Blending formal rules with value based approaches toward building ethical culture in Tanzania.

Abstract

Over the years, Tanzania government has strived towards establishing ethical culture in the public service. One of the methods used by the government since the attainment of its independence is the establishment of proper ethics infrastructure such as formal rules, policies, regulations and structures to guide the behavior of leaders and officials involved in service delivery. These rules guide the officials to refrain from unethical behavior through instruction and specification of what is allowed or not allowed to be done. Nevertheless, the endorsement of formal rules and policies has not adequately changed the behavior of public leaders and public servants. Unethical behavior and corruption is still widespread in the public service particularly in the local government authorities. Overall, the civil servants consider service delivery as a favor and not a duty and that they should get something in return. Building on insights from conventional literature on ethics management, this article argues that the use of formal rules alone can not be a panacea to unethical behavior of civil servants. Instead, the formal rules must be complemented with value based techniques such as ethical training through behavioral modeling on ethical attitudes and behavior.

Key words- Ethical culture; ethical behavior; formal rules; ethics management; behavior modification.

1. Introduction

The concept of ethical culture is fabricated from two words ethics and culture. The word ethics has been defined differently by different authors. Some authors like Grint (2007) defines it as moral virtues that could be instilled in individuals through practices and learning while others such as Fox and Meyer (1995) see it as rules and principles that determine the right and wrong and others like Preston (2007) and Van der Wal et al. (2006), define it as adherence, or non adherence, to moral values and norms. On the other hand, the word culture implies complex whole which includes knowledge, morals, law, attitudes, customs and beliefs that distinguish one group from another. Together, ethics and culture form the word ethical culture which represents and includes only aspects in organization which stimulate ethical conduct within organization. The presence of ethical culture in organization therefore function as a precondition for realizing the organization
goal because it influences the behavior of officials directly through formal and informal control system and finally produces the workforce which is highly committed to organizational values and willing to contribute to the realization of organization goals (Trevino et al 1998). The argument concerning the absence of ethical culture in the civil service and low compliance to formal rules has been a subject for discussion in the mainstream literature of ethics management. In reaction to that, the authors have advanced some factors which attribute to low compliance and the development of unethical behavior in organization. One of these factors includes, the noble cause of corruption which means the use of illegitimate means to secure or improve society’s well-being (Van Halderen & Kolthoff, 2017). The argument in favor of the noble cause is justified by the “act utilitarianism,” in which a decision to commit a violation is based on weighing the utility of the result of the intended action (Crank & Caldero, 2000).

Another factor which is especially common in developing countries is the existence of extractive institutions. According to Acemoglu (2012) the extractive institutions imply the type of institutions which concentrate power and opportunity in the hands of few people which consequently, influence them to engage on corrupt practices because of fear to lose their political grip. Apart from that, the pre-existing extractive institutions can offer tempting opportunities but also the resources to keep them. In African countries for example, the existing extractive institutions led to unaccountable colonial administrations which was transmitted flawlessly into unaccountable and corrupt independent governments of African countries.

Consequently, unaccountable governments bear on the existence of two publics: the primordial and civic publics which do not share the common moral foundation and hence influencing unethical behavior. For example, in his research Ekeh (1975) found that the existence of two competing publics in Africa- the civic public and the primordial public inherited from colonial administration caused corruption and unethical behavior of public officials because the primordial public is tied with sentiments that influence the individual public behavior while the civic public is a product of colonial administration which is associated with popular politics in post colonial Africa. The civil servants employed in the civil public feel that they are accountable to their primordial public. Therefore, individuals working in the civil service tend to bend over backward to benefit their primordial public with the gain from the civic public.

The prevalence of two publics has also attributed to increase of corruption in the public service. For example, recent literature shows that corruption is acceptable, tolerated and institutionalized in the public service and the officials who are engaged in corruption have internalized and socialized the corruption practices. The presence of civil servants
who violate procurement regulations and overpay themselves sitting allowances for seminars and workshops has increased (Ngware 2005 & URT, 2016).

Therefore, despite the government initiatives to address this problem, still unethical behavior is widespread in the government institutions particularly local government authorities. This article seeks to answer this question concerning why unethical behavior is still widespread in the Tanzanian public service and how formal rules can be blended with value based strategies to minimize the problem of unethical behavior of Tanzanian public servants? To answer this question, the author conducts review of both theoretical and empirical literature on ethics management and the Tanzanian government reports which documents the information related to corruption such as the Controller and Auditor General Reports, transparency and accountability reports and corruption index reports.

The review is organized in four sections: the values orientations and the development of unethical behavior in Tanzanian civil service; Enhancing ethical behavior through formal rules; Blending formal rules with value based strategies and finally conclusion and recommendations on how to effectively blend formal rules with value based strategies. Specially, the recommendation focuses on the key steps that can be used for behavior modeling which intends to make public servants adhere to ethical norms and values.

2. The values orientations and the development of unethical behavior

In Tanzania, like other developing countries, the development of unethical behavior of civil servants can be traced back from the colonial legacy. The colonial administration in Tanzania like other countries caused the development of two publics in the civil service which do not share the common moral foundation: the civil public and the primordial public. After independence, the civil service was automatically transformed into the two publics: the civic public in which they work and the primordial public in which they feel responsible. The existence of two publics put the African civil servants particularly in Tanzania under pressure to abide to an alternative moral code that stresses their social obligations to family, friends, and clients (Ekeh 1998). The literature by Munishi (1989), Bayart (1993), Chabal (1992), and Anders (2001) shows that public officials in Africa misappropriated public resources to invest in their private businesses; to provide employment for family members; to provide basic needs to their relatives such as food, clothing, shelter, and schooling for children; and to contribute to the burials of friends, clients and family.

As a consequence of the existence of two publics, after independence in Tanzania, the public servants equated their positions in the civic public with wealth (Tenga, 2010). The fact that the laws inherited from the colonial government were inadequate raised a need
for new law to regulate unethical behavior of public servants. Following that, the government established a new institution—Permanent Commission for Enquiry to replace the colonial law of prevention of corruption established by colonial administration—Ordinance Cap 400 of 1958 (Tenga, 2010).

Nevertheless, the commission was not able to eliminate the problem of corruption. Following that in 1967 the government inaugurated Arusha declaration as a breakthrough to fight corruption and revive the ethics of public leadership. The declaration specifically developed the code of ethics for ruling party leaders which was by then Tanganyika African National Union (TANU). The code defined a leader as a member of ruling political party, national executive committee and ministers in government; a member of parliament, and senior officials of organization affiliated under TANU; senior officials of parastatals; leaders appointed under the TANU Constitution; councilors of local government and civil servants of high and middle caliber (Tenga, 2010).

The endorsement of one code of conduct was not until 1995 when the government issued a code of public service to all employees defining what is expected of them in terms of ethical conduct. The code instructs the public leaders to declare their properties and to avoid conflict of interest by avoiding personal interest to conflicts with their leadership responsibility. It encourages experienced and competent persons to seek and accept public office and facilitate interchange between the private and the public sector by establishing clear rules of ethics with respect to conflict of interest and post-employment practices applicable to elected and appointed public leaders and finally, it minimizes the possibility of conflicts arising between the private interests and public duties of public leaders through providing for the resolution of such conflicts (URT, 1995).

Apart from the general code of ethics, the government has also enacted specific laws to regulate the behavior of politicians and officials. One of these regulations which are established at the local level is the codes of ethics for councilors and administrators. These codes specify what the councilors and administrators are allowed to do or not allowed to do while discharging their duties in the office (United Nations -Habitat 2002-).

However, despite the enactment of different laws and codes the corruption and unethical behavior of public servants is still widespread. The situation is even made worse as presented by empirical evidence which shows that corruption in Tanzania is acceptable, tolerated and institutionalized and those engaged in corruption have internalized and socialized that illegal behavior. For example, the civil servants violate procurement regulations and overpay themselves sitting allowances for seminars and workshops (Haule, 1999; Ngware, 2005, & URT, 2016). Apart from that, the current audit report of civil servants initiated by president indicated that 1,538 academic records of civil servants were being used by more than one official and11,596 staff had incomplete
records (Rumney, 2017). While the Controller and Auditor General reports of the past years 2014 /2016 indicated that civil servants such as municipal directors, councilors and tender boards formed by civil servants violate financial regulations in decision making for personal interest. This includes fraudulent payments of subsistence and extra duty allowance, settlement of creditors who were not identified, missing payment vouchers and transfer of funds without approval of the finance committee while another example is the government officer who made a decision to procure printing services himself on behalf of chief government printer and selected three private firms for printing services (URT 2014 & 2016).

Apart from that, although the current evaluation shows that compliance to ethical behavior has increased from 65% to 69%, that percentage increase is still below the target which was 75 percent and unethical behavior still persist in key policy sectors such as irregular payment of workshop and training allowances of 80,000 tsh to staff per diem regardless of their job grades and as a result, the amount of 18,967,500 was overpaid to staff in the local government reform program II but also the payment of staff annual leave, telecommunication and sitting allowances amounting to 31,762,360 tsh. which is against the Program Financial Management Manual (URT, 2016)

These examples suggest that corruption is still a serious problem in Tanzania. One of the challenges in addressing this problem is associated with the implementation of the code itself. For example, the public service ethics secretariat which was formed to implement the code is weak and does not perform its functions effectively. The current communication strategy of the secretariat shows that the secretariat itself is weak because it does not adequately involve all stakeholders in the process of implementing the code due to lack of sufficient resources to conduct effective communication. Lack of resources includes inadequate staff to support its functions especially in the zones and adequate equipments such as cameras, projector, computers and long internal process to approve messages for external communication. In addition, it lacks enough power to sanction those who do not abide by code. Therefore, it takes long time to bring action to those implicated under the code (URT Ethics secretariat communication strategy 2015- 2017).

Apart from that, another cause of unethical behavior in Tanzania as mentioned by (Chene, 2009 & Aiko, 2015) is lack of committed leadership to fight corruption which has resulted into increase of corruption between 2013-2014. This includes the existence of patronage, nepotism, embezzlement of funds, influence peddling, use of one’s position for self enrichment, public property and abuse of government information (Ntukamazina, 1998).

3. Enhancing ethical behavior through formal rules
The use of formal rules or coercive measures is one of technique for controlling unethical behavior which is extensively discussed in the literature of ethics management. The formal rules includes the existing ethics infrastructure such as organization policies and rules which are formulated to guide, manage and enforce good conduct of the employees to refrain from unethical practices. These rules and policies include mutually reinforcing functions and elements which together intend to achieve the necessary coherence and synergy for high standards of behavior (Gilman, 2005). The literature on ethics management shows that most studies focus on formal aspects such as compliance on rules, codes, laws and regulations and less emphasis on informal aspects or values. This is also evidenced by international organizations such as World Bank which insist on the use of laws and conventions to restrain private actors from performing corrupt acts in other countries. For example, the Foreign Corrupt Practices Act is an example of international regulation used by United States to penalize any corporation that attempts to bribe a foreign government official (Gilman 2005). The formal rules is commonly used by governments to tackle unethical matters as it is assumed that laws and regulations can improve public service ethics (Schopf, 2015).

Nevertheless, the literature shows that the use of formal rules alone is insufficient in establishing ethical culture (Nygaard, et al., 2015; Webb, 2012) because preventing corruption is as complex as the phenomenon of corruption itself, and a combination of interrelated mechanisms, including sound ethics-management systems, specific prevention techniques, and effective law and law enforcement, are vital to success (OECD, 2000). In situations of embedded corruption, altering corrupt behavior is likely to be problematic and require nothing short of fundamental societal change that includes restructuring power and economic relations as well as developing new norms (Heilman & Ndumbaro, 2002). This suggests that for formal rules to work effectively, they must be aligned with values (Nygaard, et al., 2015; Webb, 2012; Mutahaba, 2005). The first example can be drawn from the United states where the research discovered that the problems of unethical behavior in South Gate and Bell cities was not the absence of management policies and procedures designed to prevent corruption but the ethical values. Although the professional code of ethics Management Association was on the office walls of almost all city managers, and many cities have adopted their own codes of ethics, the employees of such cities were not willing to accept the codes and apply them. As a result, there was no ethics training in the two cities. In addition, although codes prohibited to receive or give bribes and conflict of interest, these were found to be the common problem in the two cities and some officials from Bell and its sister cities were
convicted for taking bribes and for conflicts of interest (Frederickson & Wayne Meek, 2017). Despite this recognition, the mechanisms to establish, prevent, detect and respond to unethical behavior remains a challenge (Kidwell & Martin, 2005).

Another example is from the research conducted by KPMG (International Survey of Corporate Responsibility Reporting (2005) which shows that out of 4,056 respondents from American working population 74% witnessed unethical behavior at workplace during twelve months period despite the existence of different laws and regulations. This example is similar to Tanzanian experience where different rules and regulations have been in pace but still unethical behavior is widespread in the public service (Ngware, 2005 & Haule, 1999).

4. Blending formal rules with value based strategies

The concept of blending formal rules with value based strategies implies the integration of the rules with values to complement on each other. The discussion on formal rules has been extensively covered in the previous section. Now the discussion will turn to value based strategies and how they can be blended with formal rules. By definition, the value based strategies represent a less formal aspect of ethics management which focus on issues like communicating moral expectations, ethics training, appraising ethics performance and visible punishing of offenders (Nygaard, et al., 2015; Webb, 2012). Therefore, blending the two strategies in precise implies building strong ethical culture within organization which is perceived by Treviño and Weaver (2003) as those aspects of perceived organizational contexts that impede unethical behavior. These aspects represent a subset of the overall organizational culture including informal and formal system of behavior that work together to guide employees thought and actions. The formal cultural system includes policies, leadership and rewards. Informally, it includes coworker attitudes, behavior and ethical norms. In a nutshell, it establishes what is considered ethical guide to guide employee’s behavior and further on it delineates ethical and unethical behavior of an organization to guide the direction of employee’s behavior (Trevino & Younblood, 1990; Ford & Richardson, 1994).

One way of blending formal rules with value based strategies discussed in the conventional literature includes the establishment of ethical leadership in organization which is useful in providing guidance to ethical behavior (Mutahaba, 2012 & Nygaard, et al., 2015). According to these authors, ethical leadership is expected to promote ethical values through leading by example. In this case, a leader is expected to show the way by communicating moral expectation, providing ethical training and evaluating ethical performance.
A leader must internalize ethical values by demonstrating commitment to their ethical conduct (Webb 2012). They must communicate expectations, training and codes and they should not only talk about ethics and promoting ethical behavior but also provide their followers with voice and examples. The examples includes setting ethical standards, rewarding ethical conduct and discipline unethical conduct (Brown et al., 2005; Huberts et al., 2014). In doing this, the core values of the organization must be communicated and guide the decisions that are the discretion of the organizations members (Paine, 1994; Weaver & Trevino, 2003; Webb, 2012). In fact, the senior officials of an organization must show their commitment to these core values, and demonstrate an exemplary behavior (Kaptein, 1998; Lasthuizen, 2008). This implies that the senior officials must lead by examples and the followers are expected to use them as role models (Nygaard, et al., 2015).

In turn, the development of ethical leadership is expected to build organizational ethical culture which is favorable for ethical behavior. The ethical culture represents and includes only aspects which stimulate ethical conduct. The ethical culture influences the ethical behavior directly through a formal and informal control system and finally produces the workforce which is highly committed to organizational values and willing to contribute to the realization of organization goals (Trevino et al., 1998).

Apart from this technique, the literature on corruption offers the additional technique for fighting unethical behavior. This includes; the development of democracy and increasing the capacity of civil society organizations. The development of democracy and civil society organization increases the capacity of citizens to influence ethical behavior of officials through correcting their behavior. An example is South Korea where people are free to discuss the public service ethics and anti-corruption strategies. The democratization therefore has increased the power of civil society and the general public in questioning the corruption scandals and ethical problems in the government openly (Pan Suk Kim & Taebeom Yun, 2017).

Nevertheless, despite the existence of these techniques in the literature, most of them are underutilized especially in Tanzania public service due to the existence of unaccountable governments and lack of committed leadership in the civil service. This call for the immediate action to establish more concrete ethics program in the Tanzanian public service to address the problem of unethical behavior. The subsequent section provides a conclusion and recommendation on how ethical behavior can be established in the public service.

5. Conclusion and recommendations
Therefore, the problem of unethical behavior in Tanzania is an attribute of both colonial legacy which led to the civil servants with two moral foundations which caused ethical dilemma and the reliance on formal rules and regulations. To address this problem, the blending of formal rules with value based approaches must be applied. Nevertheless, building ethical behavior in organizations is a function of blending formal rules with value based strategies. The formal rules are necessary but not sufficient tool of addressing unethical behavior. They must be complemented with values which guide the behavior of leaders and officials involved in decision making. The review shows that in Tanzanian context values are neglected and more emphasis is placed on compliance to formal rules, policies and regulations and little emphasis is placed on building ethical values to guide the behavior of politicians and officials. As a consequence, unethical behavior of civil servants is widespread and the quality of public service is compromised.

There is no doubt that blending formal rules with values based strategies can be a way forward to reduce the prevailing unethical behavior. Nevertheless, to blending formal rules with values can be vague unless there is specific established program to model the behavior of officials and attune them to required values and norms. The literature offers some insight on how this can be done and the subsequent section on recommendations deals with this extensively.

One of the actual strategies for building ethical culture discussed in the literature is reinforcing ethical behavior through modeling technique. The literature offers some insights on how this can be done. For the purpose of this article, the steps which can be taken by local government to mould ethical behavior are presented. First, the senior officials of local government must be trained on organizational values and norms and in turn they must communicate ethical values through demonstration of a desired behaviour to their junior staff. The trainer can use the code of ethics for government officials and politicians which show a clear idea of the management’s expectation with respect to employee code of conduct. Then the trainer should ask the participants to practice and role play. In Tanzanian context, the training on code should include the moral foundation of the public service and the clear separation between private matters such as family, friends or relatives and office issues. This must be followed by getting feedback from the participants. In this process, the senior officials and politicians must be oriented to learning points and techniques to deal with specific situations of the conflict of interest as stipulated in the code. They in turn must practice and participate in the extensive rehearsal of behaviour and giving feedback but also reinforcing positive behaviour.
Second, the appointment of senior officials in the local government must be done with care because these officials will act as role model. If managers themselves strictly adhere to ethical standards, employees will feel less reluctant to oppose the guidelines laid out for ethical behavior. This implies that in ethics training, these senior officials and politicians must act as role models. As a result, this can help the lower officials to have a guiding force to promote ethical behavior.

Third, the local governments in Tanzania must establish the proper rewarding system of ethical behavior. The literature by Baumhart (1961), Mitchell and Schaeffer (2005), and Geeta et al. (2016) shows that rewarding ethical behavior can promote it. This implies that at least after training the employees on ethical behavior, they must be rewarded for positive behavior, so that they would not only continue to adhere to ethical practices but also inspire others to be ethical. Lastly is establishing negative reward through disciplining unethical behavior. In case some employees show any deviation from ethical behavior after training. The senior officers must impose sanction to unethical behavior. By doing that, it will help the employees to understand the implications of unethical behavior and the importance of acting ethically.

References
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