session, and followed immediately (i.e., without group discussion) by a lecture from the Bulgarian trainer, a lawyer, on the subject of corruption in the public sector; discussion of the lecture followed. In the afternoon session, two further lectures were delivered by the trainer - one on conflict of interests, and one on ethics, followed by group discussion.

In the pre-test, the mean participant response for the control group was 4.0 issues identified of the 13 possible: there was no significant level of response to the three interpretative questions. At the conclusion of the day’s lectures, the post-test (identical to the pre-test) was administered. In summary, the mean response rate for the group rose minimally, to 4.1 issues identified, and there remained no significant level of response to the three interpretative questions.
In the case of the test group, the same pre-test was administered at the commencement of the session, and again as a post-test at the end of the day. By contrast with the control group, the participants in this group viewed one of the adapted PSER video scenarios in the morning in place of the lecture, and then participated in approximately ninety minutes of group discussion of the issues raised by the video scenario, as identified by the group, minimally facilitated by the Bulgarian trainer. In the afternoon session, the group viewed and discussed two further adapted PSER video case scenarios over a three-hour period, again minimally facilitated by the same trainer.

The mean participant response for the test group on the pre-test was 3.9 issues identified: there was no significant level of response to the three interpretative questions. At the conclusion of the day’s video screenings and group work, the post-test was administered. In summary, the mean response rate for the test group was 8.2 issues identified, and there was a high level of response across group to the three interpretative questions. In this group, participants commented that ‘abstract lectures on dry philosophical principles had little meaning, whereas with the video cases they could see themselves reflected in a familiar situation.’

In addition, the women participants in the test group demonstrated a markedly (and unexpectedly) higher level of engagement with the discussion of the issues than the women in the control group had shown.

There are a number of possible (and intriguing) explanations for the different responses of the two groups, and for the differences between the two groups of women participants, which appear to warrant further study.
Institutionalizing Ethics and Integrity Standards: a ‘Fifth Element’

It is broadly agreed that establishing new standards of ethics and integrity in an organization must be understood as a dynamic process of developing new institutional knowledge, not merely promulgating new aspirational standards.

As we know from experience, inconsistent stories generated by actual management non-compliance with stated policies will always compromise the effective absorption of any new policy. Conversely, it is self-evident that even a well-trained employee may still choose not to act in accordance with their training, given a sufficient personal incentive and a reasonable likelihood of escaping sanction.

It is in the development of rationally-held knowledge about the institutional context for institutionalizing the core values of the organization, that the idea of a new element — moral focus — can be seen to arise. Officials who possess the personal attributes which appear in Kohlberg’s ‘four component model’, as necessary conditions for moral action, still need to recognise the institutional context of their action, or inaction, and the obligations which arise from that context.

Figure 14.1 is based on a model of individual and organizational learning developed by the Canadian cultural anthropologist Max Boisot, and demonstrates the necessity of construing ethics standards as institution-specific knowledge of various kinds, rather than simply as formally-promulgated policies. According to this model, if an organisation’s Ethics policy is to become institutionalized -that is, if the organisation’s standards are to become accepted generally across the organisation as representing ‘the way we do things around here’ - the leadership of the organization must ensure that it takes a coherent, systemic, critical, and sustained approach to the creation, implementation, and absorption of such knowledge as ‘what everyone knows.’

This is because, as the model demonstrates well, the question of compliance or non-compliance is in practice unrelated to the prospect of sanctions and rewards. The organization becomes the ‘moral context’ in which its people will judge first the coherence and legitimacy of the required ethical standards, based on their individual ‘moral focus’ –
what they know about their role in the organisation, and what they know about the organisation’s commitment to its promulgated standards.

The model shows how this knowledge develops dynamically, and responsively, commencing when the status quo - the widely established and accepted knowledge of the appropriate ways of doing things (represented by Box A — ‘Absorption’) - is challenged by the unplanned emergence of new and anomalous or contradictory situations. Such challenges may arise either from outside or within the organization. For example, new technology may (and often does) generate new challenges to established norms about conduct: the advent of the Internet in public service offices is one ready example. The treatment of those who engage in the principled disclosure of wrongdoing is another.

The negative consequences of leadership failure are always immediate and serious for ‘Absorption’: the conduct of the leadership which fails to deal effectively with internet abuse, or to protect a genuine whistle-blower from retaliation, will not only compromise the legitimacy of the organization’s policy (because of the evident lack of ‘commitment’ to it), but also, and more seriously for the organisation, because the leadership will henceforth be seen as lacking integrity, having engaged in misleading and deceptive conduct by promulgating the policy and then effectively undermining it.

Challenges to the accepted narratives about the organisation represented by Box A – ‘Absorption’ - must be acknowledged as and when they arise, and the organization must then endeavour to understand their causes, and deal with them by developing new and appropriate policy responses (represented by Box S/PS— ‘Scanning/Problem-Solving’).

At this point, the resulting new knowledge within the organisation about the new challenge or anomaly, whatever it is, remains uncodified and undiffused, and is usually available to only those few members of the organisation who have experienced the new dissonance between practice and policy, or those who have been set the task of developing a new policy response to it. The new knowledge that arises from a legitimate problem-solving process – the policy solution - must then be formally authorised and adopted, as codified new policy or procedure (represented as Box P— ‘Policy Making’).
This newly formalized knowledge then must be effectively institutionalized, by specific training and — crucially — by coherent, consistent, and public endorsement and implementation by management and the leadership (represented as Box D—‘Diffusion’). In addition, consistent institutional incentives and sanctions for compliance and noncompliance must also be public, and consistently applied. Only if all these elements are in place will the organization’s new policy be ‘adopted’ (as ‘Absorption’) and become part of the organization’s culture by completing the cycle of new knowledge creation. In the absence of coherent new policy, effective management, and coherent leadership, the new knowledge created by responding to the emergent problem will eventually undermine the credibility of the management responsible for it: the message for Absorption becomes “They know there’s a problem, but they are not serious about doing anything.”

Constructive internal criticism (including, for example, formal and informal whistleblowing activity) provides the proverbial ‘canary in the cage’ for identifying dissonance between policy and practice. The principled disclosure of wrongdoing or failure to comply with set standards can be seen as a critical response to perceived incoherence between required institutional standards (Box P), and expectations set in training and actual management practice (Box D), ‘organizational culture’ (Box A), or what is required by ‘the public interest’ (implicit in both Box S/P and Box P).

Principled dissent may also occur if the organization proposes a solution to an emergent uncodified problem (Box S/P), which is seen as inconsistent with already codified policy, or the organisation’s core values, or ‘the public interest.’
Figure 14.1 Organizational Knowledge and ‘Moral Context’

Notes: 

Formal knowledge transmission

Informal knowledge transmission / feedback

Developing the ‘Ethical Competence’ of Public Officials

The model shows why ethics capacity-building is necessarily a two-way street: employees who have relevant knowledge and skills, and a focus on integrity that goes beyond narrow rule-based compliance, are in principle equipped to make better-informed and properly
considered decisions, and provide good advice; organizations that encourage their members to take a constructively critical stance toward ethics-related norms, culture, and actual practice, based on their ‘ethical competence,’ should be more likely, other things being equal, to sustain a reputation for coherence, consistency, integrity, and professionalism derived from actual competent performance.

It appears that the use of the non-didactic video case scenario methodology (together with Extended Dialogue in moderated peer group discussion) produces a markedly positive effect in terms of improved competence among participants in identifying, analysing, and resolving role-related ethics (etc.) issues relevant to public officials — or ‘ethical competence’.

From the point of view of the individual public official – a moral actor understood in Rest’s terms - the starting point for mobilization of the four psychological elements of moral action (moral sensitivity, moral judgment, moral motivation, and moral character) lies in the Scanning/Problem-solving domain. It is here that the individual official experiences varying degrees of cognitive dissonance or consonance based on the information they receive from each of the other three domains: policy development, management/implementation, and organizational culture and practice.

This is not simply to restate the familiar contention that a ‘supportive organizational environment’ is likely to be conducive to ethical conduct by individuals, though that is true. Perhaps more significantly, the model demonstrates that the organisational environment relevant to ethical conduct is complex, interconnected, and much broader than the content of the organisation’s ethics policy.

The model also underlines the fact that Rest’s ‘Four Component Model’ focuses exclusively on the individual professional as moral agent. It is suggested here that a fifth component - ‘moral focus’ - needs to be recognised in the context of Public Administration, and public office generally, where the individual official’s ‘moral focus’ is crucial to public trust in both the official and their institution. This focus necessarily requires an official to engage personally with the requirements of the institution of ‘public office’ to be seen as competent.
In the context of a democratic system of government, holders of public office are expected to recognise obligations trust, integrity, and duty, to the extent that the question “Why should I do my duty” can have only rhetorical application.

The leadership of any organisation has the primary task to develop a coherent ethical institutional culture, and to ensure it is sustained so as to enable individual officials to comply with their ethical duty, however understood. But it is the individual official’s moral focus which informs their calculation of where that duty lies.

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