THE ETHICAL IMPORT OF THE *BATHO PELE WHITE PAPER*

by

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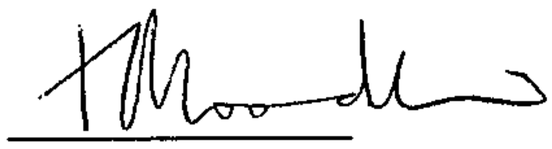
DECLARATION

I declare that "**THE ETHICAL IMPORT OF THE BATHO PELE WHITE PAPER**" is my own work and that all the sources that I have used or quoted have been indicated and acknowledge by means of complete references.



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SUMMARY

The purpose of my research was to determine whether the *Batho Pele White Paper* sufficiently and adequately encourages ethics to have an ethical impact on public servants. The research problem of this dissertation is to explore the ethical import of the *Batho Pele White Paper* and whether it meets certain requirements that would make transformation of service delivery possible. I explore the concepts of humane values and ethics as instruments that will be used to analyse the *Batho Pele White Paper*. Humane values and ethics may make the transformation of service delivery possible. I discuss how values provide a framework for understanding problems. In order for me to extract the ethical import of the *Batho Pele White Paper*, which is the unit of analysis, the four reading modalities identified by De Beer are used, namely, the reproductive, hermeneutic, ideological-critical and deconstructive modalities.

KEY TERMS

Ethics; Humane values; *Batho Pele*; Ubuntu; African Renaissance; Rule based ethics; Utilitarian ethics; Virtue ethics; Reproductive reading modality; Hermeneutic reading modality; Ideological-critical reading modality; Deconstructive reading modality

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CHAPTER ONE

INTRODUCTION

1.1 INTRODUCTION

On 1 October 1997, the South African government published an important white paper on service delivery, named *The White Paper on Transforming Public Service Delivery (Batho Pele)*. The purpose of this *Batho Pele White Paper* (as we will call it henceforth) is to provide a policy framework and a practical implementation strategy for the transformation of public service delivery. *Batho Pele* is a Sesotho phrase which means 'People First'. Service to the people is the main concept of *Batho Pele*. This service delivery has to be attained using the existing human, capital and physical resources of the country (South Africa 1997a:5).

In spite of the coming into force of the *Batho Pele White Paper*, service delivery has however deteriorated according to the media. Therefore public managers confront new challenges in the practice of public service and in service delivery. One of the challenges is eliminating unethical behaviour of public servants. We are going to investigate to what extent the *Batho Pele White Paper* encourages ethics, values and ethical conduct. Upon exploring the *Batho Pele White Paper*, should it be found that it lacks a proper vision to encourage ethics among public servants, then it can be assumed that this lack is one of the causes of the purported poor service delivery. This is based on the assumption that ethical conduct of public servants encourages service delivery.

Public concern over ethical conduct in government institutions was heightened by well-publicised cases of both wilful and negligent abuse of public trust since the new government of 1994. Therefore, there is a growing realisation among government officials of the cost of unethical behaviour and conversely, of the benefits of ethical behaviour. It is clear that a substantial commitment of leadership is needed to enhance organisational effectiveness in dealing with the ethical issues of the new millennium

(Bonczek 1991: 19). What I mean is that senior public servants should by their words and deeds be committed to ethical conduct, thus setting an example to junior public servants. The fact that service delivery depends on the conduct of the public servant while he or she is executing the task that brings about service delivery, indicates that ethics and service delivery are inseparable. Hence ethics should be encouraged in the public service as a means to improve service delivery. Service delivery can lead to a better life for citizens. The character and morals of the public servant, coupled with the following of ethical rules and regulations, can thus lead to this better life. This does not mean that utilitarian ethics are ignored. Most of South Africa's policies and policy documents are utilitarian in nature. However, the utilitarian approach to ethics in itself will not achieve good service delivery if the ingredient of an ethical public servant is not added to it to implement the policy. This is where ethical rules, regulations, character and morals become important. This means that rule based ethics and virtue ethics are important for service delivery.

There is considerable debate regarding public sector ethics presently, but it is unfortunate that one cannot find a clear strategy as to how to inculcate ethical conduct among public servants. For now in these sections, I will use the term 'ethics' broadly. In section 1.3.1. '*Definitions of key concepts and words*', I will explain to the reader the different meanings of ethics that will be used later. I have separated these meanings into $ethics_1$, $ethics_2$ and $ethics_3$.

There are different schools of thought about what public ethics comprises. The question asked is if ethics is mainly rules and regulations specifying the preferred behaviour of public servants, or if it is the obligation to work toward the realisation of a different, better life for citizens without following any rules and regulations. In addition, what should the appropriate behaviour for public servants in various contexts be? These differences have engendered a lot of contradictory and imprecise disputation. The result leaves few clear signposts for avoiding moral dilemmas (Reynolds 1995: 122). This has led to the belief that there is relatively little a program or training in ethics can do to improve the basic moral character of its students and public servants, on the assumption

that only ethical reasoning can be changed and not behaviour (Lee & Paddock 1992: 497). What most theorists fail to realise is that different schools of thought merely look at the same problem from different angles and each makes its own contribution.

In this introductory chapter, I explain the problem that the South African public service faces. Due to the intense media coverage about poor service delivery, the need for this study becomes relevant. The *Batho Pele White Paper*, which was supposed to bring about good service delivery, is discussed from Chapter Five to Chapter Eight. The scope of this dissertation covers a theoretical analysis of ethics and the extent to which the *Batho Pele White Paper*, encourages ethics. The basic assumption of this dissertation is that the ethical orientation and conduct of public servants is a necessary condition for service delivery. I have also described the structure of the dissertation by explaining the essence of each chapter in section 1.7 'Framework of the Dissertation'.

1.1.1 THE PROBLEM IN "REAL LIFE"

I grew aware of the fact that ethics and the values a person possesses influence service delivery at my workplace. Employees who appeared ethical to me, delivered the services, performed better and were more motivated than apparently non-ethical employees who were always negative and demoralised and showed poor work performance. This initiated my research on this topic. I consulted books and read newspaper reports that reflected on the fact that unethical conduct is a major obstacle in service delivery.

One of the most troublesome issues in the field of South African public administration is that of corruption. President Mbeki, in his speech at the Anti-Corruption Summit on 10 November 1998 said that in our society moral degradation has reached a threatening state and is reflected in the high levels of crime, disrespect for authority and the rule of law, and the erosion of key institutions such as the family. The deepening crisis concerning public values is largely visible in the lack of professional conduct from so many wearing the badge of public honour in the civil service (Mbeki 1998:1). South Africa is battling with a public service that daily weakens the democratic order; for example, public officials having corrupted the system of welfare payments, the collection of revenue, and

payment of salaries and wages for their personal gain. According to a Transparency International Corruption Index, South Africa ranks as the 33rd most corrupt country out of a poll of 52 (Van der Westhuizen 1998:18).

Another ethical question of concern is that of a lack of responsiveness in service delivery. A survey by the Human Sciences Research Council has found that the public's satisfaction with the Government and the public service has taken a sharp negative turn over recent years. Actually, at present citizens feel that the Government does not meet their requests and demands. (Van der Westhuizen 1998:18.)

An indication of the fact that the *Batho Pele White Paper* has failed to transform service delivery is the articles in the newspapers about unethical behaviour of officials and the poor services that are being rendered in the National and Provincial Departments of Health. In the *City Press*, it is stated that irregularities were found in the Department of Health tender proceedings (*City Press*, 15 Mar 1998). The Heath special investigation unit also looked into the loss of public money and property as well as unlawful expenditure and misappropriation of funds relating to *Sarafina 2* amounting to R14 million (*City Press*, 15 Mar 1998).

In the *Sunday Tribune*, an article states that at the Edendale Hospital's nursing college there were fraudulent examination results, leaked test papers, a high failure rate of student nurses who displayed lack of discipline, bribery and corruption on a massive scale. The Heath Commission also found that students were registered for training whose matric results did not meet the entrance requirements. Furthermore students as far as Lesotho were being accepted and upon graduating will go back to their countries. They are trained at the expense of the South African taxpayer's money, whereas the local people were not given a chance. A security guard was requested to pay R1600 if he wanted his mother and wife to be employed at Edendale Hospital. (*Sunday Tribune*, 22 Jun 1997.)

The report in *Eastern Province Herald*, states a clerk at Cecilia Makiwane Hospital told a woman that she can continue collecting the grant money despite her telling them that Mrs Macanda had died (*Eastern Province Herald*, 11 Sept 1997).

The Daily News said that corrupt officials within the Provincial Health Department worked as a syndicate and were involved in fraud. An official was fined R10 000 for his part in the corruption (*The Daily News*, 25 Jun 1999).

In KwaZulu-Natal, the Department of Health terminated its contracts with a private emergency ambulance service because R 3,9 million could not be accounted for. Since the termination of private ambulance services hundreds of people have died because of lack of attendance (*Sowetan*, 16 Sept 1998.)

The Daily News says that a cheque of R 610 000 was stolen from Nkonjeni Hospital. The total of fraud cases in the Provincial Health Department are R 68 million. (*The Daily News*, 8 Dec 1997)

The *Eastern Province Herald* reports that rodents gnawed away at corpses and vital medical evidence was lost because there are no documents in which to record medical findings (*Eastern Province Herald*, 13 Apr 1999).

The Citizen reported Mr Thomson as saying that the Medicines Control Council are criminals and accused them of gross maladministration. The Parliamentary Health Committee chairman, Dr Abe Nkomo asked him to withdraw his words, whereupon Mr Thompson replied that the Constitution protected his 'freedom of speech'. In response, Dr Nkomo said the constitution did not protect a person who slandered another and asked him to leave the committee (*The Citizen*, 27 Oct 1998).

The *City Press* also reported that two Gauteng Health Department officials, who had placed the orders with shoe companies to the value of R3, 2 million, were charged with misconduct and one was demoted. Besides orthopaedic shoes for medical staff, boots,

school shoes, sports shoes and fashionable shoes were also ordered (*City Press*, 9 Aug 1998).

According to *The Star*, Mpumalanga's health department cannot account for 10% of the 836 vehicles allocated to it by the province's government garage. The transport department suggests that the vehicles are stolen by health officials. It was also found that departmental heads did not view transport abuses as particularly serious (*The Star*, 25 Sep 1998).

The *Mail & Guardian* reported that the sister and brother-in-law of former Minister of Health Nkosana Zuma were arrested in KwaZulu-Natal on charges of large-scale misappropriation totalling R3.5 million of health funds. Before being arrested Zuma's younger sister beat her husband up so severely that he landed in hospital (*Mail & Guardian*, 28 Aug 1998). This personal behaviour of these senior officials gives a bad image to the KwaZulu-Natal Provincial Health Department. From my experience, I have made an assumption that people that appeared to exhibit low personal ethical conduct in terms of generally accepted values have a tendency to exhibit similar behaviour patterns in the work place.

The Star, reports that due to the shortage of equipment, nurses have to choose which children should get treatment and who should not and die. The nurses claim they need psychological treatment because they can not cope with this condition. They do not get the necessary treatment (*The Star*, 30 Jun 1999). What is ironical is that Pauw (1999:181) already identified a similar report in *The Star* of 6 December 1997 in his chapter 'Ethics and budgets'. This means that up to now nothing has been done to alleviate the problem and the situation is getting worse. This is an ethical problem because the right to life is a constitutional right, which the department is arguably violating due to a shortage of equipment. It becomes an ethical decision because it forces the medical staff to make choices concerning the lives of children. There is insufficient counselling or psychological treatment of traumatised nurses and medical staff which in its turn reduces their morale and mental strength to perform their duties and this affects their work

performance. Section 195(1)(h) of the Constitution provides that good human resource management and career development practices must be cultivated to maximise human potential.

From these examples one has reason to suspect that some public servants have no clear work ethic. Family members are appointed in top posts, fraud, corruption, theft, lack of responsibility, no personal morality and no commitment to transformation of service delivery has unfortunately led to poor services and even death at hospitals (*Mail & Guardian*, 28 Aug 1998). These are ethical problems that require change in the conduct of officials. In my opinion these problems have little to do with the lack of funds or the shortage of personnel. If the public servant has a good ethical conduct, millions of rands which was defrauded could be used to buy equipment to save children's lives and pay for ambulance services. Children and sick people will get treated when good service delivery exists. The so-called shortage of staff is often created because of the backlog of work, which may be the result of under-productivity.

From observation of newspaper articles, governmental reports and the general opinion of the public it can be deduced that *Batho Pele White Paper* was not effective in transforming service delivery. In fact, the service has deteriorated in its pilot projects for service delivery; namely the Department of Home Affairs and the Health Department. The Health Department has specific problems with rude staff, corrupt officials, and unclean hospitals and in certain cases a complete breakdown in its infrastructure (*Sowetan*, 16 Sept 1998). All this is happening in spite of the *Batho Pele White Paper* being enforced. The question can be asked whether *Batho Pele White Paper* has sufficient ethics to alter the conduct of public servants so as to achieve service delivery. What role does ethical conduct play in the *Batho Pele White Paper*? Is the *Batho Pele White Paper* effective from an ethical point of view in encouraging service delivery?

Several South African public servants and political office bearers have given their views on this problem in the series of books called '*Fighting corruption*'. Corruption has been identified as the major form of unethical behaviour by many public officials such as

Stefan Grobler, Pravin Gordhan, Vusi Nhlapo, Bernie Fanaroff (Sangweni & Balia 1999a:33-101). In the second of the series *Fighting corruption: South African Perspectives*, (Sangweni & Balia 1999b:158-177), Silas Ramaite, explains the concept of corruption and suggests that the antidote to corruption is good governance. Bernie Farnaroff (Sangweni & Balia 1999a:102) says in his article, *Procurement*, that dealing with corruption after the event will not solve the problem. A preventative approach is essential. Judge Willem Heath (Sangweni & Balia 1999a:152-154) in his article, *Strategic coordination* lists the agencies that curb corruption, such as the Public Service Commission, The Public Protector, The Investigating Directorate for Serious Economic Offences, South African Police, National Directorate of Public Prosecutions, and various commissions of enquiry. All the authors in the *Fighting corruption* (Sangweni & Balia 1999) series have explained and discussed the problems of unethical behaviour. Some have discussed departmental control measures and anti-corruption agencies as means to end this problem. Case studies reflect how the departments are grappling with this problem. Most authors in the *Fighting corruption* (Sangweni & Balia 1999) series agree that ethics training is important in the departments. But none of the authors have sufficiently discussed the kind of ethics, values or morality that is to be taught to the public servants. Sandi Baai (Sangweni & Balia 1999b:108) says that the focus of ethics training is on establishing or altering specific human behaviour. Bonganjalo Goba (Sangweni & Balia, 1999b:220-235) discusses the African concept of *botho-ubuntu* which means using our core humanity as the basis for shared and collective responsibility. He further explains that when corruption becomes the way of life, it becomes a violation of the core values that constitute who we are as a society (Sangweni & Balia 1999b:226). In chapter three of this thesis which discusses humane values and chapter four which explains ethics, I expand on this topic of Sandi Baai and Bonganjalo Goba. In my opinion, which is based on personal observation, ethics maximises human potential because it creates an individual who will be highly motivated and efficient. Therefore, it plays an active role in the improvement of service delivery. The goal of all public servants is to display ethical conduct in all circumstances so that good service delivery is attained.

1.1.2 ORIGINALITY AND RELEVANCE OF THE STUDY

This dissertation is original because in the literature that I read from the list of sources, I did not find any author that worked on this subject from the approach that I have chosen. Furthermore, research conducted using the reading modalities has rarely, if ever, been done in Public Administration. I am researching this topic because of my curiosity about an intriguing phenomenon of ethics and its positive influence on human behaviour. If ethics is practised by public servants, it could influence service delivery.

The importance of this study in this area came to the fore when I perused the *Batho Pele White Paper* and compared its principles about what it wishes service delivery to be, to what public opinion has to say what government departments are actually doing. Public comments and newspaper reports on poor services rendered by the government departments reflect that something is missing in the *Batho Pele White Paper*. I have extensively discussed these newspaper reports in section 1.1.1, 'The problem in real life'. The *Batho Pele White Paper* is lacking in a program to inculcate ethical conduct in public servants.

The relevance of the study of ethics arises out of the fact that the then Deputy-President Mbeki provided an 'Ethics Management Framework for the Public Sector' at the Anti-Corruption Summit (Mbeki 1998:2). It has the following characteristics:

(1) Ethics in the workplace should be reinforced urgently as a new cultural trait of the public service.
(2) Political will and a shared commitment should inform the reinforcement process.
(3) Transparency and accountability should be given their rightful place.
(4) Rules of procedure should be clearly articulated.
(5) The practice of whistleblowing should be institutionalised.
(6) Steps to reward exemplary conduct should be taken.
(7) Managers should give moral leadership by example.
(8) Misconduct should always be subject to disciplinary sanctions.
(9) Integrity training and ethics education should receive priority.

(10) The public interest should as a rule be put first.

The ethics management framework and especially the tenth point of putting the public interest first has a close relationship to *Batho Pele*. Using this point of view, I will show that humane values and ethics are important when putting the public interest first.

This brings me to explain what the current idea of ethics is among researchers in Public Administration, political office bearers and public officials. The primary focus of most researchers such as Mensal (1997:224-230), Dwivedi (1988:115-130), Lee and Paddock (1992:487-500), Garofalo and Geuras (1994:283-297) and Mainzer (1991:3-28) is on how to teach ethics to students of Public Administration. Meehan (1996:24-26) has tried to prove that the concept of ethics is vague and cannot be clearly defined and therefore insignificant. He says that to explain what is ethics is beyond human capacity (Meehan 1996:27), which I disagree with. I think that since ethics relates to human conduct, it cannot be beyond our capacity. Van der Walt (1993:22) says in his essay "We need more than ethics", that ethics today is totally over-estimated and that this over-estimation must inevitably lead to disappointment, because ethics simply cannot comply with the expectations. Thus they claim that ethics has failed to improve human behaviour. In my opinion I feel that ethics is underestimated and under-utilised. McCampbell and Rood (1997:1107-1116), among others, speak of public servants misusing their position for personal gain and Klitgaard (1984:77-98) surveys the effects of corruption which are all symptoms of a lack of ethics. Authors such as Meehan and Van der Walt, seem not to have a clear understanding of what the concept ethics is. I think that they do not have a holistic approach to ethics. In line with this, Bowman and Wall (1997:252) say that there is a lack of theoreticians that provide a satisfactory approach to government ethics. I attempt to present a theoretical approach of understanding ethics, to point out how ethics can make a difference at the work place and how it can improve service delivery. I hope that the *Batho Pele White Paper* can be implemented positively by using my understanding of ethics and humane values to attain better service delivery. Therefore a study like this can serve a useful purpose.

The prevailing feeling in South Africa is that public servants should become more ethical in their conduct. The Moral Summit called by the National Religious Leaders Forum in Johannesburg on 22 October 1998 was addressed by former president Nelson Mandela. The Summit concluded that the signing of a commitment for all public servants to ethics is a sign that ethics has a vital role to play in our country's public administration. The former president said: 'The composition of this Summit defines the moral renewal of our nation as one of those matters which are so critical to our future. The time has come to do all we can to seek out, beyond the political differences, which we have, common ground as a basis for national action' (Mandela 1998:1). The common ground that was referred to is an ethical foundation, which all interested groups could use as a point of departure in their dealings. The foundation of ethics is humane values and it could benefit all groups if they use these values as a guide to their actions. On 10 November 1998, the Anti Corruption Summit addressed by Deputy-President Mbeki already mentioned was held giving further impetus to the need for ethics. On the departmental level, the Public Service Commission established a chief directorate for ethics. It issued the Code of Conduct for the promotion of ethics in all government departments (South Africa 1997b:1-5). This also shows that ethics is an ingredient that can not be overlooked in improving service delivery.

Professor Martin Prozesky said in an article in the *Sunday Tribune* (1999:6) that this age should be declared as the "Moral Millennium" where ethical power can come into its own unfettered by dogmatism, superstition and political ideology. He says that we have to create a new moral future – an ethical renaissance involving new ways of enabling ourselves to be less bent on gratifying our own desires and more willing to be actively concerned for others and nature. In this way my dissertation, which is a self-initiated research, is relevant to the current search for ethical solutions to the problems experienced in South Africa's public service.

1.2 FORMULATION OF THE THEORETICAL PROBLEM OF THIS STUDY

In this section, I will discuss the research problem, the unit of analysis for the study and the purpose of the research project.

1.2.1 RESEARCH PROBLEM

Under the section, "The problem in 'real life", I have showed that unethical behaviour of public servants is a problem in the public service. The government also found that the public service delivery was poor and therefore formulated the *Batho Pele White Paper*. The research problem of this dissertation is to explore the ethical import of the *Batho Pele White Paper*. I will attempt to render the meaning of the document and establish whether it has sufficient ethical import for it to have a good chance to be successful. The ethical import of the text is not obvious and therefore I will use De Beer's (1999:442-446) reading modalities to find its meaning. The four reading modalities that I will use are the reproductive, hermeneutic, ideological-critical and deconstructive (De Beer 1999:442- 446). In Public Administration little research is explicitly based on the different reading modalities, therefore it is basically an uncharted course. The reading modalities is a way of understanding the *Batho Pele White Paper's* real meaning and its implications for the public service. The way I will go about finding its meaning is by reading the text and focussing on that which is ethical. Words, sentences and contexts that have ethical impact will be discussed. This will be further explained in section 1.6 'Core methodology'.

My basic assumption is that ethics is a necessary condition for good service delivery. In this dissertation, I will discuss the concept of ethics. Using ethics as a framework and instrument I will analyse the *Batho Pele White Paper* and its related documents such as the Constitution and the Code of Conduct, to determine to what extent its content has sufficient ethical impact. (See chapter five to nine.) The problem is to discover what "ethical" means and what the ethical content of the *Batho Pele White Paper* is. Is the ethical content sufficient to bring about service delivery? Is the ethics encouraged by the

Batho Pele White Paper according to my analysis of what ethics is? I need to establish what the ethical content is and I will show this through extracting the ethical content. If the *Batho Pele White Paper* has a program to inculcate ethics in public servants, then this should be found in its 'Implementation strategy' to improve service delivery. In my provisional opinion the *Batho Pele White Paper* does not say enough about ethics and therefore cannot be regarded as ethically sufficient. Therefore due to the low ethical content of *Batho Pele White Paper*, it probably had little impact on public servants. This is probably one of the causes for service delivery not improving.

1.2.2 UNIT OF ANALYSIS FOR THE STUDY

The unit of analysis is the *Batho Pele White Paper*. The *Batho Pele White Paper*, which encourages some ethical guidelines, is an intervention policy document to improve service delivery. It sets mechanisms for the public service to improve its services. (See chapter five to chapter nine.)

1.2.3 PURPOSE OF RESEARCH PROJECT

The purpose of my research is to determine, describe and explain whether the *Batho Pele White Paper* sufficiently and adequately encourages ethics so that it could have an ethical impact on the public servant and the public service. To have a better understanding of ethics, a theoretical analysis of ethics is done. I also highlight the importance of humane values in chapter three. I explain that humane values and ethics have a central role to play in service delivery. I will then go on to analyse to what extent the *Batho Pele White Paper* encourages ethics. I will explore the ethical effectiveness of the *Batho Pele White Paper*. I will describe and explain the contents of the *Batho Pele White Paper* from an ethical point of view. I will try to present to the reader the different concepts and approaches of ethics that should have been included in the *Batho Pele White Paper* and which should have been applied in the public service. Ethics is connected to the *Batho Pele White Paper* in that ethical conduct encourages service delivery and the *Batho Pele White Paper* also encourages service delivery. The common goal is service delivery. So if

ethics is included in the *Batho Pele White Paper*, it will have a profound impact on service delivery.

In my opinion, some principles in the *Batho Pele White Paper* encourage ethics in functional activities. I will explain this in more detail from chapter five to chapter eight. The paper does however lack a clear comprehensive ethical approach to solve its service delivery problems. It has ethical principles of fairness, responsiveness to public needs and redress. All these aspects that the *Batho Pele White Paper* encourages, are important for service delivery. However, a public servant may work in a good office block, have new furniture and equipment and possess all the necessary skills to do a job effectively, but can still be discourteous to the public and be involved in bribery, corruption and fraud. This causes the breakdown of service delivery.

The Constitution, among others, recognises ethics as an important aspect of public administration. My view is that the *Batho Pele White Paper* fails because it neglects encouraging humane values and a systematic program of inculcating ethics in public servants in its service delivery program. My opinion is that ethics, in addition to being a necessary condition, encourages service delivery. This research aims to provide valid scientific knowledge that will improve the South African public administration. I try to point out the importance of ethics in the public service. This research explores new possibilities of how service delivery could be improved using ethics as a tool.

1.3 CONCEPTUALISATION

In this section I define key concepts and words. I will also discuss my assumptions, thesis and scope of the dissertation.

1.3.1 DEFINITION OF KEY CONCEPTS AND WORDS

Because concepts can be explained in various ways, the reader will be told in this section what they mean in this text. Arterton and Hahn state that definitions and terms in the

social sciences are neither right nor wrong, but rather more or less useful (Arterton & Hahn 1975:15). This is certainly true when considering how to define ethics. The definitions I choose are useful in understanding their context and meaning in this dissertation.

(a) *BATHO PELE*

Batho pele means 'People first'. The White Paper on transforming public service delivery is called the *Batho Pele White Paper* because its guiding principle is service to the people. When I use the term *Batho pele*, it will mean that I am discussing the principles or the application of the concept of *Batho pele*. *Batho pele* also means service delivery. In this dissertation the term *Batho pele* refers to the White Paper on Transforming Public Service Delivery (*Batho Pele White Paper*) (South Africa 1997:1-40).

(b) CODE OF CONDUCT

The Code of Conduct is an abbreviation of *Public Service Act, 1994: Code of Conduct for the Public Service*, which was issued by the Public Service Commission in 1997 (South Africa 1997b.)

(c) CONSTITUTION

The term Constitution refers to *The Constitution of the Republic of South Africa*, Act 108 of 1996 (South Africa 1996).

(d) CORE HUMANE VALUES

Core humane values are truth, right conduct, non-violence, peace, love, harmony of thoughts, words and deeds and service to humanity (Burrows 1988:19-22).

(e) ETHICS

There are many views or definitions of ethics. All of them refer in some way to the distinction between good and bad, right and wrong. *The Oxford dictionary of philosophy* (1996:126) defines ethics as a study of the concepts involved in practical reasoning such as good, right, duty, obligation, virtue, freedom, rationality and choice. Taylor (1996:2215) defines 'ethics' in terms of principles of human duties; rules of conduct; the moral principles by which a person is guided – in other words, what is morally good or bad, right or wrong. Pauw (1999:192) distinguished 'ethics' as Ethics (with the capital *E*) and ethics (with the small *e*). Ethics (with the capital *E*) is a discipline of rational reflection on moral issues. Ethics in this sense is usually regarded as a philosophical subdiscipline. The word 'ethics' (with the small *e*) denotes a code of conduct for a particular profession, for example the nursing profession or public servants. In ethics there is also reflection, but that is not its main function. The main function of ethics is to give expression to an agreed upon standard of behaviour in a profession (Pauw 1999:192).

From the various views of what ethics is, we can safely divide the meaning into $ethics_1$, $ethics_2$ and $ethics_3$. **$Ethics_1$** is a discipline of rational reflection. This corresponds with Pauw's (1999:192) definition of Ethics (with the capital *E*). $Ethics_1$ is the reflective use of the word, which is an attempt to a rational and systematic reflection on a moral discourse. $Ethics_1$ is a reflective and academic activity, which is part of Philosophy as a formal discipline. Broad (1985:1) in his book "Ethics" says that ethics may be described as the theoretical treatment of moral phenomena. This philosophising of ethics, I have classified as $ethics_1$. Broad (1985:1-310) discusses the subject matter of $ethics_1$ from a rational point of view and he explains and defines what is right and wrong, good and evil, and the metaphysics of morals.

$Ethics_2$ refers to a code of ethics, which, among others, establishes professionalism in the work place. The word is used in its descriptive sense. This corresponds with Taylor's (1996:2215) and Pauw's (1999:192) definitions of ethics (with the small e). We find that

ethics$_2$ is the application of values to individual behaviour and action. They provide the moral and legal basis for guiding personal professional conduct in different circumstances and situations. Ethics$_2$ is in laws and regulations, codes of behaviour and professional standards (Dwivedi 1988:122). It manifests deontology but it is not equivalent to it. Ethics$_2$ is also the institutionalisation of values. My view is that the code of conduct is acceptable because it is a set of agreed rules of conduct.

Ethics$_3$ refers to moral ethical conduct. It is used in the evaluative sense of the word; for example, 'You have no ethics'. It is used in a general and evaluative way with no particular reference to a formal moral discourse or to a professional code although it may have some elements of ethics$_1$ and ethics$_2$ in it.

Concept	**Referent/phenomena**
Ethics$_1$	People reflecting
Ethics$_2$	Codes of conduct
Ethics$_3$	Moral behaviour

One can distinguish between concepts and their referents (the things) to which they refer. Distinguishing between ethics$_1$, ethics$_2$ and ethics$_3$ will make my investigation of the ethical import of the *Batho Pele White Paper* much clearer. All these concepts are important to ensure ethical conduct among public servants. There are public servants that have an orientation towards ethics$_1$ that is merely rationally reflecting on moral issues but rarely does their conduct conform to ethics$_2$ and ethics$_3$, which is necessary for the accomplishment of tasks. This delineation of the meaning of ethics into ethics$_1$ ethics$_2$ and ethics$_3$ gives us an idea of the problems experienced by researchers in this subject and from what perspective each author understands the issue (see section 1.1.2 'Originality and relevance'). The concepts of ethics will be further discussed in chapter four under the heading 'Concepts and approaches to ethics'.

(f) ETHICAL IMPORT

The term 'ethical import' refers to ethical meaning (explicit or implicit) of the *Batho Pele White Paper's* contents with regards to ethical principles, rules of conduct and morals. It also refers to values. It gives importance to the approaches of ethics such as utilitarian, ruled based and virtue ethics. It seeks to find if a strategy to improve the ethical conduct of public servants is present or not in the *Batho Pele White Paper*.

(g) HUMANE VALUES

The concept of humane values refers to all those good values that belong to a human being. A person may consider a particular ideal or good conduct to be of importance and a value is attached to it. The definition of 'to value' gives moral weight to certain good behaviour. These values may influence the choices of the general public. Such morally positive values are truthfulness, non-violence, peace, love, right conduct, harmony of thoughts, words and deeds, and service to humanity (Burrows 1988:19-22). These values are opposed to negative values such as falsehood, violence, anger, hate, and unrighteous conduct.

Values then become ideals, ethical norms, objects of beliefs and attitudes held by individuals, which underlie all personal, social and political relationships. They are the basic foundation of codes and principles of individual, group and social behaviour (Kernaghan & Dwivedi 1983:153). Norms derived from values are standard guidelines of what should be achieved. Values are reflected throughout a nation's institutions and systems of governance for example, 'human dignity' in chapter 2, section 10 of the Constitution. Values that encourage good human conduct are called "humane values". (See chapter three, section 3.2.)

(h) PRINCIPLES

The definition of principle is "a general law or rule that provides a guide for action." An ethical principle is a statement concerning the conduct or state of being that is required for the fulfilment of a value. It explicitly links a value with a mode of action (Cooper 1990:10).

(i) PUBLIC ADMINISTRATION

Public administration is the organised, non-political, executive functions of the state. The functions are an abstract category under which concrete services, institutions, activities and people may be subsumed. A function is something that the state should do or can conceivably do (Pauw 1999:22). According to Cloete, 'public administration' refers to the administrative processes (which are in fact functions) which must be carried out and which are inextricably linked with the functional activities of the various public institutions (Cloete 1986:4). Perry and Keller (1991:5) say that public administration can only be defined within the context it serves such as police administration and nursing administration. However Pauw (1999:10) gives a clear distinction between 'Public Administration' and 'public administration' in that the former refers to, among others, theories that make up the discipline and 'public administration' to the actual practices. It is this definition that I will use throughout the dissertation.

(j) VALUE

The *Oxford dictionary of philosophy* states that to acknowledge some feature of things as a value, is to take it into account in decision-making, or in other words to be inclined to advance it as a consideration in influencing choice and guiding oneself and others (Blackburn 1996:390).

(k) VIRTUE

A virtue is a trait of character that is to be admired. It renders its possessor better, either morally, or intellectually, or in the conduct of specific affairs (Blackburn 1996:394.)

The Latin word 'virtus' and the Greek 'arete' means "excellence". Virtue is excellence of character. The political life of the regimes of antiquity aimed at encouraging the development of a certain manifestation of human excellence (Rohr 1989:3). Those virtues are rather obvious: a respect for the law, a concept of the public interest, courage, tenacity, and prudence, to name a few (Lilla 1981:16).

When a person internalises a value, that value becomes his or her virtue. A value is standard guideline of what should be achieved. Once the individual has attained that standard value and has internalised it, then it becomes a virtue, which is part of his human nature and character. Some may argue that this is only one way of saying it but the point is that virtue is a disposition to act in a certain way. So to understand this means that we have to know what the meaning of disposition is. The *Concise Oxford Dictionary* (McIntosh 1964:353) states that disposition is 'setting in order, arrangement, relative position of parts, plan, natural tendency, or inclination to', and virtue is moral excellence, uprightness and goodness. So this disposition or natural tendency arises from a plan, or arrangement of thoughts. These thoughts are derived from a person's values. These values shape the kind of thoughts a person has and ultimately his inclination to act in a certain way. So in my opinion a virtue is excellence of character which can be achieved by pursuing positive values.

Fukuyama (1995:36) says that a close relationship between virtue and habit is evident in the concept of character. One can easily know the right thing to do intellectually but only people with character are able to do them under difficult or challenging circumstances. Aristotle (Fukuyama 1995:36) explains that in contrast to intellectual virtue, 'ethical virtue is for the most part the product of habit (ethos)', and has indeed derived its name, with a slight variation of form, from that word. He goes on to explain that 'our moral

dispositions are formed as a result of the corresponding activities…' It is of supreme importance whether we are trained from childhood in one set of habits or another. Traditional ethical systems constitute the major institutionalised sources of culturally determined behaviour. Ethical systems create moral communities because their shared languages of good and evil give their members a common moral life. To some extent any moral community regardless of the specific ethical rules involved will create a degree of trust among its members. Certain ethical codes tend to encourage a wider radius of trust than others by emphasising values of honesty, charity and benevolence toward the community at large (Fukuyama 1995:36). These values are internalised to form their virtue.

1.3.2 ASSUMPTIONS

I have included a list of assumptions in order to enable the reader to have an idea of those things that I assumed for the sake of progress in this dissertation. Most, if not all, researchers assume certain things in order to arrive at a conclusive answer to their questions. These assumptions are premises that are necessary for the argument of the thesis that can or will not be proven in this dissertation.

(1) Humane values should be the foundation of ethics, ethical conduct and all progressive human relationships between people, organisations and persons. Core humane values are necessary for civilised human existence and development. The assumption is that humane values create constancy in one's actions. It is also assumed that goodness is the quality of a human being and all good values that belong to a human being is known as humane values. These positive values being progressive, bring out the best in a human being and his existence. Humane values refine human behaviour.

(2) The essence of mankind is goodness although they are capable of "inhuman" deeds.

(3) One's actions determine one's work performance. Therefore poor work performance results in poor services being delivered.

(4) There is a strong connection between good service delivery and ethical conduct of public servants. Service delivery depends on the public servant and his or her conduct

while executing the task. After all, the delivery of services is carried out by public servants. My assumption is that when public servants behave ethically, then services can be rendered economically, effectively and efficiently if all other things are equal such as capital, knowledge, human and physical resources. Other obstacles that should not be present are a lack of resources, training and incompetence of public servants. The lack of ethical public servants will result in poor services, no matter how much money is spent on physical, capital and human resources or how many laws that are passed. The ethical orientation and conduct of public servants is a necessary condition for effective service delivery.

(5) The government department's duty should be to develop the ethical character of employees to the fullest so that service delivery can take place. This excludes other assumptions such as the duty of parents, schools and civil society in developing the ethical character of future public servants. The primary goal of any government department is to deliver a service to its citizens. Government departments should minimise ethical wrongdoing and this will improve service delivery, which encompasses increased responsiveness to citizens, employees, and customers of government services (Berman & West 1994:6). The rendering of good services to the citizens and ethical behaviour from public servants is the generally accepted view of public leaders and top management of governmental departments. Unfortunately, there is a difference between what is the generally accepted view and what is being done. The *Batho Pele White Paper* is a document of what the government intends to do to improve public service delivery and therefore this dissertation will reveal whether it is ethically adequate to accomplish this.

(6) The *Batho Pele White Paper* is not effective. In fact no policy document, be it the *Batho Pele White Paper* or the Constitution, will be effective in transforming service delivery until the officials develop an ethical conduct.

(7) It is also assumed that the reader has an understanding of ethics and values, hence in this dissertation they are discussed as instruments which will be used to analyse the *Batho Pele White Paper's* ethical import. An in-depth philosophical analysis of ethics and values is not done due to the nature and theme of my dissertation, which is the ethical import of the *Batho Pele White Paper*.

1.3.3 THESIS

The thesis is that the *Batho Pele White Paper* lacks sufficient ethical import. It also lacks a strong clearly defined strategy to improve the ethics of public servants. My theoretical research will uncover if and what the ethical content of the *Batho Pele White Paper* is. Ethical action on the part of public servants is required to implement service delivery successfully. Should the *Batho Pele White Paper* lack sufficient ethical impact, it can be deduced that it does not lead to not improved service delivery. Practical problems of poor services being rendered by government departments thus inevitably crop up. An insufficient encouragement of ethics in the *Batho Pele White Paper* would be the probable cause of poor services.

From the outset, it can be said that the *Batho Pele White Paper* is a well-intended document containing sincere principles for change. However due to the lack of ethical orientation and conduct of the public servants, service delivery is not effective. In fact, policy documents will be ineffective in transforming service delivery until the officials develop an ethical orientation and good conduct. This may require a new policy document being formulated to encourage humane values and ethics among public servants.

1.3.4 SCOPE

The scope of this dissertation is confined to the *Batho Pele White Paper* and its probable effectiveness from an ethical point of view. Other documents that have an influence on the *Batho Pele White Paper* are also discussed, such as the Constitution and the Code of Conduct. This study is primarily the analysis of values and ethics and to explore to what extent they are contained in and reckoned with in the *Batho Pele White Paper*.

I also limit my concept of ethics to applications in the public administration of South Africa. Although there are discussions of humane values and ethics which are philosophical parts, they involve applying those philosophical notions to public

administration, i.e. officials and practitioners whose conduct is vital for the success of service delivery.

1.4 OPERATIONALISATION: COLLECTION OF MATERIAL

In this section I explain the sources of my research materials, the technique I used to collect the material and the reference technique.

1.4.1 SOURCES OF MATERIAL

The word 'material' in this thesis refers to those written ideas and thoughts of various authors. The sources of material for my dissertation are books, periodicals, and government gazettes: such as the *Batho Pele White Paper*, Constitution and the Code of Conduct, departmental reports and publications. Conference papers such as those of the Anti-Corruption Summit and Moral Summit are also included in the sources. The *Fighting Corruption* series, newspaper reports and Internet texts also provided valuable sources of material.

This dissertation entails the study and analysis of relevant available literature. Much of the books, articles, Acts and the White Papers referred to are primarily South African, American and British in origin. Newspaper articles commenting on departmental services published since the *Batho Pele White Paper* was introduced are helpful in identifying the success or failure of *Batho Pele White Paper*. The kind of information that I am looking for is related to the ethical values of public servants reflected in their conduct and the benefits it has for departments and public entities. I have also looked for information that helps to define what ethics and values are. Information pertaining to the *Batho Pele White Paper* and it effectiveness will be used in my discussions. From newspaper articles I have derived the level of services experienced by the public. These articles also show whether ethical values are reflected in their conduct and whether the lack of those ethical values had a negative or detrimental effect on service delivery. These sources of materials have helped to make this dissertation as comprehensive as possible.

1.4.2 TECHNIQUES FOR THE COLLECTION OF MATERIALS

The research librarian at the UNISA library made a list of all relevant books, periodicals, government gazettes, newspaper reports and the Internet texts that relate to my topic of investigation. I also interviewed officials of the Ethics Directorate of the Public Service Commission and they were able to give me departmental reports and conference papers relating to the current ethics issues. Thereafter, I selected the information, which relates to my topic of investigation and used those ideas to discuss ethics and the *Batho Pele White Paper*.

1.4.3 REFERENCE TECHNIQUE

The Harvard method of reference is used. Government publications are put under the author, South Africa. A comprehensive list of all sources is provided at the end of the dissertation.

1.5 OPERATIONALISATION: THE ANALYSIS AND INTERPRETATION OF THE MATERIAL

The study is primarily of an investigative and theoretical in nature, which of necessity requires careful description and evaluation of reading materials such as books, periodicals, the *Batho Pele White Paper*, newspapers and government gazettes. I will describe some examples of ethics and unethical conduct in the work place. While investigating and describing ethics, an effort will be made to evaluate and at times compare the different concepts and approaches to ethics as this would aid in drawing relevant and legitimate conclusions. Using the analysis of ethics as an instrument I will try to evaluate and interpret the *Batho Pele White Paper* and explore in which ways it promotes ethics and values among public servants. This requires various reading strategies.

In chapter three, section 3.2.4 'Facets of specialised values', provides a list of specialised values. This list of specialised values is a summary of the values that were discussed in previous paragraphs in that section by various authors. A similar list of values is given in section 3.3 'Public administration values'. This list is also a summary of the various authors, who considered certain values important for public administration. It was discussed in previous paragraphs in that section.

1.6 CORE METHODOLOGY

Every research methodology uses research methods. The various research methods that will be used in this dissertation are interpretation of literature, conceptual analysis and reading modalities.

Due to the fact that the research material mainly consists of texts, the research method of reading texts and trying to understand its meaning will be used in this dissertation. I will determine, describe and explain whether the *Batho Pele White Paper* has sufficiently and adequately encouraged ethics in order to have an ethical impact on the public servant and the public service.

The method of conceptual analysis is further applied to the concepts of humane values and ethics. An understanding of the concepts of humane values and ethics is necessary to support the research and analysis. Chapter three and chapter four, discuss ethics and humane values, and will focus on the instrument with which ethical import of the *Batho Pele White Paper* will be analysed. This conceptual analysis of humane values and ethics is actually part of the philosophy discipline (Pauw 1999:466). The word '*ethics*', from a philosophical analysis may refer to different things, according to its use. All people can be said to practice philosophy. Conceptual analysis is necessary in nearly all human endeavours. An intensive description of the concepts of ethics is therefore necessary to give distinct meanings to the various uses of the word. Ethics may also have various approaches according to the perspective it is viewed from, such as rule based, utilitarian and virtue ethics. The word '*humane values*' also requires conceptual analysis to

determine its meaning and content. This conceptual analysis requires you to do research on many texts in the philosophy discipline to enable clarity on the concepts of ethics and humane values. Only when the reader has a philosophical understanding of these concepts would the research into the text using the reading modalities be fruitful. The reader will have an idea of what is being searched for in the *Batho Pele White Paper*.

The evaluation of the White Paper will be done from a moral point of view. Since a moral point of view is taken, my analysis is not neutral, therefore I will use words like 'I', 'my', 'him', 'her', 'his', etc. in the dissertation. These words are necessary, as I will be expressing my opinion.

The crux of this dissertation is to explore the ethical import of the *Batho Pele White Paper*. I will attempt to discover whether it has sufficient ethical import for it to be successful. The ethical import of the text is not obvious therefore I will use the reading modalities from De Beer (1999:438-457) to find it. The four reading modalities that I will use are the reproductive, hermeneutic, ideological-critical and deconstructive. (See chapters five to chapter eight.) The way I will go about determining the ethical import is by reading the text and focussing on that which is ethical or relates to ethics. Words, sentences and paragraphs that have ethical import will, inter alia, be discussed.

The reproductive reading modality discovers an established or invested single meaning of a text. It concerns knowing what the text is about, for example, like reading a manual of how to operate a car. The instructions have a single meaning. Some examples of using this modality in the public sector are the reading of memoranda, letters, scientific reports, study documents and white papers. This modality entails knowledge of the alphabet, rules of grammar, the meanings of words and acquaintance with the object or subject. The meaning of the text is given by the author's subjective intentions. Understanding the text means to pin down and repeat this original intention. All canonical meanings invoke this type of thinking. It deals with the notion that there is but one meaning in the context, which can simply be repeated and reproduced. In such a case one can speak of correct and incorrect interpretations or readings. The reproduction strategy is based on the

following assumptions: the authority of the text, the superiority of the text and the adequacy of the text. Religious, judicial, political, educational, and administrative fields use this type of reading modality (De Beer 1999:438- 441). However, it is most extensively used in the technological world. I will apply the reproductive reading modality with the others to the *Batho Pele White Paper* to determine its ethical import.

The hermeneutic reading modality recognises the complexity of language and the reading and writing of a subject. We do not have complete power over words, texts and documents, nor is the relationship between language and subject so simple that one knows precisely what to do with language, how to manipulate it and what to use it for. There is little that we read or write that can claim to have complete, homogeneous meaning. This is where hermeneutics comes in. This reading method applies to documents and texts as divergent as religious texts on the one hand and natural scientific texts on the other (De Beer 1999:442- 446).

Policy documents also in some way reflect the hermeneutic problem. The point of departure in this reading modality, like other reading modalities to follow in this discussion, is that the meaning of a sentence or text is not invariably fixed. One can neither find contexts in which the same text assumes a variety of other meanings, nor is the meaning exhausted by getting to the author's intention. Hermeneutics scrutinise meaning by creating a dialogue between ourselves and the text we are reading. We listen to the voice of the text. What the text or document says to us depends on the type of questions we, from our own context, are able to put to the text. This will in it turn depend on our ability to reconstruct the question to which the text is an answer. Here, as in the case of the reproductive and critical reading modalities (see later paragraphs), the centre of gravity ever remains within the text (De Beer 1999:442- 446).

As the dissemination and utilisation of knowledge is becoming so important in our times, one thing that is required is the proper understanding of knowledge. It does not help that there are White Papers issued by the government, which are not understood by the public servants. The hermeneutic reading modality puts the following questions to the text:

(1) What is the meaning of the text?

(2) How is the intention of the author related to this meaning?

(3) Is an objective understanding of the text possible?

(4) What are the limitations of this understanding and to what can they be ascribed?

(5) Can the text be related to other texts on the theme?

(6) Are there cultural and historical dimensions in the text which are foreign to the reader, and can they be overcome? (De Beer 1999:442- 446).

The hermeneutic understanding of the text develops a variety of central notions such as tradition (history, past), working historical consciousness, prejudice, dialogue or discussion, play, and imagination (De Beer 1999:442- 446). From these questions various meanings could be discovered from the text. The hermeneutic reading modality allows me to put the following questions to the *Batho Pele White Paper*:

(1) How does the *Batho Pele White Paper* wish to transform service delivery?

(2) Does it clearly propose a strategy to alter the ethical conduct of public servants?

(3) What is the ethical content of it?

(4) What is its relation to the Constitution and the Code of Conduct?

I will read the *Batho Pele White Paper* by using the hermeneutic reading modality and explore to what extent it encourages ethics (See chapter six). I will attempt to understand the meaning of this text from an ethical viewpoint.

The limitation of the hermeneutic modality is that there are ideological expressions that cannot be understood, without taking account of, say, power relations. The ideological-critical reading modality, inter alia, points to the everyday language which people use to express their intentions. The words that form their language are loaded with a particular ideology and those words influence that which is written which may differ from the intention and meaning the author wish to make. This language of the ideology creates a false consciousness to maintain power relations by not revealing its true meaning. Therefore the meaning of words and language of ideology and power relations distorts the intention and message of the writer. For example the word 'black' could refer to a group of economically disadvantaged people, or could refer to dark skinned people or to

an ideology (Black Consciousness) or to colour (see chapter eight, section 8.2). This inability to be understood cannot be overcome by the practice of naturally acquired communicative competence. This is called systematically distorted communication. What we have here is not a situation in which the reader simply has to obtain supplementary information, or one in which all the reader has to do is complement insufficient knowledge by increasing his or her knowledge in order to gain access to the meaning of a complexity he or she cannot understand. Established language and the ideological values that are misleadingly concealed in it should not be unconditionally trusted. Until we are emancipated from the established language and its concealed ideological values, the language we use will continue to mislead.

Negotiated White Papers would be one example of texts which lend themselves pre-eminently to reading in this ideological-critical manner (De Beer 1999:446- 449). I will show that the *Batho Pele White Paper* viewed from this modality is a utilitarian document that wants to transform service delivery. Its underlining ideology is of a populist nature. Because of its all-inclusive populist nature, it did not view transforming service delivery from an ethical stance. This makes understanding of the *Batho Pele White Paper* difficult for academics and for public servants as well. It is arguably one of the reasons for its surmised reduced impact on public servants and the transformation of public service delivery (see chapter seven).

The deconstructive reading modality involves the querying of everything which is taken for granted, such as those conscious and self-conscious acts with which we are most familiar, namely the reading act and the act of writing, all our calculations and schemes which count as sufficient reason for our planning, scenarios, policies, formulation of goals, and so forth. This reading method is an investigation which explores the above-mentioned matters and exposes their shortcomings. In this way, the reading and writing acts that we apply, the carefully selected information that we force on people as the one absolute meaning, the tested meaning of the one who knows best, the expert, the specialist, and the consultant are queried and analysed (see chapter eight).

Policy documents are often called White Papers, which allow people to see how things ought to be and ought to be seen, and as such these White Papers are manuscripts of direction. It gives direction to what should be done. The assumption underlying this idea is that there is someone, or more than one, who knows the direction that should be taken. Some people know how things should be and others do not. These units of the policy documents are queried, deconstructed and analysed. Texts have frames of reference and they are embedded in networks. For example the text is the *Batho Pele White Paper* and its frame of reference is service delivery and the network in which it operates is the public service. The frame of reference and the network and the meaning are related to each other. The frame of reference or the network actually constitutes the text (De Beer 1999:449- 453). The deconstruction modality shows the gaps in the *Batho Pele White Paper*. One has to read between the lines to get the inner meaning of the document. The inner meaning of the document is also queried. I will investigate if the *Batho Pele White Paper* gives direction to inculcate the ethical conduct of public servants.

The euretic reading modality is the ultimate in inventiveness which is the invention of meaning, which transcends the consumption of meaning, the exploration of meaning, and the critique of meaning. Each reader is faced with the possibility of moving beyond the demarcated limits of a text and finding out what in reality does not exist there. Readers no longer simply consume texts - they also create them. Euretic means finding out, inventing. It is synonymous with thinking as inventing, rather than with thinking as repetition, interpretation, or critique. Inventiveness identifies the gaps and openings in texts; which are opened by deconstruction, in order to fill them in an imaginative and dreamy way, thereby creating a new composition (De Beer 1999:453- 457). This reading modality is not considered for use on the *Batho Pele White Paper* as my intention is not to find some new meaning that does not exist in the document but to see what its intention is, and if it really encourages it and achieves it. The text is given a glorified status even if it is meaningless. Meaning is added to it by the imagination the reader has. This reading modality will make the White Paper as useless in its attempt to transform service delivery as a fortune-teller's prediction of the future. This euretic reading modality is therefore not used in this dissertation.

The thesis is that the *Batho Pele White Paper* lacks sufficient ethical import. It also lacks a clearly defined strategy to improve the ethics of public servants. The technique to provide a rational support and corroboration of this thesis is by making generalisations or general conclusions or interpretations based on reading and understanding the meaning of the researched materials. The four reading modalities that I will use are the reproductive, hermeneutic, ideological-critical, and deconstructive.

In chapter three and four, I will use the method of conceptual analysis. I will analyse the meaning of the concepts of humane values and ethics in order to use this understanding to explore the text of the *Batho Pele White Paper*. From chapter five to eight I will explore the ethical import of the *Batho Pele White Paper*. In these chapters I will quote from the *Batho Pele White Paper* that which highlights the ethical import. The bold print of certain sections of the quote is not in the White Paper but it is my emphasis to make the ethical import clearer. The double quotation marks ("") are used when extracts from the *Batho Pele White Paper* or any other author is quoted. The single quotation marks ('') are used for cross references within the dissertation.

1.7 FRAMEWORK OF THE DISSERTATION

This dissertation is divided into nine chapters which I will now briefly outline.

1.7.1 CHAPTER ONE

Chapter one is this chapter which the reader has just read.

1.7.2 CHAPTER TWO

In this chapter I will explain the origin and need for ethics.

1.7.3 CHAPTER THREE

Chapter three discusses humane values. It explores the necessity of core humane values to guide the activities of the public servant.

1.7.4 CHAPTER FOUR

Chapter four discusses the concepts of and approaches to ethics. It will explain the theoretical substance for my study. This discussion will be used to analyse the *Batho Pele White Paper* and to investigate to what extent it encourages ethics.

1.7.5 CHAPTER FIVE

Chapter five uses the reproductive reading modality to analyse and understand the *Batho Pele White Paper* with a view to determining its ethical import.

1.7.6 CHAPTER SIX

Chapter six uses the hermeneutic reading modality to analyse and understand the *Batho Pele White Paper* with a view to determining its ethical import.

1.7.7 CHAPTER SEVEN

Chapter seven uses the ideological-critical reading modality to analyse and understand the *Batho Pele White Paper* with a view to determining its ethical import.

1.7.8 CHAPTER EIGHT

Chapter eight uses the deconstructive reading modality to analyse and understand the *Batho Pele White Paper* with a view to determining its ethical import.

1.7.9 CHAPTER NINE

Chapter nine presents the conclusion of this dissertation. It also conveys the synthesis of the ethical import of the *Batho Pele White Paper*. It provides recommendations for implementation in the Public Service and also suggestions for further research.

1.8 CONCLUSION

I have explained the overall research design of my dissertation in the discussion in this chapter. I began by explaining how I discovered the problem and its relevance to the South African public administration. Thereafter I identified its unit of analysis, namely the *Batho Pele White Paper*. In my opinion the *Batho Pele White Paper* lacks a strong clearly defined strategy to improve ethics of public servants. That which I find not existing in the text forms the basis of a clearly defined proposal for altering the ethical conduct of public servants. My assumption is that all good service delivery is the result of the ethical conduct of public servants. And from this assumption I formulate my thesis that ethical action on the part of public servants is required to implement service delivery successfully. If the ethical conduct of officials is not taken seriously by the *Batho Pele White Paper*, then this White Paper will have little effect on improving service delivery. The application of ethics to the public service is therefore the driving force for the successful implementation of improvements in service delivery.

In this chapter I also discuss the sources of material and the techniques for its collection. The material is analysed and interpreted using the modalities of reading texts and understanding its meaning. I also discuss the definitions of key concepts and words. Finally I describe the framework of the proposed research. In the next chapter I will discuss the origin and need for ethics.

CHAPTER TWO

THE ORIGIN AND NEED FOR ETHICS

2.1 INTRODUCTION

In this chapter I will describe the origin of ethics in recorded history, in order to know its antiquity and how it was taught and applied in the past. A critical reflection on the uses and need for ethics is also presented. The most important need the public service has for ethics is to establish ethical conduct among public servants. This is essential for the accomplishment of service delivery.

2.2 ORIGIN OF ETHICS

History shows that wars have been fought for values and value complexes like democracy, communism or Christian civilisation. These values deform or transform societies, contribute towards the production of a better society or abort its birth. Such values have a significant impact on society, therefore they should be taken very seriously by all those who don't want to labour in vain in an effort to transform society (Mofokeng 1991:66). Philosophers of most nations have speculated on these value complexes and ethics$_1$. Broad (1985:1) in the 19th century made a contribution to ethics$_1$, giving an abstract analysis of good and evil and right and wrong.

The application of ethics$_2$ in public life can be traced back to the Greek times. With an oath, the Athenian citizens accepted the responsibility to conduct effectively the temporal affairs of the city. They also pledged to pass the city on to the next generation in better condition than they received it (Frederickson 1994:457).

In South Africa, Cloete (1986:8-32) defined the foundations of public administration. He identified guidelines from the body politic, which are public accountability and tenets of democracy. The guidelines emanating from community values are: religious doctrines,

fairness and reasonableness, balanced decisions, thoroughness, probity, effectiveness and efficiency and legal rules. The Constitution is the supreme document to guide South African laws. I agree with Cloete's notion of the foundations of public administration as this idea depends on the concepts of ethics. To give some examples: religious doctrines are sources for virtue ethics; thoroughness and probity encourage ethics$_3$ and legal rules are forms of ethics$_2$.

Another major source of the ethics$_3$ are values that are traditionally taught at home. Yet, the home is not the only place where values are learnt. Government, businesses, schools, churches, peers, communities and the media all play a role in the development of values for our society as a whole (Mc Campbell & Sadri 1997:1108). We become moral just as we become civilised by picking up habits and ideals from our parents and that means standing on the shoulders of previous generations. And this sort of morality works because it is more than abstract reasoning. It is a way of learning virtue, which is time tested. As Baier pointed out, morality must be in some sense teachable to young children, and easily understood by non-intellectuals (Lilla 1981:14). Personal values, examples of good behaviour and models of virtue, derived from family, religious, economic and socialising experiences, impact on the individual from earliest childhood into maturity (Reynolds 1995:124).

Civil society – a complex welter of intermediate institutions, including businesses, voluntary associations, educational institutions, clubs, unions, media, charities and churches – builds in turn on the family, the primary instrument by which people are socialised into their culture and given the skills that allow them to live in broader society and through which the values and knowledge of that society are transmitted across the generations. A strong and stable family structure and durable social institutions cannot be legislated into existence the way a government can create a central bank or an army. A thriving civil society depends on a people's habits, customs and ethics (Fukuyama 1995:4-5).

In a pluralistic society like that of South Africa, those personal values are, moreover, likely to differ considerably between individuals. Religion, ethnicity, income levels, educational attainments and the quirks of individual personalities all contribute to these differences. The important point is that South African society can accept or adjust to these differences because what we agree on more or less is the Constitutional values and the Bill of Rights, which transcends what we differ about. The major source of ethics$_2$ and ethics$_3$ are principles and standards based on legislation and regulations, principles and standards based only on moral obligations or a combination of the two (Friedberg 1993:58).

Family will continue to play a strong role in the development of ethical behaviour, but without positive reinforcement from outside groups, such as the schools and the government, the important values taught in the home are diminished (Mc Campbell & Sadri 1997:1108). It is up to the family to provide the basis, and for society to provide the backup, if South Africa hopes to regain strong ethical values. A strong commitment to ethics$_3$ by each of these groups is positive reinforcement for individuals of the need to act in an ethical manner.

2.3 USES OF ETHICS

Ethics$_3$ is part of an ethos we live by. It is part of one's culture. It is an attitude or outlook, a set of virtues and habits (Lilla 1981:14). This culture of ethical conduct could be encouraged by a philosophical understanding of ethics. All persons are not philosophers but a simple understanding of how actions has ethical implications and how to analyse the difference between right and wrong could enhance this culture of conducting one's activities ethically. In this regard, the Greek philosophy of ethics$_1$ has much to offer the public servant. Stoicism represents a vital link (i.e. individual virtue and corresponding self-contentment) between an intellectual understanding of administrative ethics$_2$ and the ability to regularly and consistently apply those standards in an unstable and sometimes highly contentious and stressful environment (Simon & Nice 1997:169). Public servants find high levels of stress at work, multifarious demands

from the political as well as administrative realm, conflicting goals and a variety of other issues that all contribute to an atmosphere of uncertainty and tension and leads to disappointment and stress. Our response to changing conditions should be rational rather than purely emotive because the latter indicates that one is a servant to the emotions (Simon & Nice 1997:176). Therefore, I think that Stoicism has a valuable use in South African Public Service. For example, if a rude patient comes for medical treatment, the doctor, nurses and administration staff will not be frustrated by the patient's vulgar behaviour because they will not react emotionally to the comments of the patient. But rather they will act detachedly and in a rational manner by way of solving the cause of the patients' basic illness. Unfortunately, public servants from my observation as a practising public official, act emotionally to problems of clients. This may result in them getting frustrated, depressed and burnt out in their jobs.

The Stoics remind us to think carefully about enduring values and principles and to evaluate our actions according to those standards (Simon & Nice 1997:171). They delineate their ideal model of the ethical individual as follows: rational behaviour, a belief in the laws of nature, a cosmopolitan vision, a sense of community, a belief in equality and equity, and the possession of the four classical virtues namely wisdom, prudence, justice and temperance. The individual should be guided by the human spirit – the innate qualities of humankind (Simon & Nice 1997:172). In addition, men and women have a natural duty to uphold and to further just institutions and a civilised way of life (Frederickson 1994:459). (See chapter three, section 3.2.3. 'Facets of core humane values'.)

Ethics$_2$ can be used as a guide for public servants to adhere to the rules and regulations. This compliance to the rules ensures that unethical conduct is not an option and service delivery occurs. Due to teamwork productivity and efficiency among employees may also be established in the department. This could save a huge amount of money that is normally spent on commissions to investigate corrupt practices of officials.

The concept of ethics$_3$ allows one to live in a society and work in an environment in which people act and behave in a proper, civil and respectable manner. In such an atmosphere, the culture of ethics exists and with such co-operation of public servants one could attain the goals of society and government departments.

2.4 THE NEED FOR ETHICS

Every government department in South Africa is under pressure from taxpayers to reduce expenses while maintaining or increasing services. Public servants are striving to get the job done and this pressure can get in the way of doing the job right. It is crucial to ensure that employees act in a legal and ethical manner, while at the same time increasing productivity and achieving long term success. This need is provided for by the Code of Conduct (South Africa 1997b:2-5), which focuses on corruption, conflict of interest and bribery.

It is hard to imagine how difficult normal human endeavour in a modern society would be without a generally acceptable ethical basis upon which most people believe they can operate. Ethical behaviour is determined by values, guidelines and by the standards expected by the general public. The public leaders also convey ethical messages to public servants and to the people (Taylor 1996:2215).

Ethics$_2$ has traditionally been an important element of the broad concept of administrative responsibility. The need for high ethical standards is widely viewed as one means of guarding against abuse of bureaucratic power. Opportunities for public servants to become involved in unethical conduct arise from the power they exercise in both the development and administration of public policy. In particular, their discretionary decision-making powers and their access to confidential information provides considerable scope for unethical conduct (Kernaghan 1980:207).

The key positions that public servants find themselves in with enormous discretionary powers make the need for ethics even more important. Since public servants are

accountable to the public, their actions should be explainable as ethical. Their decisions or policy resulting from their discretionary decision-making powers should be tempered by the three approaches to ethics (See chapter four).

The public demand that public servants act ethically results in the need for $ethics_2$ and $ethics_3$. Public servants need to adhere to the code of ethics and have a high standard of personal morality. Public surveillance and involvement are two ways to ensure that employees act ethically. There is no doubt that the public at large demands high ethical and moral standards in all organisational transactions. People are unlikely to behave unethically if they believe they might get caught, so watchdog activities generally keep public servants honest. The media plays a vital role as a watchdog of corruption (Bruce 1994:243). Government employees ought to be ethical in all circumstances. Public servants, at all levels, need to sharpen their skills and abilities in practising ethics. Ethical employees do far more for an organisation than just keep it out of trouble. High ethical standards and high quality of work are not only the key to success for an individual manager but most assuredly they are the cornerstones of a successful organisation. In addition, ethical practices have been consistently found to be more profitable than unethical ones (Bruce 1994:243). It creates a stable work environment where everyone knows the rules and procedures and also a working understanding of how things are done. This kind of work environment achieves service delivery (Bruce 1994:243.)

Each public employee is a fiduciary of the public trust, with an obligation to offer quality services at the lowest possible cost. Ethical employees are better at this, for their energies are focused upon service to the public, not self-aggrandisement. Public support is highest when employees are credible and trustworthy. There is a tremendous waste of organisational energy when an official does something unethical. Significant time is spent responding to committees and disciplinary meetings. The employee morale becomes negatively affected (Bruce 1994:243).

If people who have to work together in an organisation trust one another because they are all operating according to a common set of ethical norms, then doing business will cost

less. Such an enterprise will be better able to innovate on an organisational level, since the high degree of trust will permit a wide variety of social relationships to emerge. By contrast, people who do not trust one another will end up co-operating only under a system of formal rules and regulations, which have to be negotiated, agreed to, litigated and enforced sometimes by coercive means. This legal apparatus serving as a substitute for trust entails what economists call 'transaction costs' (Fukuyama 1995:27). Managers have considerable latitude in organising their business to take account of the sociable side of the human personality. There is no necessary trade-off between maintaining the community of employees' ethical relationships and efficiency. Those who pay attention to building the community of employee ethical relationships may indeed become the most efficient of all (Fukuyama 1995:32).

Another important need for ethics lies in the fact that ethical rules are ideally designed to ensure the impartiality, objectivity and integrity of public servants in their conduct of the public's business. Public servants are enjoined to refrain from using their government position for personal, private, pecuniary or partisan gain (Kernaghan 1980:208). $Ethics_3$ strengthens the resolve of public servants to bring their actions in line with the needs of the public. This way they would be able to easily exhibit moral maturity (Dwivedi 1988:127). This is achieved when the departments have a code of conduct and inculcate virtues in the public servants (Dwivedi 1988:124). Virtues help internalise a perspective on power, values and accountability that supports the ethical dimension of public management. A virtuous public servant will have the right attitude to achieve service delivery, therefore administrative requirements and codes of conduct will be tools for him or her to achieve the desired goal of government departments. It assists in understanding the relationship between obligations, responsibility and accountability of holding public office (Dwivedi 1988:124). Values when internalised and exhibited by public servants create an ethical environment for the department to function in.

The need for ethics has led various professions to establish their own codes. Professional codes of teachers, nurses and doctors are $ethics_2$. These codes of conduct play a role in developing employee morale and self-esteem in their profession. It also sets standards for

public servants to adhere to, which are mostly ethical in its content. The need for professional codes cannot be underestimated, as it is necessary for efficient and effective public administration. It contributes to improved service delivery.

2.5 CONCLUSION

This chapter links chapter one which is a discussion of the thesis, terminology and the research methodology with the philosophical aspects of values and ethics which is represented in chapter three and chapter four. Its gives an outline of the need and uses of ethics which makes the study of ethics important.

In this chapter, I have traced the origin of ethics back to the ancient Greek times. In South Africa, Cloete(1986) defined the ethical foundations of public administration. There are many sources of ethics$_3$ such as the family, schools and the media. The concepts of ethics have many uses such as establishing proper conduct at work by adhering to the codes, rules and regulations. Due to the high rate of corruption in South Africa, the need for ethical conduct has become more important. In the next chapter I will discuss humane values.

CHAPTER THREE

HUMANE VALUES

3.1 INTRODUCTION

Humane values are aspirational guides for the concepts of ethics and they will be elaborately explored in this chapter. This chapter deals with humane values as the ideal. I will also explain the importance of a public servant having core humane values. These core values could serve as guides when using the concepts of ethics to improve public administration. A section is also dedicated to discussing the link between human rights, responsibility, humane values and service delivery.

Corruption and nepotism are basically human problems and require a solution that alters human behaviour. Humane values, when practised by a public servant, attempt to do just that by providing beacons of direction. An analogy that explains the position of humane values as an absolute guide is the lighthouse. The lighthouse represents humane values. The ethical codes are like the captain's map and compass to navigate the ship to the lighthouse. The lighthouse guides the captain of a ship. While the captain charts his own course towards the lighthouse with the intention of anchoring at the harbour, a public servant should use humane values as beacons to attain excellence. Different codes, rules and laws can all be implemented to attain the same goal, that is a humanistic society.

Therefore to understand ethics a discussion on humane values is necessary. An example of ignoring the importance of humane values as the foundation guidelines of human existence are the public servants in Nazi Germany who carried out instructions efficiently, effectively without corruption or unethical conduct (in the sense of ethics$_2$) in the painful execution of the Jews. Though the public servants' actions were considered ethical by the Nazi top management, it was inhuman, and therefore it was considered barbaric by the international community. In South Africa, most senior public servants who implemented Apartheid laws did not consider their activities being unethical,

although internationally this system was condemned. This idea of a set of values providing an aspirational framework to inform the ethical culture was emphasised by President Mbeki at the Anti-Corruption Summit (Mbeki 1998:2).

All purposeful activities or work in a society are orchestrated by humans. They utilise objects and instruments to achieve a certain result. Without them resources will have little value or benefit. Gold will not be worth anything if humans do not value it. It will be considered like any other metal. Therefore a human being is important and the values he or she possesses are also important. These values can affect the workings of society. It may also affect how many people will work towards the good of society through their activities. The way humans utilise resources effectively is in accordance with the values they uphold. For example, the value that a public servant in a hospital attaches to life, affects his or her work as can be seen by the child that was admitted to hospital for diarrhoea and had his hand amputated (*Sowetan*, 27 June 2000). Humaneness is probably on the decline in the public sector. Therefore I consider this chapter on humane values important when studying ethics.

3.2 HUMANE VALUES

In this section I will describe the concept of *humane values*. I will also explain how values provide a framework of understanding problems and how to act according to humane values. I will then explore the facets of core humane values and specialised values. I will also discuss core humane values and its relationship to character. (Chapter five, section 5.2 'How much humane values is in the *Batho Pele White Paper*' uses this philosophical analysis of the concept of humane values.)

3.2.1 WHAT ARE *'HUMANE VALUES'*

The concept of humane values refers to all those good values that a human being may have. A person may consider a particular ideal or good conduct to be of importance and a value is attached to it. Values give moral weight to certain good behaviour. These values

may influence the choices of the general public. Such morally good values are: truth, right conduct, non-violence, peace, love, harmony of thought, words and deeds and service to humanity (Burrows 1988:19-22). These seven values will be the core humane values, which I will make reference to throughout this dissertation.

Donaldson (1996:53) says that a set of core humane values to guide public servant's actions is needed. I agree with this statement as I have observed that generally people have a set of values and act in accordance with some value system. These values could either be positive, in other words these values are progressive or negative which is retrogressive to human development in material or social areas. Positive values being progressive brings out the best in a human being and his or her existence hence it is known as humane values. Humane values refer to those values that refine human behaviour. Although humans can uphold good or bad values and good or bad ethical systems which result in them acting either good or bad, the concept of 'humane values' implies those values necessary for a human being to function in a successful community.

The concept of humane values in Public Administration can be traced to authors such as Viola (1977:169) and Kidder (1994:8-13). Kidder (1994:8-13) in his article "Universal human values" uses the concept 'human values' to refer to all good values that a person should possess. He uses the term 'human values' in a similar way the Constitution uses the terms 'human dignity' and 'human rights'. In section 10 of the Bill of Rights in the Constitution, it speaks of "Human dignity" and we know that dignity is normally associated with humans. The Constitution also lists human rights in the Chapter on the Bill of Rights. There are many types of rights but those that encourage the welfare of the human being are called human rights. The concept of human rights means those rights that are entitled to and belongs to a human being even though he or she is capable of abusing those rights. Similarly, Kidder's (1994:8-13) concept of 'human values' refers to those values that belong to a human being with good behaviour even though he or she is capable of upholding bad values. According to the Concise Oxford dictionary (McIntosh 1964:107- 591) the word 'human' means 'man' or 'mankind' and the word 'being' means 'nature' or 'essence'. In my opinion the essence of mankind is goodness although he or

she is capable of inhuman deeds. Therefore good values which equal the concept of 'human values' is the essence or nature of a human. A metaphor to explain this is, just as light and heat is the quality of fire and liquidity is the quality of water, goodness is the quality of a human being. Water can be frozen or vaporised through changing the conditions but when it is returned to its natural conditions it becomes a liquid again. In the same way a human being may display negative and bad values, but given the right conditions, goodness is his essential quality. This goodness is invested in the concept of 'human values'. Ubuntu also encourages goodness in human beings. At the Moral Summit, it was stated that the definition of "Ubuntu" means to be human (Sangweni & Balia 1999c:50). Ubuntu is a set of good values. To have these good values means to be human, hence the concept of 'human values'. However due to the possible misunderstanding of Kidder's (1994:8-13) concept of 'human values' that could be construed that all values, both good and bad are human, I will use the term humane values as referring to those values that refine human behaviour.

3.2.2 VALUES PROVIDE A FRAMEWORK FOR UNDERSTANDING PROBLEMS AND TO ACT ACCORDINGLY

The future of public administration in South Africa depends on the actions of the public servant. These actions depend on the mind, and the mind on thoughts. As are the thoughts, so will the action be. Hence for the public sector to achieve service delivery it should foster thoughts based on humane values among public servants. The nature of a human being is actually his or her disposition and character. Among those things that develop a good character are good values. Bad values develop bad characters. Bad behaviour may sometimes be considered as human nature but this is just the result of people being brought up wrongly.

Humane values provide a framework of understanding problems and guide public servants to act accordingly. This is possible because values dispose a human being to behave in certain ways. It creates intentions, intentions create thoughts and thoughts formulate different plans of action. Values determine our choices. The choice of a given

course of action (mode of behaviour) is made in expectation of some benefit either to the improvement of the quality of one's life or the quality of life of others in sacrifice of one's own. Public servants in America are making new and different choices in the various spheres of their lives. They are striving for those modes of behaviour and those interpersonal relationships that will make a favourable difference in their lives (Viola 1977:169). This means that their modes of behaviour have to be guided by specific core values.

The qualities that distinguish humans from animals are humans' ability to reason and act according to a higher form of consciousness, a quality which animals lack. A human being is endowed with a mind. The mind has many thoughts, ideas and plans. Human beings should base their thoughts on humane values. One can truly be called a human being when one possesses humane values, otherwise one has a physical body of the species homosapiens with the consciousness of a beast. A human being is more than the physical body consisting of five sense perceptions. A human being is a being who makes proper use of the five senses without giving scope to evil qualities like corruption and greed. Humane values foster noble qualities.

I think that the reasoning consciousness of discrimination is peculiar to humans. Animals are governed by instinct. Positive values constitute a higher form of consciousness. It consists of good values. Negative values are embodied by forms of behaviour such as a violent aggressive behaviour, which goes uncontrolled in an animal because that is what the animal instinct demands. Humans with reasoning and awareness on the other hand have the choice to change such behaviour or exhibit the animal instinct. This modification will require the mind to reason according to some framework of values. Good actions are very important and depend on good values.

Retrogressive or negative values make people display bad behaviour which is foreign to his or her true nature and therefore those people become socially undesirable elements. The problem here is the institutionalisation of wrong values. For example, religious intolerance and violence is a display of negative qualities of defensiveness and violence.

A lion will defend its kill and impose its domination over other lions in the pride. The negative values become apparent in people who do not have a framework of good values. If a particular religious or political group does not have domination over the economic and other resources or on a more individual level if one does not get his or her way then this may be imposed on the other group by force. In my opinion, these are negative or retrogressive values even if the persons claim to follow a particular religious dogma.

3.2.3 FACETS OF CORE HUMANE VALUES

Public servants need to identify core humane values and to translate the core humane values into core values for the public service (Donaldson 1996:54). These core values may improve the conduct of public servants. Core humane values, as mentioned before, are: truth, right conduct, non-violence, peace, love, harmony of thought, words and deeds and service to humanity (Burrows 1988:19-22). A public servant may be successful if he or she is able to use his or her intelligence to perfectly combine these core humane values to reflect it in their activities. The difference between core humane values and other humane values is that the others are specialised humane values. Core values are broad and all encompassing in definition, whereas a specialised humane value is a definite aspect of a core value. These core humane values should be public servants' moral compass for their actions.

Stoic philosophy is particularly suited to the public service. It contributes to the core humane values of the public service with its emphasis on service to humanity. The Stoic emphasises service to others as a useful antidote to the problem of goal displacement in bureaucracy. In the day to day rush of completing forms and filing reports and especially under conditions of fiscal stress, public servants can easily find that much of their energy and attention is devoted to organisational maintenance to the detriment of ultimate objectives. The Stoic reminds us to keep concern for service to others uppermost in our minds (Simon & Nice 1997:175). Stoic philosophy encourages the utilitarian approach to ethics, which will be explained in chapter four.

The core value of service to humanity encourages service delivery. If the public servants' actions are good, then service delivery is bound to improve if all other resources are available. The future of the public service to a large extent depends on the actions of the public servant. These core values should be expressed in their thoughts, words and deeds. Before undertaking any action they should enquire whether it is good or bad, right or wrong. The public servants' actions according to core values may ensure that ethical principles are translated into ethical character. It is crucially imperative for the public servant to understand humane values and act according to these values. The core humane values give us a foundation for setting goals and developing plans. It unifies, giving a home territory for consensus and agreement (Kidder 1994:12).

My basic assumption in this dissertation is that core humane values are necessary for civilised human existence and development. These core values should be applicable to private as well as public life. They have to be universal, that is, they should be applicable to all groups of people, including religious groups, intellectuals, atheists, politicians, public servants, and the like. The core humane values are applicable to all aspects of life and to various sectors of society such as family, community, sports, non-governmental organisations, government departments and public administration. It is broad, general and all-inclusive in nature. The values should basically be secular in nature. The selection of core humane values should be simple to understand for all people, universally applicable and all-embracing of other values which can be considered sub-values or specialised values to the core values. Specialised values or sub-values like duty and loyalty are values that require a particular action and is an aspect of a core value of right conduct. To be dutiful and loyal automatically encourages right conduct. These core values when applied to the field of public administration encourage ethical codes, behaviour and conduct to be formulated. This is known as public administration ethics. In chapter four I will explain the concepts and approaches of ethics. There are three concepts to understand about ethics and three approaches to applying ethics in public administration can be distinguished. Using these three concepts and approaches to ethics as cornerstones one could successfully execute projects and tasks in the public service. This of course depends on whether the department has the necessary physical, capital and human

resources for the project. Ethics should be guided by humane values. With the application of humane values and ethics, service delivery may ultimately be assured.

3.2.4 FACETS OF SPECIALISED VALUES

There are numerous values, which can be distinguished as specialised values to the core values. Specialised humane values are related to core values in the following way: core values are broad and all encompassing in definition, whereas a specialised value is a definite aspect of a core value. For example, right conduct is a core value, which is broad in its meaning and covers many aspects such as duty, responsibility and loyalty. Duty, responsibility and loyalty are specialised values of a broader core value namely right conduct. Courtesy is an important specialised value. This value should make one courteous to others and in so doing establish right conduct. The goal of all specialised values of right conduct is to encourage an aspect of right conduct.

Specialised values encourage or establish one or more of the core humane values to various degrees. Specialised values can be used by all fields of study and practice, for example, in the writing of history, in the presentation of arts and culture, in economics, in public administration, to establish character or even to establish a successful career or family. Different subject matters have its own set of specialised values, which encourage and can be used in striving towards the fulfilment of the core humane values.

Fukuyama (1995:46) identifies a series of specialised values, like honesty, reliability, cooperativeness and a sense of duty to others. Other characteristics that are considered moral, such as prudence, temperance, courage, and justice are also specialised values. To claim not to want these values is as senseless as to value neither arms nor legs. These values are part of the natural activity of good human beings (Garofalo & Geuras 1994:289 – 290).

Kidder (1994:12) mentions the following specialised values: equality, democracy, free market economy, fairness, unity, stability, tolerance, freedom, wisdom, respect for life,

hospitality, generosity, kindness, duty, responsibility, courage and obedience. He also includes public concerns for racial harmony, respect for women's rights, the protection of the environment, respect for the cultures of other communities, and respect for the need to begin to integrate into our collective memory appreciation of the contributions and traditions of those who are different.

Reynolds (1995:104) considers the following specialised values as important: self-control, sympathy, obligation and loyalty. He also indicates that it is also generally considered wrong to get involved in stealing, lying and killing (Reynolds 1995:106).

Donaldson (1996:54) emphasises respect for human dignity, respect for basic rights, and good citizenship. Respect is a specialised value of right conduct and is necessary for the practice of democracy. This value which is closely related to tolerance, reflects a reverence for humanity and its views. Without a fair and open hearing of various viewpoints and a searching cross examination of them, it would be unclear whether those views are held on the basis of thought through ideas or are simply a manifestation of uncritical biased viewpoints learned at home or at work. Biased views often develop prejudices in people and when these prejudices become part of the mindset of a public servant, it could affect the decision making process at work. However, respect for others does include even respecting their prejudices and viewpoints. Without democracy and the respectful attitude it entails, decisions of public servants are weakened (Bowman & Wall 1997:259). Government's vast power and authority require high standards if individual freedom and liberty are to be maintained (Reynolds 1995:106).

The Code of Conduct (South Africa 1997b:3-5) identifies the following specialised values: faithfulness, co-operation, politeness, helpfulness, sincerity, equality, fairness, professionalism, equity, effectiveness, creativity, innovation, efficiency, punctuality, competency, responsibility, honesty, accountability, transparency, impartiality, confidentiality, good behaviour and neat dressing.

Although not exhaustive, the specialised values I consider important, taking the above paragraphs into consideration are: courtesy, commitment, dedication, duty, responsibility, loyalty, honesty, respect, reliability, co-operation, compassion, tolerance, prudence, temperance, courage, equality, justice, democracy, fairness, unity, stability, tolerance, freedom, wisdom, respect for life, hospitality, generosity, kindness, obedience, respectful attitude, liberty, dignity, listening to people's views, treating people with consideration, responding swiftly and sympathetically, confidentially, selflessness, integrity, truthfulness, confidence to face conflict, inner conviction, self-reliance, trust, consistency, coherence, reciprocity, incorruptibility, good faith, impartiality, generosity leadership, faithfulness, politeness, helpfulness, sincerity, creativity, innovation, punctuality, competency, accountability, impartiality, confidentiality, self-control, self-confidence, trustworthiness, sympathy, obligation, cleanliness, self-help, self-support, obedience, self-reliance, initiative, resourcefulness, self-sacrifice, discipline, endurance, patriotism, spirit of enquiry, proper utilisation of time, good manners, good behaviour and neat dressing, concern for racial harmony, respect for women's rights, the protection of the environment, respect for the cultures of other communities, respect for the need to begin to integrate into our collective memory appreciation of the contributions and traditions of those who are different, respect for human dignity, respect for basic rights and good citizenship, reverence for humanity and its views. There are many more specialised values that could be added to this list by conducting more research in this field.

I consider the above summary of values important as they establish character in the public servant. I will use this list of specialised values to investigate the *Batho Pele White Paper*.

3.2.5 HUMANE VALUES AND ITS RELATIONSHIP TO ROLES

People's abilities to live up to legal, official, or professional expectations reside in their own personal capacity for integrity. The performance of official duties is conditioned by the values one holds most deeply and upon one's own capacity for integrity. Character is

linked to the values a person's holds. Public servants should discipline their own desires, prejudices, and self-interests and focus their judgement and action within circumscribed ranges of public policy (Dobel 1990:356).

One may ask how does the humane values relate to the individual's character and his or her role as a public servant. Dobel (1990:355) explains that the commitment to humane values is connected to the skeleton of one's character. These basic sinews of character and physicality give reality to any commitments. They include physical buttresses such as levels of energy, strength, health and endurance, and character frames such as one's optimism, courage, caution, empathy, imagination, conscientiousness and self-discipline. Consciousness is structured by and depends upon the buttressing of character and body as well as central commitments. Personal self-consciousness uses these beliefs and values to create a plausible connectedness or wholeness to a life. These values are humane values. They have been acquired independently of and usually prior to roles taken on by public servants (Dobel 1990:355). For example, a police officer has to have physical strength, energy, good health, endurance, a commitment and responsibility, which are the specialised values of right conduct which he will use to maintain law and order. This enables the officer to perform his policing duties successfully and fulfil his other commitments such as to emotional well-being, the fostering of self-esteem and family duties. His role as a police officer is then in harmony with his core commitments.

Such roles can evolve and change in light of experience and are often reinforced by values of family, religion or profession. The existence of such an awareness of humane values provides the capacity for critical reflection and judgement where individuals can stand back, hold together and also reshape various roles either as a father, mother or public servant. For a public official, these values would include respect for self and others, commitment to truthfulness or public good, self-interest, and honour. It is important to think about the various roles and commitments one has taken on in the light of these core values. This involves thinking and reflection. People make roles their own and impress their own style on them. Each role can be lived with different degrees of empathy, conscientiousness, courage, optimism, and respect. Individuals personalise

roles and change the shape of each job they do through weaving it more tightly into their own personal core values and character. Given the unity of one's life, most values crisscross, intersect, and often reinforce one another (Dobel 1990:355). For example, the core humane values give unity in one's life, work, family, recreation and other activities. These activities are guided by a person's core values. These core values crisscross, intersect and reinforce one another so that ultimately a person could lead a fulfilled and happy life.

Actions in a role that violate core values disturb all other aspects of one's life and raise most of the serious issues of personal integrity in office. In these situations, the strains and pressures on the core values can be so great that a person's health can be impaired and energy levels depleted. Ultimately one's mental and physical health is affected. (Dobel 1990:355). The same point is reiterated by Bonganjalo Goba (Sangweni & Balia 1999b:220-235) when he says that when corruption becomes the way of life it becomes a violation of the core values that constitute who we are as a society.

When core commitments or character attributes are violated or changed, individuals no longer have the same morals. When basic attributes of self can no longer be relied upon, then the centering identity, which core values gave, and which held the many dimensions of life together, no longer holds. Commitments are ultimately personal because, whatever the dimensions of a role or job, individuals still do the judging and acting. Their commitments remain their commitments as individually reflected upon and affirmed. The official roles, responsibilities and powers which human beings take on do not exonerate them from personal responsibility. From the view of personal integrity, all such offices and roles can be conceived as promises by people to discipline judgement and action by the standards and procedures of the office. Individuals agree to hold themselves responsible to these standards and procedures as a trust. A personal oath or promise connects one's personal commitments with the moral horizons and commitments of office (Dobel 1990:356).

I have taken a holistic view of public servants. A person has one role as a public servant among other roles such as a father, mother, husband, wife, sports person, artist or a musician. The core humane values apply to all these roles that a person may take. The person needs to ensure that these values actually guide the roles he or she assumes. Humane values are inseparable from the public servant and public administration. Whatever role one assumes, values may tend to have an influence on them. We cannot assume that private morality is separate from public morality and therefore ignore humane values.

3.3 PUBLIC ADMINISTRATION VALUES

Public service needs much more specific values. From the core humane values and specialised values, values that are peculiar to public administration can be established. These are specialised values because they pertain mostly to encouraging public administration outcomes. Specialised values that encourage outcomes in public administration are considered as public administration values. Public administration values are ethical because they produce ethical outcomes.

The *Batho Pele White Paper* for example highlights values that encourage efficient public administration. They are the following: consultation, service standards, access, information, openness and transparency, redress and value for money (South Africa 1997a:15). Value for money is also called efficiency under Denhardt's list of public administration values (Denhardt 1997:1094). The following ethical values, derived from the Constitution, guide the Public Service: fairness, equity, accessibility, transparency, accountability, participation and professionalism (South Africa 1997a:20-21). Other principles advocated are efficiency, effectiveness, flexibility, diversity and service standards (South Africa 1997a:22-23). These public administration values encourage ethical utilitarian outcomes.

Bowman and Wall (1997:257) identified specialised values which are needed for public administration such as public regardingness (disinterestedness), tolerance (consensual

decision-making), respect (critical dialogue), pragmatism (openness), and wisdom (the craft of making sound judgements). Wisdom which is the craft of making sound judgements is also called prudence (Pauw 1999:181). Bowman and Wall (1997:257) also emphasises integrity. Genuine integrity demands honesty and a respect for truthfulness. If integrity demands honesty, then honesty requires the courage, and the confidence to face conflict. Public servants should have a strong sense of inner conviction. The foundation of that inner conviction is humane values. The values of integrity, honesty and courage foster an autonomous self-reliance that frees one from outside influences (Bowman & Wall 1997:255). For example, if a police officer is offered a bribe, the internalisation of these values in him should actually guide him in not accepting it. This frees him from outside influences because his behaviour is guided by his values.

Public administration is improved if a culture of trust exists in departments. Trust does not reside in integrated circuits or fibre optic cables. Although it involves an exchange of information, trust is not reducible to information. A department can have abundant information coming through network wires about its suppliers and contractors. But if the public servants dealing with them, are crooks or frauds, it will remain a costly process involving complex contracts and time-consuming enforcement (Fukuyama 1995:25).

Fukuyama (1995:25) identifies trust as an important specialised value for public administration. He defines trust as the expectation that arises within a community of regular, honest and co-operative behaviour, based on commonly shared norms, by the members of that community. These norms can be about deep 'value' questions like the nature of justice, but they also encompass norms like professional standards and codes of behaviour. For example, we trust a doctor not to do us deliberate injury because we expect him or her to live by the Hippocratic oath and the standards of the medical profession (Fukuyama 1995:26).

A government department has to adopt common norms as a whole before trust can become generalised among its members. In other words, social capital cannot be acquired simply by individuals acting on their own. Social capital is the virtues a group possess

and that is required for a particular activity in society. It forms part of the organisational culture. For example, teachers have to be sober on duty because the virtue of being sober can be taught to the students. Sobriety is a social capital for being a teacher. It is based on the prevalence of social rather than individual virtues. (Fukuyama 1995:4-5.)

Social capital is a capability that arises from the prevalence of trust in a society or in certain parts of it, for example, the intelligentsia or managers of departments. It can be embodied in the smallest and most basic social group, the family as well as the largest of all groups, the nation and in all the other groups in between. This includes public and private sector organisations. Social capital differs from other forms of human capital insofar as it is usually created and transmitted through cultural mechanisms like religion, tradition or historical habit (Fukuyama 1995:26). Religious dogma, traditional rituals and historical habits normally link their belief and dogma to social virtues and this is how it was passed down from generation to generation. With the decline of influence of religion and tradition, it is important that the government through its education encourage social capital or virtues. Deputy President Mbeki (1998) said that the moral fabric of society has been eroded and this can be due to the absence of social values.

This means that a department has to adopt an ethics charter or a code of conduct and encourage it actively among public servants. The tendency to acquire new norms and virtues is much harder than other forms of human capital such as skills. It is also harder to modify or destroy because it is based on ethical habit (Fukuyama 1995:4-5).

Van Wart (1996:529) identifies the following important specialised values of public administration, namely honesty, consistency, coherence, and reciprocity. Good government needs people who are encouraged to remain honest by pursuing these values. Without individuals with integrity, government departments fall prey to a variety of problems. Honesty is at the top of the list even before competence. Consistency here means a reasoned attempt to act from a particular core value rather than from whim. This does not mean being unchanging or rigid. Coherence means a reasoned attempt to connect core values to examples where those core values can be applied and to make the

values and the actions as harmonious as possible. Reciprocity means a reasoned attempt to act towards others, as you would have them act toward you under similar conditions. When these four values are in place, a high trust culture is established which characterises both high performing teams and departments. Public servants who base decisions on core values exercise the most powerful form of control, because their control comes from within (Van Wart 1996:529).

Denhardt (1997:1093) discusses democratic and bureaucratic values, which also contribute to public administration by producing desired outcomes. In many ways these two sets of values are congruent. Democratic values focus on outcomes such as liberty, justice, and equality, the pursuit of the public interest, and responsiveness to the public. Bureaucratic values are more instrumental, focusing on procedures and means such as efficiency, economy, standardisation, hierarchical authority structures, accountability systems, impartiality, and subservience to political superiors (Denhardt 1997:1093). They represent an institutionalised system of rules and procedure existing not for its own sake but to assure fairness, justice, avoidance of favouritism, and the consideration of all relevant interests. In this way, bureaucratic values epitomise the notion of "good government" such as objectivity, fairness, and actions that can be easily anticipated by citizens. Bureaucratic values also represent a commitment to stewardship of public's resources through expert management to assure economy, expertise, efficiency and effectiveness. Bureaucratic values are intended to achieve a specific set of values in keeping with democratic values (Denhardt 1997:1094).

Denhardt (1997:1095) also says that public servants are expected to take both bureaucratic and democratic ideals into account in choosing an ethical course of action. Democratic and bureaucratic values should not be viewed as opposing values where the public servant has to choose only one to the neglect of the other for their decisions. The public servant should consider all values as the circumstances demand as each situation or activity is unique. This requires a mixture of values being applied for a workable solution to ensure a successful and ethical public administration.

In line function tasks, there are also specialised values for public administration that are essential to ensure public administration outcomes, such as responsibility, organising, productivity, knowledge and insight abilities, interpersonal relations and leadership abilities. Responsibility has other facets such as sense of duty, accepting responsibility, loyalty, correctness and acquiring skills. Other facets of organising are: planning, adaptability to different work situations and managing tasks. The aspects of productivity are: high work speed, quality and drive. Knowledge and insight encourage the following aspects: the zest to acquire knowledge, utilisation of knowledge, ability to comprehend, discernment and initiative. Some of the aspects that interpersonal relations encourage are: acceptability to others, tact, adaptability to different natured people and dealing with conflict. Leadership abilities has the following aspects: self-confidence, communication abilities, the ability to discipline, exercise control over subordinates and a positive approach to his or her own development (South Africa sa, Manual 1-15).

The Moral Summit (Mbeki 1998:9) also identified certain specialised values for public administration. It listed the following specialised values as important for public servants:

a) Integrity: is where the public servant will conduct himself in such a way that his speech and acts are honest, trustworthy, and able to nurture a culture of truth and reliability
b) Incorruptibility: is where the public servant will not accept any financial or other obligation to individuals or organisations, which could lead him or her to act unethically in his duties and responsibilities.
c) Good faith: recognises that there can be conflicts of interests, and the public servant accepts the obligation to declare any personal interests, which may affect the interests of those he serves.
d) Impartiality: in carrying out his duties, including making appointments, awarding contracts, grants or recommending individuals for benefits, the public servant will make fair choices which do not unduly or unjustly favour those with whom he has other ties.
e) Openness: is where the public servant will be transparent in his decisions and actions, and will not withhold information, which is in the public interest.

f) Accountability: is where the public servant will recognise that he is accountable for his decisions and actions, and will submit to whatever scrutiny is appropriate.

g) Justice: is where the public servant will act justly, and promote the culture of respect for the law.

h) Respect: is where the public servant will act in a way that promotes respect for all people regardless of their beliefs.

i) Generosity: is where the public servant in speech, attitudes and behaviour, will seek to be generous and hospitable towards others.

j) Leadership: is where the public servant shall promote and support these principles, seeking to recommend by personal example and service, the fundamental moral principles on which a successful society can be built and maintained (Mbeki 1998:9).

In South Africa, there is a new campaign to establish a moral public servant (Sangweni & Balia 1999b:220-235). It explores ways to change the attitude of human relationships, by transforming corrupt, pessimistic public servants into dynamic, optimistic and productive public servants. In my discussion, it becomes clear that each cited author contributed different aspects of public administration values in order to focus on in different areas of public administration. All these values are important to take into consideration when transforming service delivery.

I think that the following specialised values for public administration are important: consultation, service standards, access, information, openness and transparency, redress, efficiency (value for money), equity, accessibility, accountability, participation, professionalism, decentralisation, effectiveness, flexibility, diversity, pragmatism, prudence, the pursuit of the public interest, responsiveness, economy, standardisation, impartiality, objectivity, expertise, organising, productivity, acquiring skills, knowledge and insight abilities, interpersonal relations, leadership abilities, correctness, planning, adaptability to different work situations and managing tasks, high work speed, quality, drive, ability to utilise knowledge, ability to comprehend, discernment, initiative, acceptability to others, tact, adaptability to different natured people and dealing with conflict, communication abilities, ability to discipline, exercise control over subordinates,

a positive approach to one's own development, subservience to political superiors, avoidance of favouritism, the consideration of all relevant interests. Through research, more public administration values could be added to this list. I will try to establish if these specialised values of public administration appear in the *Batho Pele White Paper*.

3.4 THE CONCEPT OF UBUNTU

Sindane and Liebenberg (2000:38) states the following definitions of the concept of Ubuntu:

- Ubuntu is a humanistic experience of treating all people with respect, granting them their human dignity.
- Ubuntu means humanness. Being human encompasses values like universal brotherhood (and sisterhood) for Africans, sharing, treating and respecting other people as human beings.
- Ubuntu is humanism. It is a belief in the centrality, sacredness and foremost priority of the human being in all our conduct, throughout our lives.
- Ubuntu actually means the art or virtue of being human… a desirable state of being human.
- Ubuntu affirms the humanity of the individual (the I or subject) in direct relation/reciprocity of the other fellow-human. It affirms dignity in human relations in a holistic way, including both the individual and community as core and complementary components in life.
- Common characteristics of Ubuntu include 'awareness' of what is just and unjust, humane and inhumane, kindness and cruelty, harmony and disharmony; it prefers peace to war, love to violence and hatred, and life to death. (Sindane and Liebenberg 2000:41)

Ubuntu also means to be human, to value the good of the community above self-interest, to strive to help other people in the spirit of service, to show respect to others and to be honest and trustworthy (Sangweni & Balia 1999c:50)

From these definitions, one could see that Ubuntu consists of humane values. Bonganjalo Goba (Sangweni & Balia 1999b:220-235) in his article "Moral vision of a transforming society: choosing who we are" introduced this concept of Ubuntu to Public Administration. He says that South African society will move forward when leaders accept constructive criticism and when the public banish the notion of entitlement and begin to demonstrate a commitment to civic responsibility and duty. He also says that we should examine critically the core values that inform our constitution and the variety of policies that address social problems (Sangweni & Balia 1999b:220-235).

In my opinion the core values to develop a sense of common purpose can be nurtured by a commitment to implementing moral practical solutions in addressing the problems public servants confront on a daily basis. This results in the creation of social capital (Fukuyama 1995:26), which the South African public service needs. It is primarily these core values that will make a difference to the conduct of the public servant. Goba (Sangweni & Balia 1999b:220-235) emphasises moral pragmatism because ideological thinking of the past has encouraged polarisation conflict with violent consequences. The leaders in all fields of life must reflect on this commitment to moral pragmatism, which focuses on what responsible actions can achieve in addressing our pressing problems. This notion of moral pragmatism finds expression in the African concept of botho-ubuntu, our core humanity as the basis of our shared and collective responsibility. To shape our future we need to rediscover values of compassion, integrity, honesty, truth, justice, freedom and respect for one another. The future of our society will depend on our determination to reclaim our common destiny and learn to develop a sense of shared and collective responsibility. The success and consolidation of our democracy will depend on the choices we make to establish moral values that enhance and deepen the quality of our lives. Those choices will also have to be reflected in our policies. Public officials have to become custodians of this moral vision of our transforming society (Sangweni & Balia 1999b:220-235).

Goba (Sangweni & Balia 1999b:220-235) says that the core of these important values, which is humane values, is captured in chapter 2 of our Constitution, which is the Bill of

Rights (See Table 1 in section 3.5 'The link between human rights, responsibility and humane values'). Here the notions of equality, human dignity, freedom and security, privacy, freedom of expression, freedom of religion, belief and opinion are fully set out. The challenge is to encourage a sense of civic duty and responsibility as we embrace these values. They should influence our policy formation process. These values are signposts to shaping the moral fibre of our society (Sangweni & Balia 1999b:220-235). It can be assumed that Ubuntu actually consists of humane values that uplifts society and uphold the notions of service delivery. It also stresses the link between values and the actions of public servants.

Other authors such as Ramogale and Baai (Sangweni & Balia 1999b:86-111) stress the importance of values, ethics and morality in the transformation of service delivery. They further reiterate Goba's concept of Ubuntu by stressing the importance of humane values. Values are central to the concept of Ubuntu. Ramogale indicates that the success of any country's political and economic system hinges on the body politic's psycho-cultural orientation. In other words the values that people hold will assure economic and political success. He addresses the place of morality and ethics in African Renaissance. He states that there is one principle that is common to most belief systems: the notion of excellence. It is an ideal that reflects a deep human yearning for what is beautiful, orderly and durable. Although it is possible to simply survive in an environment of mediocrity and deficiency, the human spirit always asserts itself by creating hunger for goodness. The notion of the African Renaissance is an expression of that need. Therefore, the concept of the African Renaissance implies a quest for excellence in moral, educational, political and economic matters. Sound values and ideals must be the bedrock of such a search. Goba (Sangweni & Balia 1999b:220-235) also speaks about critically examining core values. The challenge that faces the advocates of an African revival is how to effect attitudinal and moral transformation throughout the continent (Legum 2000:73-74). This can be done by making human rights and humane values the moral standard of the African Renaissance. This would establish criteria for the behaviour of African states and also enable them to assume a vanguard role in the progress of a more caring world society (Legum 2000:75).

Baai (Sangweni & Balia 1999b:86-111) says that the understanding of these terms of ethics and morality shows that all life will always raise basic moral and ethical problems. The concept of alienation is essential to an understanding of the present debate about morality. It is also central to moral philosophy. He indicates the importance of de-alienation that serves to bring about the transformation of society. Transformation means a change of form, that is change in content and process. Transformation implies a move from an immoral state of affairs towards a state of freedom. This is what is called existential freedom, which stresses that humans are responsible for their own actions and are free to choose their development. This is inseparably intertwined with social freedom, which places emphasis on social responsibility (Sangweni & Balia 1999b:86-111).

The ethical challenge of Ubuntu involves a commitment to a higher moral order, which is a commitment to humanistic values. Baai quotes Niebuhr who affirms the importance of values. For him values are attributes of beings in relation to other beings. The notion of common good denotes a situation in which institutions and the environment, work together for the benefit of other beings in a given social setting. In the interaction among beings the moral value system emerges. Essentially, justice and the common good are the embodiment of moral values (Sangweni & Balia 1999b:86-111).

The heart of inculcating of virtue ethics and moral values can be found in the family, institutions, private and public associations. The personalities of different people are deeply affected by the values of the community in which they have grown up (Sangweni & Balia 1999b:86-111).

Baai (Sangweni & Balia 1999b:86-111) also introduced the idea of integrity, which he says refers to the harmony of intention and action. There is consistency in a person's actions, which is in harmony with his values. Harmony of thoughts, words and deeds is one of the most important core humane values. Ethics requires that there should be consistency among the moral standards of all of us and in how we apply them.

It should be pointed out that the values we have in the Constitution may be conceptualised as the source from which principles are drawn. It should be noted that rules are based on principles. For instance, the rule, which says that public servants must not accept benefits from the people with whom they do business, is derived from the principle that states that public servants should not use their official position for private gain. The principle itself is derived from such values as integrity and fairness. Professionalism encapsulates these values. However they need to be translated into practice with a sense of commitment. These ideals are ineffective unless management at the administrative level see to it that they are adopted and practised. Management support is crucial because management attitudes play a significant part in shaping the organisational ethos of a work environment. Management must be seen to be the first to adopt these professional values. Thus the emphasis here is placed on integrity, which is the harmony between intention and action (Sangweni & Balia 1999b:86-111).

Ubuntu encourages especially ethics$_3$ and to a lesser extent ethics$_2$. Ethics$_3$ inter alia involves the individual's awareness of the distinction between what is (fact) and what ought to be (value). Ethics$_2$ denotes the well-based standards of right and wrong that prescribe what humans ought to do. (See chapter four, section 4.2.2. and 4.2.3.) Ethical standards include standards relating to rights such as the right to freedom and justice. The most fundamental principle of justice is that individuals should be treated the same, unless they differ in ways that are relevant to the situation in which they are involved. The foundations of justice can be traced to the notions of social stability, interdependence and equal dignity. Baai observed that when we are confronted with a moral dilemma, we need to consider whether the action would respect the basic rights of each of the individuals involved (Sangweni & Balia 1999b:86-111).

From this discussion of Ubuntu, morality, values and ethics, one can summarise by indicating that Ubuntu encourages the culture of respect and core humane values. In my opinion, Ubuntu equals humane values, which is truth, right conduct, peace, non-violence and love. (See section 3.2.3 and 3.2.4.) It establishes harmony of one's thoughts, words and deeds and the value of service to humanity. This concept of Ubuntu can encourage

ethical conduct among public servants. It can also establish an ethical organisational culture.

The principles of African Renaissance are self-reliance, economic recovery, political and economic independence, sustainable development, and democratic governance, anti-corruption and the avoidance of ethnic conflict. These principles of African Renaissance depend on the culture of Ubuntu. Ubuntu includes humane values. These humane values will ensure that African Renaissance is a success. The use of public servant role models who practice these values can enable Ubuntu to become part of the organisational culture. It may eliminate corruption to a large extent. As the then Deputy President Mbeki said at the Anti-Corruption Summit (Mbeki 1998:1): "To meet the challenge of stemming the tide of corruption we need to march to the tune of a new song, the song of regeneration and rebirth, the song of our renaissance, the song signalling the birth of the new public servant". I think, if Ubuntu is part of the African Renaissance, then this could be the new song to bring success in improving all sectors in South Africa.

3.5 THE LINK BETWEEN HUMAN RIGHTS, RESPONSIBILTY AND HUMANE VALUES

Every human being has inalienable human rights. Accompanying those rights are responsibilities that one should bear. Responsibility means a person is morally and legally accountable for his or her actions. A person should be capable of rational conduct in accordance with the concept of human rights. What I mean by rational conduct is that one's actions should correspond with human rights principles. This value of responsibility is a humane value and has its roots in the core values. Therefore in my opinion, it may be assumed that humane values are as inalienable to a human being as human rights are.

Backsliding from responsibility and weakness of will is the lack of discipline in one's character. This could be due to a lack of the culture of humane values and also to society's lack of emphasis on forming good habits to develop good character. It could

also be attributed to the breakdown of family values and poor upbringing. From my observation, aspects of South African culture do not encourage good habits and character.

These humane values expressed by the actions of a human being makes human rights meaningful in everyday life. For example the freedom of expression is a basic human right for every person. With this right goes the value of responsibility which is a positive value that benefits society. One could use this right either positively or negatively. This responsibility is that one should express oneself positively and for the benefit of society such as imparting ideas, artistic creativity, and scientific research. However this right could also be used negatively, in propagating war, inciting violence and advocating hatred based on race, ethnicity, gender or religion. And the person who does this could say that it is their human right to freedom of expression and it is enshrined in the Bill of Rights in Section16 (1)(2) of the Constitution. Therefore a particular value is attached to that human right. So it could be seen that for every human right, there is a responsibility and a core value attached to that right.

Responsibility is a humane value that makes one worthy of being a human being and is a necessary requirement for human development and social progress of society. Such humane values as non-violence, peace and tolerance of other people's views and expressions are necessary to make the human right of freedom of expression real. Therefore, these humane values give meaning to human rights, by manifesting responsible behaviour from public servants. It may reduce inhuman tendencies to be reflected in a person's actions and character and therefore one would not propagate war, incite violence or advocate hatred for race, gender or religion.

The espousal or practice of humane values connect people to the Bill of Rights and make the Constitution a working and meaningful document to the people. Otherwise these human rights are just on paper in the Constitution, with little benefit to the people. I will now table five core humane values, of the seven, and the corresponding human rights that are linked to it.

Table No: 1

Humane Value	**Section number**	**Section title**	**Description of right**	**How the value promotes the realisation of the right**
Truth	9(3)	Equality	The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.	If one seeks and knows the truth, then one is not led by prejudices that results in discrimination and inequality.

Table No: 1 continued

Humane Value	**Section number**	**Section title**	**Description of Right**	**How the value promotes the realisation of the right**
Right Conduct	24	Environment	Everyone has the right- (a) to an environment that is not harmful to their health or well-being; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that- (i) prevent pollution and ecological degradation; (ii) encourage conservation and; (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.	If one's action can be described as right conduct then one will automatically prevent pollution and encourage conservation. The right conduct of persons will protect the environment for the present and future generations.

Table No: 1. continued

Humane Value	**Section number**	**Section title**	**Description of Right**	**How the value promotes the realisation of the right**
Non-Violence	16(1)	Freedom of expression	Everyone has the right to freedom of expression, which includes- (a) freedom of the press and other media; (b) freedom to receive or impart information or ideas (c) freedom of artistic creativity; and (d) academic freedom and freedom of scientific research.	Violence is suppression of a person's freedom to gain knowledge, to be creative and artistic. If the State or the individual pursues the value of non-violence then the right to freedom of expression is attained.
Peace	15(1)	Freedom of religion, belief and opinion	Everyone has the right to freedom of conscience, religion, thought, belief and opinion.	If one pursues the value of peace, then one respects the thoughts and views of others, which encourages the right of freedom of religion, belief and opinion.
Love	28(d)	Children	Every child has the right to be protected from maltreatment neglect, abuse or degradation;	If children are loved and cared for then one would not find maltreatment, neglect or abuse.

3.6 THE LINK BETWEEN HUMANE VALUES AND SERVICE DELIVERY

In the previous section I have explained the link between human rights, responsibility and humane values. This section discusses the relationship between humane values and service delivery. Right conduct is acting from a good character according to principles that encourage the humane values. The three approaches to ethics come into operation at this stage where ethical actions of the public servant encourage service delivery. When right conduct on the part of the public servants is applied to public administration then service delivery may be attained. Service delivery is the delivery of a particular service to customers so to satisfy their legitimate needs. In order for thought to turn into action and for the result to reflect what the original thought was, it requires public servants to synchronise thoughts, words and deeds. The public servant's thought, words and deeds should reflect one intention of purpose. For example, when a policy document such as the *Batho Pele White Paper* is published the public servants' minds should accept that its principle of consultation has to be applied in all their dealings with the public. This should influence the thought process of the public servant. Thereafter whatever project they undertake, they should communicate that they are acting on the principle of consultation so that the public understands that the project is being guided by *Batho Pele* principles. They should consult the public on all issues that affect them and the project. The words or communication process of the public servant should reflect and should be guided by the policy of consultation. While actions are taken to complete the project and after it is completed, the project should reflect what the public needed. From the initial stages to the finalisation of the project the consultation principle should be clearly seen by the public. The deeds or action processes of the public servant should reflect that consultation as one of the principles of *Batho Pele* was upheld by the public servant. In chapter one, section 1.1. titled 'The Problem in real life', I gave examples of poor service delivery. The thought and word or communication process took place but the deeds are lacking. Public servants lack the training of thinking, speaking and acting according to principles. The harmony of thoughts, words and deeds ensures that the link between humane values and the end result is forged successfully. This will ensure that good

service delivery takes place in all sections of the public service. This is why ethics$_I$ plays a role in the public service.

The three concepts of ethics focus on human actions and morality (See chapter four, section 4.2. 'Three concepts of ethics'). It is concerned with the morality of human behaviour (Sheeran 1993:52). What should be done is to improve the public servants' character through adherence to humane values. This would be difficult, as there is probably little harmony between the thoughts of many public servants in South Africa and their actions. This breakdown can be corrected by developing the habit of adhering to rules, provided those rules are humane. Moral character does not necessarily require any particular stance on any public policy issue. It comes from truthfulness, diligence, and consideration (Reynolds 1995:106).

Personal integrity and service to one's clients are important for public servants. How do these values shape public servants behaviour? These values are internalised through professional education, through professional associations, and through the political and organisational system in which they operate (De Hoog & Whitaker 1993:2033). The pursuit of happiness, along with the freedoms of life and liberty, are seen as essential for a good life. Recognition of a sense of striving to attain core values in all their actions becomes for the public servant a self-actualised sense of duty (Gawthrop 1993:151). The thoughts, words and deeds of the public servant should be in harmony so that the chosen course of action would be successful.

To make my line of thinking and argument clearer, I will illustrate it as follows:

The Bill of Rights and basic values and principles governing public administration in the Constitution of South Africa, Act 108 of 1996

⇩

The eight principles of Batho Pele

(Consultation, service standards, access, courtesy, information openness and transparency, redress, value for money)

⇩

The Departments with their mission statements

(e.g. the health department to administer and provide medical facilities for all South Africans)

⇩

The human resources of the department

(the public servants)

⇩

Bridge for service delivery

Requirements for ethical and responsible public servants: humane values, Ubuntu, and ethics + Concepts and approaches of ethics for the public servant to use while executing the task (see chapter four)

⇩

The task to be done (e.g. attending to the needs of a patient)

Service delivery: Has the task been done according to the principles of *Batho Pele*? Is the patient satisfied with the service he or she received from the public servant at the hospital?

From the above diagram one can deduct that, on the one hand we have public servants and on the other we have a job to do. The bridge for successful service delivery or for the task to be executed successfully, are ethical public servants. Public servants without good ethical conduct merely form the human resources of the department and may not necessarily accomplish the task which the department has as its mission. The *Batho Pele White Paper* which was supposed to bring about service delivery, should have in it sufficient ethics and values in order to inculcate ethical conduct among public servants. However the *Batho Pele*'s eight principles highlight one humane value of courtesy and seven public administration values which are consultation, service standards, access, information, openness and transparency, redress and value for money. As the reader will

see from my analysis of humane values and ethics in chapter three and chapter four respectively, the *Batho Pele White Paper* is not adequate to inculcate ethical conduct among public servants. (See chapter five to chapter eight.) Humane values and ethics influence policy, resources and the results attained by a government department.

3.7 CONCLUSION

The purpose of this chapter is to discuss humane values as an instrument that will be used to analyse the *Batho Pele White Paper*. This chapter gives a clear understanding of what humane values are from my point of view and what I will be looking for in the *Batho Pele White Paper*.

I discuss humane values, which are the foundations upon which most societies are built. The Constitution has its basis in humane values and from these constitutional values all other Acts and Regulations are promulgated. Humane values also serve as signposts for ethics. Humane values are common to most people but there are different ethical systems for different people and different organisations and government departments.

The practice of humane values creates a value orientated mindset that guides and gives direction to the public servant in the execution of his or her day to day duties. The core humane values are universally applicable to all aspects of life of an individual. It is the foundation that makes human endeavour worthwhile. Public administration values, specialised values and core humane values should be applied in the public sector activities. The ethical foundations of South African public administration demand a creative consciousness of ethics and democracy. The creative consciousness of ethics$_3$ allows for individual fulfilment and development.

This is the importance of humane values and it is inextricably related to the concepts of ethics, which I will discuss in the next chapter. The concepts of ethics discourse revolves around how people should relate to each other, how officials should serve the people in formal organisations. It is an ethic of civility. Humane and civil treatment of citizens by

public servants, cognisance of the civil rights of citizens and truth, honesty and fairness in dealing with the public, flesh out the ethic of the public service (Reynolds 1995:179). In short, humane values are the foundation of the concepts and approaches to ethics. In the next chapter I will discuss the three concepts of ethics namely, $ethics_1$, $ethics_2$ and $ethics_3$, and the three approaches to ethics, namely rule based ethics, utilitarian ethics and virtue ethics.

CHAPTER FOUR

ETHICS: CONCEPTS AND APPROACHES

4.1 INTRODUCTION

The concept of "ethics" or the word "ethics" is used in various ways by different people, societies, organisations and government departments. These ethics arise from the understanding of moral phenomena from a particular view. In this chapter I will discuss the concepts of ethics, namely ethics$_1$, ethics$_2$ and ethics$_3$ and the three approaches to ethics namely: rule based ethics, utilitarian ethics and virtue ethics. I will also discuss codes of ethics and their advantages. This conceptual chapter on ethics is necessary because in order to determine whether ethics is lacking or not in the *Batho Pele White Paper*, it is necessary to have an understanding of what ethics is.

In today's society, ethical behaviour has become a necessary component of success in the delivery of services to the people (Erola 1991:91). Reynolds (1995:77) states that ethics broadly and vaguely, concerns the goodness or badness, rightness or wrongness of human conduct. Most books and articles (see chapter one: section 1.2. titled 'Originality and relevance' for authors and references) in Public Administration ethics deal with abuse of power, corruption, nepotism and how to teach ethics$_2$ (Mc Campbell & Rood, 1997:1108). Little attention is paid to the concepts and approaches of ethics itself, which I intend to describe in the following paragraphs. This chapter will focus on the second order of reality, namely the theories, models and concepts that are used in the subject Public Administration to get a grip on the first order reality which is the practice of public administration. The *Batho Pele White Paper* is a policy document that wishes to transform the practice of public administration and the concepts and approaches of ethics which is the second order reality are used to understand and explore this document.

4.2 THREE CONCEPTS OF ETHICS

The purpose of distinguishing between $ethics_1$, $ethics_2$ and $ethics_3$ is to understand the different uses of the word 'ethics' in different contexts. This distinction we make between $ethics_1$, $ethics_2$ and $ethics_3$ is to show that people refer to different things when they use the word ethics. However as my discussion proceeds, it will become clear that by focusing on one of these three concepts instead of the others, authors manifest an approach or approaches to ethics. (See section 4.3. of this chapter, which contains a discussion of their meanings and functions.)

4.2.1 $ETHICS_1$

$Ethics_1$ refers to:

(a) a subdiscipline of philosophy.

Broad (1985:viv) describes ethics, which is a subdiscipline of philosophy as the theoretical treatment of moral phenomena. His discussion includes moral psychology, ethical problems of right and wrong; good and evil and the metaphysics of morals. This subdiscipline, ethics, can be described purely from a descriptive and conceptual point of view. Since this form of ethics is purely philosophical and abstract, it may or may not be applied in practice, so therefore it need not necessarily be guided by any values. $Ethics_1$(a) is a-moral in its content. It is not necessarily applied to any particular activity or profession.

$Ethics_1$ also refers to:

(b) a rational reflection of a philosophical nature on good and bad, and the way we understand it within the context of, say, public life.

In $ethics_1$(b), rationality is the main consideration and its main activity is one of reflection. This view is more prescriptive than $ethics_1$(a) and its focus is on public

administration. In this context ethics$_1$(b) is a rational reflection on values and issues that are connected to those values. Ethics$_1$(b) in the discourse of Public Administration is a reflection on issues pertaining to public administration and service delivery. Therefore, Gawthrop (1993:140) points out that it is intended to guide human behaviour in a purposeful fashion. It is a mental activity that, inter alia, produces theories, concepts and proposals on how to change public servants into ethical beings. When one is involved in theories and proposals on how to affect this change, one is busy with ethics$_1$(b). It is a philosophical mental reflection prior to the undertaking of an activity. Ethics$_1$(b) is an attempt at a philosophical understanding of a problem. When a person thinks how or what he or she needs to do, that thinking process should be guided by humane values in order for it to be meaningfully applied in practice. The core humane values, which are needed for successful service delivery, may in some cases give rise to ethics$_1$ (b). As soon as a public servant rationally reflects and discusses certain values, then ethics$_1$(b) as a phenomenon is conceived. He or she may reflect on the good and bad nature of an activity and how to achieve a beneficial end result of an activity within the context of the public service.

Ethics$_1$(b) in the public service exemplifies the necessity of logic in moral reasoning, and the necessity of putting moral judgements into practice (Reynolds 1995:27). One aspect of ethics$_1$(b) concerns the way in which civil servants perform the duties allotted to them. On a wider level, there is also the whole question of the principles that civil servants employ when deciding on issues (Hunt 1994:11). For the public servants the primary question is: What is the right thing to do in particular (moral) situation? (Reynolds 1995:28). What ought I to do here and now? What ought I to do in general? To what moral code ought I to adhere? (Taylor 1996:2215). What is a good life for a human being? (Reynolds 1995:29). Ethics$_1$ (b) answers these questions as this requires philosophical analysis and mental activity.

The discourse of the Public Service inter alia, involves the investigation of the scope of the Constitutional values and its application to produce results or the good life for all South Africans. The three ethical ideals identified by Fourie (1988:133) are a higher form

of society, service to society, and the happiness and well-being of the worker. By reflecting on these ethical ideals and the values of the Constitution, various proposals arise for the implementation of service delivery such as, the Public Service Act, the Code of Conduct and the *Batho Pele White Paper*.

Therefore, ethics$_1$ is not necessarily purely descriptive or conceptual but it also may be prescriptive. My dissertation is exploring if ethics$_1$ (b) is encouraged among public servants in the *Batho Pele White Paper*.

4.2.2 ETHICS$_2$

Ethics$_2$ is a concept that refers to codes and rules. Its main consideration is to provide guidance. The use of the word ethics$_2$ may be purely descriptive. It refers to ethical codes, usually to professional codes. It manifests deontology but it is not equivalent to it (see section 4.3.1: Rule based ethics). The principles of conduct may be formulated with the guidance of humane values. The denotation of ethics$_2$ gives one the principles, rules and regulations of the public service. These principles are encapsulated in a code of ethics. The denotation of ethics$_2$ bind members of an organisation and provide standards for interpersonal relations and preferred modes of conduct. Some examples of organisational codes are provisions for avoiding sexual harassment and conflict of interest, and meeting the needs of customers and constituents (Berman & West 1994:7). In South Africa, the Code of Conduct gives guidance, among others, as to the relationship of the employee with the legislature and the executive, the relationship with the public and among employees, performance of duties, personal conduct and private interests (South Africa 1997b:1-5).

Codes of conduct serve as guidance for the behaviour of public servants. It is a form of determined intelligence to guide the behaviour of public servants. The public servant does not need to analyse situations mentally but needs only simply to follow the code that is laid down. It can now be said that the denotation of ethics$_2$ can be understood as the set of ideal standards of which the purpose is to translate the profession's ethos (the

fundamental principles, rules and ideals that form its distinctive character) into everyday practice (Denhardt 1997:1092). Ethics$_2$ are ideal standards adopted by a group to define expected conduct, to stimulate change and improvement in the behaviour and character of group members. Public service ethics$_2$ reflect an effort to define how public servants ought to act, and are informed by the codes of conduct (Denhardt 1997:1093).

Ethics$_2$ in the public service puts the focus on obedience to authority, codes and rules (Reynolds 1995:27). Ethics$_2$ provides an environment in which it is possible for society to operate with relative trust that any person will be dealt with, for example, fairly, honestly, and with regard to the spirit of the law (Taylor 1996:2215).

The development of a code of ethics in the public sector is a step towards ethical behaviour. These ethical codes fall along a continuum where general, broad and aspirational ethical standards occupy one extreme and narrow legalistic regulations of conduct occupy the other. We have the Constitution, section 195(1), which states that a high standard of professional ethics must be encouraged and maintained which is broad and then we have the Code of Conduct (South Africa 1997b:1-5) with its detailed regulations.

Ethics$_2$ refers to the Constitution, provincial and local laws, the rules and regulations that articulate the laws and judicial rulings interpreting laws. The law is a symbol of politically agreed upon values, which has special significance for those who have dedicated themselves to defining, upholding and implementing the laws through public service (Reynolds 1995:12). Public servants should respect, support and study the Constitution and laws that define responsibilities of departmental employees and all citizens.

Societal values, organisational norms and traditions, professional norms and behaviour gives direction to the kinds of actions taken (Dwivedi 1988:126). Public administration at all levels of government is currently inundated with new ideas designed to raise the level of ethical consciousness of the public servants and in the public sector of America.

(Gawthrop 1993:156). This task of raising the ethical consciousness of public servants in South Africa was taken up by the Public Service Commission by drafting the Code of Conduct.

Professional associations also have a code of conduct for their members to adhere to. Public servants in the Public Sector are supposed to strive for professional excellence. Professional associations further urge them to strengthen their capacities and encourage the professional development of others (Van Wart 1996:531). Different professional associations such as the medical, nursing, teaching and engineering associations have their own codes. At times they do come into conflict with one another in striving to improve their status in society. Their codes also tend to restrict the numbers that qualify to join hence maintaining the salary requirements. These are the negative effects of professional codes. However professional codes play a major role in influencing the morale of public servants by providing them with a certain amount of self-esteem.

It can be assumed that an ethical professional is one who pursues a calling to serve others and who cultivates the values necessary to serve the public honourably and consistently. These virtues and habits are developed by means of ethical codes, education and training, certification of competence, and sanctions for those who fail to honour their calling. Such mechanisms are intended to build agreement on values and norms, and provide practitioners with a professional identity, a way of looking at themselves and their work (Jos & Tompkins 1995:209).

In this way, senior managers could have a decisive influence on the careers and lives of those placed in their charge, a fact which serves to underline the heavy responsibility towards staff. Managers will increase their knowledge and develop their skills and more fundamentally, they will inculcate principles and values underlying the ethical and professional conduct of public administration (Robson 1999:176). Managers need to refer often to the organisation's code and must themselves be credible, committed, and consistent. If managers act, as though $ethics_2$ does not matter, the rest of the department's employees will probably be of the same opinion.

Ethics$_2$ has traditionally been an important element of the broad concept of administrative responsibility and is widely viewed as one means of guarding against abuse of bureaucratic power (Bruce 1994:242). Therefore work in ethics$_2$ provides for codes of conduct to guide the behaviour of public servants. Public office is a public trust and the public servants are trustees of the community they serve. Therefore the need for fixed canons of behaviour such as honesty, fairness, reasonableness and even-handedness is needed (Barrie & Carpenter 1994:74). As a guide to practice, 'doing as you would be done by' is a good maxim to follow. The issue for public managers is to make sure that everyone in the whole organisation follows this precept (IDSA: Kings Report 1994:25).

Public servants should adhere to universal ethical standards (Simpson 1997:6). Written rules can be very effective in promoting ethical conduct in certain problem areas and in informing actual or potential offenders of the standards to which they are expected to adhere to and of the penalties for infractions of the rules (Kernaghan 1980:220). For example, there is a need for ethical rules on confidentiality, which set out clearly the standards to which public servants are expected to adhere, and the penalties for violations (Kernaghan 1980:214).

The degree to which an officer will adhere to the code of conduct will be influenced to a great extent by, amongst other things, his balanced conduct, thoroughness, honesty, integrity, empathy, loyalty, modesty, optimism especially about the future and courage especially to make decisions (Bruce 1994:242).

4.2.2.1 CODES OF ETHICS

A good code of ethics provides a modest level of behavioural guidance, cuts across and unifies a variety of occupations in the public service and establishes a mechanism to ensure compliance with proper public professional behaviour (Reynolds 1995:102). Clapper (1999:144) states that codes of conduct in the public sector should steer the personal morality and competence of the public official into particular public service goal-oriented directions. The codes of conduct should serve to harness and steer the

public official's personal morality and judgement in directions that will yield right conduct and efficient rendering of services to benefit the public interest. Personal morality and judgement falls under the concept of ethics$_3$ according to my classification (see section 4.2.3: Ethics$_3$).

A code of conduct ought to contain that which has, in general terms, public trust as a starting point. Such a code of conduct must provide for standards of conduct that are of general application. It should be a set of ethical rules. Seen in this light, the code is an instrument, which not only identifies unacceptable conduct but also identifies and encourages acceptable conduct. The objective of a code of conduct is to show officials and the public in unambiguous terms what is regarded as acceptable. A code of conduct has to do with behaviour and more specifically behaviour which relates, to inter alia, duty, self-control, equal treatment and the absence of favouritism. It also has to do with responsibilities. It ought to direct conduct in accordance with humane values and is a means of upholding existing humane values and norms. It should emphasise the positive and not only the negative. It must be able to serve as a criterion against which improper conduct can be measured. It must serve as a guideline for the observance of acceptable norms (Barrie & Carpenter 1994:75).

Codes cover relationships between officials, the government and Parliament; financial interests; the use of official information; political and industrial participation; and personal behaviour (Kernaghan 1980:212). Other areas that a code may cover are corruption, potential conflict of interests, potential conflict of time and resources, making use of confidential information for personal gain, acting against the best interests of the department, incompetence and negligence (Simpson 1997:6). When it comes to access to information, a code usually provides that it should be considered whether any harm or prejudice arising from disclosure is outweighed by the public interest in making information available (Bogdanor 1996:606). Ethical codes often encourage values like honesty and integrity and provide the appearance of a public service that is committed to the service of humanity without regard to profit (Jos & Tompkins 1995:210). These

aspects of a code are to a large extent covered by the South African Code of Conduct (South Africa 1997b:1-5.)

a) CODES AS GUIDES FOR PUBLIC SERVANTS

An ethical public servant is an honest public servant, someone that does not abuse his or her office by seeking private gain at public expense (Reynolds 1995:141). Corruption often starts small – with a free lunch or a bottle of Scotch at Christmas. If public servants do not draw an absolute line, they may soon be rationalising larger and less subtle payoffs (Simpson 1997:6). Codes may often state which gifts may or may not be accepted. This allows the public servants to avoid trying to discern which gifts to accept. Codes, also, according to Reynolds (1995:142) generally focus predominantly on conflict of interest and financial disclosure. This tendency presumably reflects the wide social consensus that stealing and other forms of dishonesty are wrong.

Codes generally may be more appreciated when they move beyond lists of do's and don'ts and take on a positive tone of affirming ethical values (Reynolds 1995:144). Generally codes are broader and include the aspirational aspects of right conduct, as well as the broad prohibitions. Although broad codes of conduct may lack in the technical specificity, they can counterbalance that with a far richer sense of ethical behaviour as wrongdoing is prohibited and pursuing right conduct is encouraged (Van Wart 1996:527).

It is the responsibility of all employees to ensure that the department operates in a moral and ethical manner. The department can only do so if all its employees operate ethically and morally, as it has no mind of its own (IDSA: Kings Report 1994:26). A code of conduct can then be considered a living document (IDSA: Kings Report 1994:35). This movement towards a code of conduct indicates that $ethics_2$ does have an influence on service delivery (Lima Declaration 1997).

Codes of conduct should generally include statements of prohibited behaviour and injunctions to employees to uphold high moral standards. It is probably the most widely

used enforcement mechanism, because of its low cost. Virtually all government departments in the world have enacted some sort of code. Similarly, all of the leading professional organisations of public administrators have published codes of conduct (Reynolds 1995:141).

On 10 June 1997, the Code of Conduct was issued in South Africa by the Public Service Commission under the Section 41(1) of the Public Service Act, 1994. All employees are required to comply with the law, and to abide by the Code of Conduct. Failure to do so constitutes a breach of discipline for which an employee can be penalised. It is therefore the duty of national departments and provincial administrations to ensure that every employee is aware of the legislation, which impacts on their area of work and is provided with a personal copy of the Code of Conduct for public servants when they take up their duties (South Africa 1997c:44).

The Code of Conduct for the public servants has been drafted for the entire Public Service in South Africa. National departments and provincial administrations should however also draw up their own codes to guide employees in relation to their particular tasks, for example, staff who deal directly with the public should be given clear guidance about the standards of behaviour which are expected according to certain values. These departmental or provincial administration codes should be agreed with the appropriate employee representative bodies and then issued in writing to every employee.

Government departments have to create an organisational culture, where any official can without fear of retribution expose any immoral or unethical conduct by any other official. This is called " whistle blowing". This is the fifth rule that the former Deputy President Mbeki emphasised at the Anti-Corruption Summit (Mbeki 1998:2), that is, the practice of whistleblowing should be institutionalised. Furthermore, officials must understand and appreciate that although the department is the nexus for their relationships, it has a human side, in other words people are involved. An immoral act by one official impacts not only on the employee of the same class but on others as well. An employee who steals from the department is partly involved in a process, which impoverishes the department and in

turn puts not only other employees, but also friends and colleagues of the same class at risk. Colleague's jobs become threatened. All officials are affected by the unethical conduct of one person. For example, if blankets, laundry and equipment are stolen, the delivery of a health service to a patient is affected. The patient may get worse or may die and complaints are received further demoralising the staff (IDSA: Kings Report 1994: 25). Understanding the principles of conduct is therefore important for a public servant. This issue will be discussed in the next section.

b) PRINCIPLES FOR A CODE OF CONDUCT

In this section I list principles of conduct which Reynolds (1995:65) and Dwivedi (1978:31-32) have elaborately analysed. The following are principles which should be included when drafting a code of conduct.

1. Public service is a public trust, requiring employees to place loyalty to the constitution, the laws, and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with their conscientious performance of duty.
3. Employees shall not engage in financial transactions using confidential Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except as permitted, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's department or whose interest may be substantially affected by the performance or non-performance of the employee's duties.
5. Employees shall put honest effort in the performance of their duties.
6. Employees shall not knowingly make unauthorised commitments or promises of any kind purporting to bind the Government.
7. Employees shall act impartially and not give preferential treatment to any private organisation or individual.

8. Employees shall protect and conserve government property and shall not use it for other than authorised activities.
9. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official government duties and responsibilities.
10. Employees shall disclose waste, fraud, abuse and corruption to appropriate authorities.
11. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those – such as Government taxes – that are imposed by law (Reynolds 1995:65).
12. Employees shall adhere to all laws and regulations that provide equal opportunity for all regardless of race, colour, religion, sex, national origin, age or disability.
13. Employees shall endeavour to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth (Reynolds 1995:65).
14. Their private activities must not be such as might bring discredit upon their positions and disrepute upon their government.
15. The first duty of a public employee is to give his undivided attention to the public service at all times and on all occasions when that service has a claim upon him.
16. Every employee on accepting government employment assumes a special duty to be fair and impartial in his dealings with the public and must completely subordinate his self-interest to public service in all circumstances in which there might be, or appear to be, the possibility of any conflict of interest.
17. The reputation of the government depends in large measure upon the conduct of public employees and what the public believes about such conduct. It is therefore of fundamental importance that justice should manifestly and undoubtedly be seen to be done.
18. Every public employee is the servant of the state and not of an individual superior but owes a duty to the latter in the proper carrying out of all legal orders. If for any reason an employee feels impelled, because of his conscience, to question orders from superiors, he should, if possible, first express his concern to them, and then seek guidance from established mechanism,

19. Public employees shall not indulge in provincialism, discrimination, favouritism, victimisation, or wilful abuse of their authority to harass subordinates and the public.
20. Public employees should at all times seek to ensure that public resources are administered in the most effective and efficient manner (Dwivedi 1978:31-32).

4.2.2.2 ADVANTAGES OF A CODE OF CONDUCT

Trust and other ethical norms underlie hierarchy and authority in an organisation. Communities depend on mutual trust and will not arise spontaneously without it. Codes are necessary because not all people within a community can be relied upon to live by tacit ethical rules or $ethics_3$ alone. A small number may be actively destructive, seeking to undermine or exploit the group through fraud or simple mischief. A much larger number will tend to be free riders, willing to benefit from membership to the group while contributing as little as possible to the common cause. Codes are necessary because all people cannot be trusted at all times to live by internalised ethical values and do their fair share. They must ultimately be coerced by explicit rules and sanctions in the event they do not live up to them (Fukuyama 1995:25).

The greatest advantage of a code of conduct is the measure of certainty it provides as to the standards of ethical conduct expected from public servants. Unwritten rules in the form of understandings and practices leave much room for argument as to what the content of the rules actually is and what penalties must be paid for violating them. The written rules, especially in the form of a code of conduct, can reduce disagreement over what activities are permissible and provide a mechanism for resolving disputes where disagreement remains (Kernaghan & Dwivedi 1983:4).

A code of conduct consolidates in a single reference document all rules relating to the ethical conduct of public servants (Kernaghan 1980:212). It is often convenient for public servants to be able to cite chapter and verse of written rules that forbid their involvement in certain activities (e.g. the receipt of gifts and entertainment from members of the public). Both public servants and their political superiors benefit from the increased

public trust in government that tends to result from the careful drafting and effective administration of a code of conduct. A code provides one means by which political leaders and senior managers can hold public servants accountable for their activities (Kernaghan 1980:218).

If ethical standards are raised by the existence of a code, the chances that the government of the day may suffer political embarrassment from the misconduct of its employees are reduced. Members of the public receive both psychological and practical benefits from high ethical performance by public servants. Taxpayers are assured that employees on the payroll are less likely to use their position for personal gain. Citizens can expect that public employees serve them in an equitable and impartial manner. Codes generally present obvious problems for public servants who are engaged or wish to engage in unethical activities. If their offences are revealed, they cannot claim ignorance of the rules or the probable penalties in their defence (Kernaghan 1980:219).

4.2.3 ETHICS$_3$

Ethics$_3$ simply is the morality of an action, person or group. It refers to a general moral ethical conduct that does not require rational philosophical reflection or a code of conduct as such. In ethics$_3$ morality is the main consideration. Its activity is one of judgement. It is where we judge or evaluate ethically and morally. This can be based on reflection as well.

The public servant spontaneously decides what sort of behaviour is morally appropriate. He or she relies on their own judgement and does not philosophise on the subject matter nor does he or she seek out a code to adhere to. Humane values also guide the public servant to make moral choices in life. Ethics$_3$ decisions are influenced by what people consider ethical or if their choice is in agreement with the ethics$_3$ of the majority of people. It is an interpretation and the application of solutions to day to day problems, which is in accordance to a person's values.

Sometimes a public servant acts spontaneously without thinking about the subject matter or referring to a code because he knows that what he is doing is in the best interest of the public. Using ethics$_3$ as a concept for one's personal value judgements one may successfully perform a task. It is a basic assumption of this dissertation that if one is a moral person, then the success rate in one's job is greater because one's decisions are based on humane values (see chapter three, section 3.2).

Public servants enter the public service with a basic sense of personal morality formed by various sources, among which the society they live in plays a significant role. The personal morality of public officials would invariably influence the way they perform in public life (Clapper 1999:138).

Therefore good examples of ethics in action can be instructive and empowering for practitioners and academics alike. A personal ethic composed of the virtues of honesty, integrity, courage and independence as well as a public service ethic consisting of values such as regard for the public, openness, tolerance, dialogue and wisdom may improve one's conduct (Bowman & Wall 1997:252).

Morality does have its limitations as what may be considered democratic and ethical to a small task team or even on a national level may not be considered ethical according to international standards. For example the death penalty and abortion are considered ethical in some countries and others as unethical. In South Africa abortion is legal and the death penalty is not. This means that an unborn child who has not committed any crime can have its life terminated whereas a murderer is allowed to live in prison on taxpayers money. Furthermore the murderer is fed, sheltered and receives education and medical treatment in private hospitals at state expense. The state has however no funds to support a newborn child. This is an example of ethics$_3$ as a subjective discourse.

A person's personal views and morality does affect how policy is formulated and implemented. Every person will claim from his own experience and knowledge that he or she is ethical. From my observation, people are not machines that can be switched on and

off, therefore they cannot claim to be ethical in their public lives while pursuing an unethical private life (*Mail & Guardian*: 28 Aug 1998).

Personal morality (Clapper 1999:138-144) and humane values may affect a person's work performance. However, I disagree with Clapper (1999:138-144) when he says that personal morality is the only concept of ethics that benefits service delivery (see section 4.2.1. on ethics$_1$ and 4.2.2. on ethics$_2$). Ethics$_3$ together with ethics$_1$ and ethics$_2$ contributes to improved service delivery.

Ethics$_3$ includes civility (see chapter three, section 3.2). Humane and civil treatment of citizens by public employees, cognisance of the civil rights of citizens and truth, honesty and fairness in dealing with the public, flesh out the ethic of public service in all countries (Reynolds 1995:179).

The essence of morality is captured in values like genuineness, integrity, loyalty, respect, scrupulousness, solidarity, reliability, obligation, duty and responsibility to the office, obedience, efficiency and economy, justice, impartiality, political neutrality and accountability (Van der Walt 1993:23). Although at certain times certain conduct may encourage certain values that contradict other values, however the most suitable conduct is that which is consistent with all these values (see chapter three, section 3.2).

Ethics$_3$ implies norms or principles that govern humane behaviour, which distinguish between good and bad behaviour, the relationships between people and the love between people (Van der Walt 1993:23). This general moral ethical conduct stems from society's perceptions of what the norms of ethical conduct are.

Ethics$_3$ involves standards of right conduct, which the public has legitimate warrant to demand of public servants and departments. Right conduct refers not only to the honest management of public resources but also to respect the rights and dignity of persons within and outside of public organisations. Moreover, right conduct in government

translates into a well-founded respect for, and trust of government on the part of the public (see chapter three, section 3.5).

Ethics$_3$ involves the application of moral principles to the conduct of public servants in government departments. Broadly speaking, moral principles specify

(a) the rights and duties that individuals should respect when they act in ways that seriously affect the well-being of other individuals and society

(b) the conditions that collective practices and policies should satisfy when they similarly affect the well-being of individuals and society. Moral principles require a disinterested perspective. Instead of asking how an action or policy serves the interest of some particular individual or group, morality asks whether the action or policy serves everyone's interest or whether it could be accepted by everyone irrespective of race, social class, or nationality (Thompson 1985:555).

Ethics$_3$ is action oriented, that is, the way we practice our values more or less spontaneously. It is a concept to be used in making decisions. To put ethics$_3$ into practical perspective, we can think of an ethical employee as one who does not engage in illegal behaviour and who consistently acts in ways that place the benefit of the government and the public above personal benefit. Ethical employees are law-abiding people with standards who make positive contributions through their work. It also includes an additional dimension, that is that ethical employees are active, not passive. They work on behalf of the government and the public for the betterment of all. Ethical employees are not just technocrats who follow directions. They are citizens, concerned with and representing the public interest (Bruce 1994:241). One is thinking and acting ethically when one is not only taking one's own interests into consideration, but is also considering and protecting the interests of other people. The ethical point of view does not evaluate standards according to whether or not they advance the interests of a particular individual or group, but it goes beyond a personal interest to a universal standpoint in which everyone's interest are impartially considered as equal. The idealistic view of ethics$_3$ is that people will seek after that which is good. In practice, however, this is not always the case and experience has shown that rules are necessary for the pursuit of the public

welfare; that order sometimes requires drastic measures and that rights and freedoms also presuppose obligations and limitations (Barrie & Carpenter 1994:75). (See section 4.2.2. on discussion on ethics$_2$).

Despite disagreement about how morality is to be justified and disagreement about its scope and content, we nevertheless share certain attitudes and beliefs to which we can appeal in criticising or defending public actions and policies from a moral perspective (Thompson 1985:555). The public servant actions should display wisdom, which is the sound judgement that results when one seeks to combine moral values with the facts at hand (Bowman & Wall 1997:262). Within a department, fairness demands that due consideration be given to employee performance. Expectations of infallibility serve no good purpose and do little good. Being wrong for the right reasons is quite different from behaving unethically. For example, a subordinate who offers a gift to his supervisor on his birthday out of friendship is different from intentionally giving a gift to the supervisor to get a promotion from him. In the second case both the supervisor and the subordinate knows that the gift is in exchange for a promotion. The competence standard demands from public managers not perfection but perfecting, that is, an effort to do the best that can be done within given resources and within reasonable limits (Carol 1991:75).

Ethical relationships are therefore relationships in which mutual reliability between persons are prominent. The ethical norms will therefore be that we should be true, loyal, and honest, in our dealings with each other (Van der Walt 1993:24). Impartiality is the fundamental basis of legitimacy for public administration. (Denhardt 1997:1105). The unethical acts such as, for example falsehood, disloyalty, capriciousness, unreliable or untrustworthy behaviour should not be tolerated. The ethical good should be encouraged. There are many kinds of relationships: those between management and employees, between employees and employees; between suppliers and consumers. Ethics$_3$ plays a role in these relationships. (Van der Walt 1993:24.)

From this we can see that morality has an influence on ethics$_1$ and ethics$_2$. Therefore public servants who make judgements in particular cases should be impartial enough to

have the necessary perspective to weigh all the relevant claims and anticipate the outcomes of a particular decision. They must also be sympathetic enough to recognise that the public servant and client share a friendship based on a common commitment to democratic ideals including the inherent worth and dignity of the individual. $Ethics_3$ is a living synthesis of 'detachment and involvement', of 'passionate commitment and critical distance', of democratic and bureaucratic ideals. It may hold the key to an ethic of public administration that enables public servants to balance both sets of ideals in their decisions and that at the same time permits an active and ethical involvement in the administrative process (Denhardt 1997:1106). This leads the public service to form an administrative culture of $ethics_3$ favourable to service delivery (Dwivedi 1988:126).

In efficient and effective administration of the government department, great care will have to be taken that the measures for taking responsibility meet high standards. However, when all is said and done, there is no substitute for integrity, that is for officials who out of public, professional and self-respect condemn corruption; for public managers who set an impeccable example of rectitude, honesty and moral probity and crack down on wrongdoing; and for a public that will not condone corruption in public office (Fourie 1988:134).

Personal integrity and trust are vital to the public servants whose credibility is so often under attack. The public service presents employees with moral issues that require attributes often associated with our private lives such as sensitivity, compassion, trustworthiness; as well as those generally regarded as appropriate to our public and professional lives – impartiality and effective attainment of externally imposed goals (Gummer 1996:93). For example, if a customer was robbed of her passport or some family member died, the public servant should treat her with compassion and at the same time render the required services. An impersonal attitude could make the customer more frustrated at trivial and simple problems relevant to issuing her a passport. If for some reason there is going to be a delay in issuing her a passport, an impersonal public servant will cause the customer to take out her frustration on him. But if the public servant is

sympathetic to her problem, then it will be easier for the customer to come to terms with the delay in the delivery of her passport and make alternative arrangements.

The public servant should also maintain honesty and integrity in the public service and take positive and effective measures against corruption. Public servants must at all times be accountable to the public, serve them with utmost responsibility, integrity, loyalty, efficiency, act with patriotism and justice and lead modest lives (Gilman & Lewis 1996:522). $Ethics_3$ in the public service is concerned with much more than simple financial accountability (Zajac 1997:6). A public servant is accountable for everything he or she does in the public service, including productivity and the utilisation of time.

Public servants should become as proficient in discussing ethical as technical issues. We may finally have to act one way or the other but not before having found the truth (Mainzer 1991:12). When acting on technical or production issues, public servants should be morally committed but be neutral professionally; challenge ill-used authority but be a co-operative organisation member; work toward political consensus but refuse to be influenced by the politically strong in order to serve the weak who suffer; and be impartial in administrating the law but be humane and caring in exercising authority (Mainzer 1991:20).

The socialisation of individuals before they join the public service provides them with a value system, which includes beliefs about ethical standards considered generally acceptable in society. These beliefs are moulded by exposure to the standards of ethical conduct that prevail in society as a whole rather than by knowledge of standards that are unique to the public service (Kernaghan 1980:221). For example, right conduct is a value applicable to the entire cross section of society irrespective of race, religion or gender (see chapter three, section 3.2). Whereas special codes and rules in the form of custom, tradition or popular social rituals may differ between race, religion or gender, they are categorised under the value of right conduct, because they encourage good conduct. When the public servant enters the public service he or she is faced with values such as

commitment to diversity, responsibility and discernment, which also fall under right conduct.

From the three concepts of ethics, different approaches can be formulated for application. Concepts merely give us a particular understanding of the meaning of the word or concept of "ethics". From this meaning and understanding one can relate certain principles and approaches. This will be explained in the next sections.

4.3 THREE APPROACHES TO ETHICS

In this section I discuss rule-based ethics, utilitarian ethics and virtue ethics. These three different approaches are discussed because when one follows one approach rather than another, one sees different things and is concerned with different things. It is just like approaching a building from different directions. The front view differs from the top view which also differs from the lateral view. When one views public administration ethics from these different approaches, different conclusions are drawn on how to make public administration ethical because different questions are asked and different problems are identified. One view encourages rules, another utilitarianism and still another virtue among public servants. These approaches are applied on a conceptual basis and are relatively distinct. The three approaches to ethics are not limited to public administration, although it is within that context that I will discuss them.

4.3.1 RULE BASED ETHICS

Rule based ethics is when ethical (philosophical and moral) questions are understood as questions about rules, principles or maxims. For the deontologist, the questions here are whether one followed the rules and whether one followed the right rules. For the utilitarian, the question is whether following the rules has the desired result. For the virtue ethicist the question is whether following rules builds character, fosters good or bad character and whether following rules blindly is a virtue.

The word ethics$_2$ refers to rules, codes or commandments. All codes of conduct, rules and regulations gives this rule based approach a distinct character of its own. Rule based ethics also accentuate the right thing to do in a particular situation (Reynolds 1995:126) with reference to a principle or rule. All situations warrant an ethical choice. For example, an ancient rule is "Thou shall not steal". Now if one needs or desires a particular item that does not belong to him or her, one should not simply take it, no matter what the circumstances may be. The rule states that you shall not steal. It is a clear simple instruction for all people, and the transgression of this rule is ethically unacceptable.

Management want public servants to act morally or to 'do the right thing'. Codes of ethics may teach public servants what sort of duties and values make up the moral life of someone in a democratic government, and cause that understanding to turn into habits (Lilla 1981:15). The standards of junior public servants should also reflect to some degree the core values of society. Codes of conduct should be seen as related to contemporary rules, whereas humane values may represent the absolute (Reynolds 1995:32). Take the broad value of non-violence for instance. Codes of ethics could produce two rules for two different people. For one person the rule is that all killing of animals or persons is wrong. For another a rule can be that murder is wrong but killing of animals is acceptable for food. Both contemporary rules fall under the value of non-violence which represent the absolute. Contemporary rules are formulated according to time, place and circumstances.

All rules that benefit society should be guided by humane values. For example, the public service may have a rule that says one should not steal. One can see that this rule benefits the public service in that the public servant is aware that one should not steal public funds. This rule of not stealing has its source in the humane value of right conduct. If one contemplates what right conduct in the public service is, one could deduce that if one defrauds and steals public funds, that will not benefit the public. Public services would be seriously affected if funds were stolen, therefore stealing is unacceptable. Therefore,

following this rule of not stealing benefits public administration and causes the public servant to behave ethically.

The rule-based approach has rules and procedures for tasks to ensure economy, efficiency and effectiveness. Rule or compliance based systems are supposed to be only rule or law based with little room for individual conscience or decision within an organisation. Attorneys or personnel specialists provide authoritative interpretations of rules or policy documents in narrowly defined circumstances (Gilman 1997:40). A restricted form of rule based ethics holds that public servants should carry out the orders of their superiors and the policies of the department and the government they serve. As regards this view, public servants are morally neutral in the sense that they do not exercise independent moral judgement in terms of external rules. They have the choice to obey the rule or not. If they choose to work for a particular department in whatever way, then they have to obey the rules irrespective of their personal opinions. They are not expected to act on any principles of their own, but are to give effect to whatever principles are reflected in the orders and policies they are charged with implementing. They serve the organisation so that the organisation may serve society (Thompson 1985:556).

The junior public servants are generally the low ranking officials who engage in the line functions and routine duties. The relationship of the individual to the organisation is one whereby the latter serves as a facilitator of the former. The purpose of technologies, organisations included, is to be instrumental in achieving human ends. Rule based ethics emerge from this relationship and serve to enrich the process of achieving human ends (Jones 1994:2050).

Rule based ethics generally informs public servants what the right thing to do is, in situations. Junior public servants are generally rule driven by management to comply with ethical behaviour. Thus the rule-based ethics apply to this category of public servants more than the utilitarian or virtue ethics approaches. A code of conduct is necessary so that these officers are aware of the nature of their actions. They will be aware that unethical conduct will be punished (Kellar 1995:36).

It takes committed supervisors, managers, and executives to bring about moral administration (Bruce 1994:251). This ethical climate results from supervisory encouragement and regular meetings with fellow employees. For laws and codes to be successful, public servants must support their development and want them to be enforced. In addition, employees must know what the laws and codes demand and feel encouraged by supervisors and co-workers (Bruce 1994:248). Leadership and codes of ethics should be closely related. In a well-ordered society the ethical basis of that society ideally should be supported in appearance as well as in deed by leaders, whether in public service, in business, or on social or political level (Taylor 1996:2215). Constitutional government cannot survive if people in power can do whatever they want without being restrained by some sort of relatively durable principles (Simon & Nice 1997:170).

Rule based ethics, in the field of public administration and right conduct essentially focuses upon duty, expressed in rules. It is more characteristic of routine, day to day situations that public servants confront and endeavour to resolve them. Their focus is largely micro-dimensional, that is case by case (Reynolds 1995:126). Each problem has to be solved by applying certain rules that were laid down by the department in accordance with constitutional principles. One can illustrate rule based ethics by noting the almost universal prohibition against public servants receiving, soliciting or otherwise benefiting from financial gratuities that, directly or indirectly could influence how they discharge their responsibilities (Reynolds 1995:127). So if in the course of a public servant's duties, a member of the public offers a bribe so that he or she could get a leverage over the process, such as tendering, it should be clearly refused according to the above rule. The adherence to right conduct is answered by finding the rule that applies to the given situation and acting in accordance with it (Reynolds 1995:28-29). In short, public administration should be rule driven.

Rule based ethics is important for the proper functioning of every department and for successful service delivery. An example of the consequences of not following the rule-based ethics, is the Mpumalanga Housing Department's RDP housing project in Harmony Park. The Housing Department paid R8,5 million to a contractor to build 600

houses who lacked experience in the building industry. His company was formed just months before the tender was awarded and he was not registered with the National Home Builders Council. The contractor was instructed to build bigger houses although he mentioned to them it was not possible to do so with the existing budget. However, he built the houses as the Housing Department wanted it to be. During the construction he did not follow the rules. The roofs were not attached to the walls, The mix of cement was inferior: as little as six bags of cement were used instead of the required 14; only one strand of supporting wire was used in the walls instead of the required four; some walls were built with bricks laid on top of each other rather than overlapping as is normally done; houses were insufficiently waterproofed. As a result when there was a storm, the houses collapsed leaving the people injured and homeless. This caused a total loss of R8,5 million to the taxpayers (*Sunday Times*, 9 January 2000:1). From this experience, one can highlight the importance of following rules. Firstly, the department's tendering rules were not adhered to and secondly the building rules were neglected. The housing inspector who approved the houses also did not follow the local government rules for safe accommodation. All this indicates that service delivery was not successful because the rule based approach to ethics was neglected.

I am of the opinion that rules should apply to all actions of every individual without exceptions or compromising the law. This is because ultimately everyone has a reason to compromise the rule because of how the way he or she is feeling at that time or if the rule does not protect his or her interests. One will find that if everybody breaks the rule then the rule becomes non-existent or unpractical. If public administration has no rules, then the departments will be in chaos. Therefore I feel that the rule should apply to all of one's actions irrespective of one's personal circumstances.

4.3.2 UTILITARIAN ETHICS

Utilitarianism can most generally be described as the doctrine which states that the rightness or wrongness of actions is determined by the goodness and badness of their consequences (Smart 1967:206). According to utilitarianism the only good thing is

welfare, which in some way should be maximised, and the agents are to be neutral regarding their own welfare, and that of other people and of other sentient beings (Craig 1998:551).

Utilitarianism is an approach that evaluates moral phenomena in the light of results inter alia, maximising the good for the most people. The maximising element in utilitarianism is supported by practical reasoning. If something is good, it seems irrational to choose to produce a smaller amount of it where one could produce a larger amount. If human welfare is a valuable end, then the more fully one promotes it the better. (Scarre 1996:18)

What distinguished utilitarianism from other theories is its assertion that actions are 'good' only to the extent they produce 'good' outcomes (Brady & Woller 1996:311). This approach may strive to achieve democratic values such as liberty, justice, equality, the pursuit of the public interest and responsiveness to the public needs. Utilitarianism answers all questions of what to do, what to admire, or how to live in terms of maximising utility or happiness (Blackburn 1996:388). Utilitarianism purports to provide a complete normative guide for conducting public affairs (Goodin 1995:4).

Each concept of ethics reflects the utilitarian theory differently. Utilitarianism in $ethics_1$, means that the discourse is in terms of effects, which is discussed. It may result in proposals that maximise ethical behaviour in the public service. And ethical behaviour maximises the good or the end result which may be service delivery. When viewed from the concept of $ethics_2$, one finds that utilitarian ethics has a very weak relationship with a code of conduct or to the rule based approach. The concept of $ethics_3$ with utilitarianism ensures behaviour that optimises good outputs among public servants. It is the moral behaviour of the public servant that brings the greatest good for the greatest number of people. Moral behaviour is that behaviour that is based on values such as right conduct that uplifts the human spirit and welfare. These three concepts encourage utilitarianism from the different meanings of the word 'ethics' and this body of information is called utilitarian ethics.

Utilitarian ethics in management can be expressed primarily by the principle of rationality. The principle of rationality is founded on several important assumptions:

(a) preferences are quantifiable and measurable

(b) ethical choice seeks to maximise satisfactions and minimise dissatisfactions

(c) objectives are given

(d) possible alternatives are identified

(e) the costs and benefits of each alternative are calculated and

(f) the chosen alternative yields the greatest sum of benefits over costs while meeting the stated objectives. Within this utilitarian value system, the principles of effectiveness and particularly efficiency have achieved status as ethical principles (Brady & Woller 1996:313).

It is utilitarian to speak and think in terms of outcomes. The *Batho Pele White Paper* for example highlights the principle of value for money which is utilitarian because it encourages efficiency (South Africa 1997a:15). Value for money is also called efficiency under Denhardt's list of values (Denhardt 1997:1094). The other six *Batho Pele* principles are used for utilitarian purposes but are not utilitarian in themselves. They are: consultation, service standards, access, information, openness and transparency and redress. Other principles derived from the Constitution, which guide the Public Service are: fairness, equity, accessibility, transparency, accountability, co-operation, participation, professionalism, decentralisation, efficiency, effectiveness, flexibility and diversity (South Africa 1997c:20-23). The rightness of these values is confirmed by the fact that it increases the general good of welfare or in other words service delivery. The approach that the Public Service uses to utilise these values are utilitarian.

The following is an example of utilitarianism ethics. Suppose the Department of Housing wants to build houses for a thousand people. It could choose to build low cost core houses or single stand houses for the upper middle class people. The department furthermore has an allocated budget, which it cannot exceed. The department now has to work out the cost benefit analysis of each alternative. Suppose with the given budget the department chooses to build low cost houses. It could build a thousand low cost houses or

one hundred single stand houses. This depends (if all other things being equal), on the fact that a core house is nearly as good as a single stand house. According to the utilitarian concept of ethics the alternative that should be chosen is low cost houses, because a thousand people could be allocated houses. This is what it means by the greatest good to be derived from the existing resources for the greatest number of people. It also means that efficiency and effectiveness play a vital role when analysing the cost benefit of various options. It also emphasises that the best conduct of the public servants is the one that brings the greatest benefit in achieving the goal. Although a thousand houses could be built for a thousand people with the allocated resources, only a hundred low cost houses can be built if the behaviour of the public servants is not ethical in utilitarian terms.

To further illustrate utilitarianism, the example of utilitarian ethics being applied by management to the measurable objectives of a department can be used. The department's mission is set to satisfy the housing needs of the greatest number of people. Their financial, human and physical resources are used to achieve maximum results. Sometimes in using this approach, management ignores the basic rules or values. For example, a manager may consider filling in a trip authority to use a government vehicle as red tape and feels that using the vehicle to achieve a result, that is to satisfy a public need is more important. Suppose a vehicle may be needed to deliver building materials immediately so that a certain construction may be completed. To get a vehicle may require requisition forms to be completed. This could take up to three days to be processed. Utilitarian ethics may imply that if a vehicle is available, it should be used immediately to get the job done and not to pay too much attention to paperwork and red tape. Rules may be considered bureaucratic and red tape could be ignored to achieve an immediate result that attains a goal.

Another important aspect that guides utilitarian ethics could be humane values. For example, the utilitarian concept deduces in the above example that building low cost houses will benefit more people than building single stand houses. The empirical generalisation is that if more people have houses then more people will be living in a

non-violent and peaceful environment. We can assume that these people were living previously in the squatter environment where violence is a daily occurrence. So the greatest good which is a non-violent environment should be for greatest amount of people. Low cost houses are therefore the best option. This means that the core humane values of non-violence, peace and love between people could be guiding values for the utilitarian concept of ethics.

However, it may be argued that utilitarian considerations may override values like justice. This choice of overriding values is left entirely up to the public servant and politicians. If he or she ignores humane values, then their actions would be unethical. For example, the Zimbabwean land crisis is a typical example of where utilitarian considerations overrides the values of justice. President Mugabe supports the occupation of white owned farms (*Sowetan*, 4 May 2000:1). He further claims that 4000 whites own 12,2 million hectares of land, while 70 percent of black Zimbabweans are landless. From a utilitarian point of view President Mugabe may be justified that since the majority of people are landless it would be right to confiscate the land and redistribute it to the majority of people. This kind of action may satisfy the principle of the greatest good for the greatest number. As a result, there is the ongoing violence, loss of life, illegal occupation of property, failure to uphold the rule of law and political intimidation (*Sowetan*, 4 May 2000:1). President Mugabe also said that the whites should leave the country as Britain could provide many opportunities for them. From this event one can deduce many things. Firstly, values such as non-violence, respect of life, respect of other people's property, duty towards upholding the law and right conduct, and tolerance of other political views is not important for Mugabe's government. Secondly, he used the racial concept to analyse the problem of the failing economy, with the full blame being on the whites and the former colonial rulers. The impression that is created from this situation is that Zimbabwe belongs to the blacks and that whites, even if they are born there, are actually still foreigners. This violates the second value of equality where all people, regardless of being black or white, are human beings who should be treated equal under all conditions. This means that a white person who is born in Zimbabwe and has the skills to run a thriving farm should be equal in citizenship to a black person. Their difference in

economic position should not alter the fact that values should not be ignored in the process of empowering blacks to manage farms and businesses. Utilitarian considerations do not work well in isolation, if it is applied to a group of people or sections of society. This can be considered as selective utilitarian ethics. Utilitarian ethics has the best results if it is applied to the entire mankind within the framework of humane values and Ubuntu.

For most public servants in South Africa, striving for the common good, which harmonises with the utilitarian concept of ethics, is their goal. Public servants should be encouraged to serve the public interest with the further counsel that in public sector employment, it is honourable to serve the public, beyond serving oneself. He or she should encourage constitutional goals, which are the principles of equality, fairness, representativeness, and responsiveness and in protecting citizens' rights (Van Wart 1996:528).

This means that ethical conduct is behaviour which is efficient, in the public interest, and consistent with utilitarian precepts of the end justifying the means. By using the utilitarian approach to ethics, management will make decisions that will result in the welfare of the people being enhanced. Their goals, as well as their actions to fulfill their goals, should reflect utilitarian ethics.

4.3.3 VIRTUE ETHICS

Virtue is excellence of character. Virtue ethics is a general approach to all spheres of life. Virtue ethics treats each concept of ethics according to the meaning it encapsulates. It means that it deals with $ethics_1$, $ethics_2$ and $ethics_3$ in a characteristic way, namely that virtue is central to morality, codes and reflection on ethical questions. The question is whether the analysis is in terms of or approached from virtue as a central concept. From the concept of $ethics_1$, rational reflection should produce theories and proposals on how to increase the virtuous behaviour of public servants in the public service. This also may include discourse given on this subject by virtuous persons. The principles and codes of conduct that a person teaches others by example are included in the concept of $ethics_2$.

Virtue ethics does however not pay too much attention to codes of ethics. $Ethics_2$ remains the area where deontology 'rules'. The concept of $ethics_3$ with virtue ensures that personal morality and ethics is increased among public servants by them displaying virtuous behaviour under the guidance of a virtuous person. These three concepts encourage virtue from an ethics point of view and this body of knowledge is called virtue ethics. Therefore one may find in my discussion about virtue ethics some ideas which may be also applicable to $ethics_2$ and $ethics_3$.

Virtue ethics places the centre of moral good in the character of persons. Virtue is practised both in the sense of doing and practising by following the example of a person. Practising virtue equals one having a virtuous character, which equals one exhibiting habitual ethical patterns of behaviour.

Green (1994:2140), Reynolds (1995:126) and Denhardt (1994:2175) have not specifically written about virtue ethics or the use of the virtue ethics approach but much of what they say is related to virtue ethics. Although they use the term "ethics" generally, their content encourages virtue ethics. In this discussion I will use their ideas to build on this approach of virtue ethics.

Virtue ethics begins with the question "What is a good life for a human being?" and then inquires about ways of developing human character consistent with that good life through the example of persons. When seeking a solution to this question, $ethics_1$ makes a contribution. It emphasises potentiality and aspiration in life, and seeks to discover those conditions that encourage individual fulfilment (Green 1994:2140). Its principal concerns are integrity, education, probity and better conditions for the public (Reynolds 1995:126). Virtues allow each moral action to be carried out with sympathy, compassion, elegance, precision, style and speed (Denhardt 1994:2175). These virtues or "excellence of character" are considered worthwhile to the public objectives as well as to self, and requires a public ethos that enables cultivation of these virtues (Green 1994:2140). This should be the ethical cornerstone of the public service.

Virtue ethics based systems have values that cultivate moral excellencies in a person. It may utilise humane values. Core humane values can establish moral excellence in a person. For example, a person may want to strive to be always truthful and honest. This value arises from core humane values such as right conduct and truth. When one rationally thinks about the benefits of being truthful and think that it is worthwhile to let the value of truth guide one's life, then by following the example of someone who is already truthful and the conscious application of being truthful in one's life, it becomes a habit. This habit of being truthful becomes a part of one's character. When values such as truthfulness are pursued and becomes a part of the person's conduct or character, then that person is known to have virtue. This value is internalised in his character and is part of his nature or culture of living. He or she becomes a virtuous person. The character which is the expression of an individual's disposition, words and deeds becomes virtuous (see chapter one, section 3.1. d) 'Virtue'). By following the example of a virtuous person, virtue ethics inculcates values and habits in one's character so that one may become virtuous. We find that virtue ethics can be applied as an approach that uses core values to develop virtuous character in public servants.

4.3.3.1 VIRTUE ETHICS ESTABLISHES CHARACTER

The character of the public servant is important in the study of virtue ethics. Character embraces a distinguishing feature or attribute or a characteristic of a person. It is the moral or ethical structure of a person. It is also moral strength, integrity and reputation (Reynolds 1995:129). I think a public servant without a good character often is unproductive in a department. Virtue ethics may ensure that the character of the public servant is virtuous.

Aspirational goals guide the character of the public servant. Virtue based systems are designed to increase human autonomy through aspirational goals (Gilman 1997:40). Virtue ethics relies more on the qualities of character, namely virtues that create in individuals the predisposition to act rightly and to pursue ideals or excellence of values that further the good life for all human beings. It focuses on developing virtues that

enable one to live a good and worthwhile life together with others who are also pursuing a good and worthwhile life. The development of virtuous character is a worthwhile end in itself. Every public servant should seek to develop good character and act virtuously by following examples of virtuous persons. In this way there should be no controversy over the issue of whether virtue ethics should guide public servants (Denhardt 1994:2167 – 2168).

For example, numerous surveys indicate that poor Americans on welfare have similar attitudes toward work, thrift and dependence that middle-class people do (Fukuyama 1995:38). But having the opinion that it is important to work hard is different from having a virtuous character with a work ethic, that is being habituated to getting up early in the morning to go to a dull or unpleasant job and spending less money for the sake of long-term well-being. Work ethic also refers to other related virtues like frugality (the propensity to save), a rational approach to problem solving, and a preoccupation with the here and now that inclines individuals to master their environment through innovation and labour (Fukuyama 1995:45). It is found that poor Americans would like to be off the welfare system but they do not have the virtuous habits to enable them to do so (Fukuyama 1995:38).

Virtue ethics addresses the conditions, values and ideas that shape our ways of life – to us as individuals, in work organisations and to our character as a people. If the character of a person is good then good will be the end result of his activities and if the character is bad then chaos, corruption and evil will be the end result. Our ethical responsibilities should include continually examining practices in this arena for their general effects on our habits and dispositions as individuals (Green 1994:2137- 2138).

Virtue is cultivated through deeply ingrained habits and complex dispositions of character. Excellence can be applied to any area of life, and it emphasises the integration of various types of excellence into a well-rounded character and fulfilling life. From the standpoint of moral or ethical judgement, integrated virtues help people call upon all of

their passions and capacities in just those ways that aid, prompt, focus, inform, and execute their moral choices (Green 1994:2139).

Virtue ethics also assumes that virtually every facet of life has ethical significance because every choice or condition in life has some bearing on the ability and obligation to realise one's potential. Thus, decisions about what kind of work one will do, what friends one picks, what to study in school, and so forth, are considered ethical. So too are all administrative structures and policy decisions (public and private) because they affect the meaningfulness of such choices for people. Virtue ethics is therefore an integrative ethic (Green 1994:2141).

When we apply virtue ethics to the public servants themselves, the question of personal morality arises. Personal morality originates in face to face relations among individuals. Some kinds of private immorality may indirectly affect an official's capacity to do a job. When the head of the drug agency is addicted to cigarettes, or when the enforcement chief of the police is guilty of beating his wife, the public rightly takes notice. Officials in such cases show that private conduct had a close relationship with their public role (Thompson 1992:256).

To be a virtuous public servant one must be trained to perceive situations in terms of their morally significant features. Virtue ethics with its emphasis on the development and expression of virtue in daily life, requires that individuals be perceptive enough to recognise the ethical significance of a situation and discerning enough to isolate the ethically relevant particulars of the situation on which decisions should be made (Denhardt 1994:2171).

Public servants who have not developed their capacities of perception and discernment, and who do not feel emotionally as well as intellectually engaged in their work, often will not recognise the ethical choices confronting them, and will not exercise their capacities to make moral judgements. In other words, they will not have the predisposition to act virtuously when the situation calls for such action. This has implications for the nature

and quality of administrative action, and significantly influences the nature of the discipline of the public servants (Denhardt 1994:2173).

To recognise ethical situations is actually a process. At some point in the process the public servant conceptualises his behaviour and feelings and organises these conceptualisations into a structure. This structure grows in complexity, as it becomes his outlook in life. This outlook of clearly conceptualised and organised behaviour and feelings that prompt one to act, is central to the development of character. Character has been described as the unified, enduring ways by which moral public servants handle moral intricacies. And virtue or excellent disposition of character, which is a deeply ingrained habit by which an individual tends to call upon his or her capacities and his passions in just those ways that aid, prompt, focus, inform, and execute his or her choices. These deeply ingrained habits will only be developed if the affective domain is tapped, triggering feelings of subjective responsibility and thus motivating the public servant to develop strong moral character and this results in heightened level of perceptiveness (Denhardt 1994:2174).

Every action an individual takes requires a moral judgement and a choice has to be made between different actions. Virtuous behaviour requires one's heart as well as one's mind to be attentive to the action at hand (Denhardt 1994:2180). The action that has the most ethical content and that which is most relevant and appropriate according to time, place and circumstances can be considered as good conduct. Good conduct and behaviour of the individuals become a habit, which shapes their character.

Virtue demands of us many things such as professionalism, efficiency, and effectiveness. It requires that we be perceptive and discerning and that we have a predisposition to make judgements and act with courage. (Denhardt 1994:2165). Public servants can act virtuously and develop good character only if they have discretion to discriminate and make an ethical judgement. That discretion is guided and bound by the duties and obligations associated with the positions they hold, and it is also guided by the value judgements of the individual making the decisions. It demands respect and concern for

the lives affected by the decisions and it demands the discretion to make judgements. This discretion will be bounded by the various commitments and obligations of the public servant. These obligations can be categorised as: obligations to pursue the public interest, obligations to authorise processes and procedures, and obligations to colleagues, regime accountability, personal responsibility and prudence (Denhardt 1994:2180).

The virtuous public servant will make judgements while applying rules. He or she will seek justice, fairness, efficiency and effectiveness. To the virtuous public servant, people matter, their particular circumstances matter, and the public servant cares about how his or her actions affect others. An emphasis on character rightly understood and properly instituted will not only impact the public service, but will also transform it. A public service should be characterised by virtue and the attending fundamental respect for the dignity and worth of others and their choice to live a worthwhile life (Denhardt 1994:2168). A virtuous public servant will be an enabling and empowering force in the South African Public Service.

The capacity to make good judgements depends on the habitual patterns of inference and ways of seeing things that have become habits of the mind for the individual. Development of virtuous character by practising virtue will lead to habitual patterns that the individual will intuitively draw upon in making judgements. Failure to develop these virtues will mean that the individual will base judgements on less desirable patterns and habits of the mind (Denhardt 1994:2176). Say, for example, a man litters waste paper. Over time this habit of littering becomes part of his character. If he has to keep his work area clean, he will battle to do so because he litters the place out of force of habit.

The challenge then is to infuse virtue into the habitual patterns of inference and to reduce the impact of less praiseworthy human instincts. This is done by following the example of a virtuous person or supervisor. Empowering ethically bankrupt people simply leads to corruption more quickly (Gilman 1997:40). The end result of meeting this challenge to infuse virtue in public servants will be a public service that encourages discourse among its members about the important judgements facing them, a discourse which is

characterised by discernment, perceptiveness, and respect for individual autonomy in choosing the moral life. Such a transformation of the public service from within will have a profound impact on service delivery (Denhardt 1994:2185).

This infusion of virtue into character allows the public servants to develop a positive image of themselves. The image that managers should have of themselves is that they bear the responsibility for good government and good morals, for development and proper growth and for settling immense problems of the organisations they serve. This sense of responsibility to the public and a principle based management philosophy have been hallmarks of public administration as a profession (Kellar 1995:36). Public servants should find honour through service to the regime and the values it represents. It demands a devotion to public duty (Richardson & Nigro 1987:370). Public servants play an active role in the formulation as well as the execution of public policy (D'Aquino 1984:16).

The Stoic philosophy tries to infuse a sense of equanimity and balance in a person's character. A sense of balance can be restored through a personal analysis of the situation. Injury is avoided by cultivating one's inner strength and the adoption of a sense of virtue when faced with improper acts. The rational being will maintain his or her poise (internal and external). Problems resulting from a loss of equanimity have emerged in many settings in recent years. In overworked emergency rooms in hospitals, personnel become burned out and quit their jobs, taking valuable skills with them. Highly trained administrators become discouraged by cynical press coverage and disparaging remarks made by elected officials and leave the public service. The Stoic philosophy urges us to be alert to our own reactions to difficult situations and alert to the reactions of our co-workers. Though the Stoic approach is not easy to apply, it does have value in encouraging us to keep the actions of others in perspective and analysing their behaviour rather than reacting emotionally. The administrators should not look at the disheartening situations with which they are faced as sources of misery but rather as a chance to temper their spirit. Our anger and annoyance are more detrimental to us than the things that caused it. By adopting the principles of the Stoics, one can look at stressful situations as tests that will reinforce (not destroy) one's strength of character. The Stoics' concern with

equanimity also alerts us to be attentive to the stresses and strains that affect our fellow employees (Simon & Nice 1997:177).

Bruce (1994:251) says that junior public servants consider the following conditions that enable them to act ethically: a supervisor who shows by example that ethical behaviour is part of job requirements, ethical leadership by elected officials and personal involvement of supervisors. These are more effective than policies and laws. Hiring educated, ethical professionals certainly increases the likelihood that junior public servants will behave responsibly (Bruce 1994:251). There is a need to create a new culture of virtue and behavioural norms for public servants (Friedberg 1993:61).

In nearly all administrative decisions and actions, the sense of virtuous performance is to be pursued by public servants. (Bruce 1994:242). Virtue ethics encourage values that establish character in a person. A capacity for self-discipline, and also self-control can be regarded as one of the most important virtues that a public servant must have in order to display exemplary conduct. Closely interwoven with this is the official's trustworthiness in his role in an organisation (Bruce 1994:242). Other virtues are independence and courage. These interrelated character traits give one strength to act on principle when confronted by moral events (Bowman & Wall 1997:254). The private lives of officials must be conducted appropriately, with respect for the rules of morality, fairness, politeness and personal uprightness (Friedberg 1993:61).

Another important virtue for public servants is tolerance which is an attitude that allows one to suspend private views, to seek the perspectives of others, and to be willing to be guided by group decision making processes. Tolerance involves a readiness to listen, learn and compromise. Tolerance is openness to difference. It is the virtue that suspends truth claims and subjects them to scrutiny (Bowman & Wall 1997:259).

Virtue ethics has an advantage over rule based ethics in that neither written nor unwritten rules alone are sufficient to ensure high ethical standards among public servants and thereby to encourage administrative responsibility. There is room for debate among

academics and practitioners as to the value of written codes of ethics in preventing and punishing ethical offences. Certainly, not all ethical problems can be handled by statutory or administrative prohibitions; nor can these prohibitions guarantee ethical behaviour by those who are determined to abuse their public office (Kernaghan 1980:220). The character of such a person which is determined by virtues must be of such nature so that the abuse of public office does not take place.

4.3.3.2 VIRTUE ETHICS AND ROLE MODELS

The attributes of a good leader or supervisor are moral character, strength and technical proficiency. A person of character is a person of independence and integrity. In the larger scheme, where growth serves as the over-arching metaphor of well-being, the creative element in the healthy evolution of society stems from concrete individuals in positions of leadership who must not only have the skills of the logician or clear thinker but also those of the moralist and the artist (Jones 1994:2049).

For public servants to be moral exemplars requires leadership. Leadership is about setting a tone, a style, and has indeed an ethical and moral basis. It provides an example and a framework within which others feel comfortable in taking their own decisions, secure in the knowledge that these will be consistent with those of the power elite or the public organisation or group in which they act. Leadership, in the absence of or inconsistent with a generally accepted ethical basis, may not be able to allow a department to reach its fullest potential. An essential element of public sector leadership is that it should be based on the belief that in public office one acts in trust for the public (Taylor 1996:2216).

The personal example provided by senior public servants whose ethical performance is faultless has traditionally been an important influence on the character and behaviour of their subordinates. Currently, senior officials in South Africa have personal contact with a relatively small percentage of their employees and there is no assurance that their influence on ethical matters will flow down the administrative pyramid. This fact

explains why many senior public servants support the codification of ethical standards (Kernaghan 1980:221). Public servants should possess a proper amount of integrity and display a due regard for correctness in the execution of the public's business (Reynolds 1995:15).

Central to virtue ethics and also crucial for the effective implementation of change is the need for changes in the orientation and attitudes of those who staff the public services and in their attitudes to and relations with the community they serve. The executives of public administration, who serve as agents of social change, must first of all change their own behaviour. It is not too difficult to acquire new technical skills; more difficult perhaps is the acquisition of managerial skills. But the problem is to inculcate a change of attitude and develop a spirit of innovation and creativity among personnel (Mills & Robertson 1974:313). This presents a compelling challenge to such managers to work on developing their own character, and serving as better role models.

4.3.3.3 VIRTUE ETHICS IN THE PUBLIC SERVICE

The public service contributes strongly to both moral illiteracy (lack of morals) and moral isolation because of the taboo against discussing matters of virtue and morality in the modern workplace. In USA both law and custom have combined to make the topic of moral development a difficult if not taboo subject to address. It is easiest to talk about ethics, but there is no agreement on what the word means. It is more difficult to talk about moral principles and more difficult still to talk about spirituality and love. It is extremely difficult to describe our experience and to "read" the moral issues that surround us. The result is a kind of moral illiteracy that permeates the public sphere (Denhardt 1994:2178).

The public service will be unable to encourage service delivery unless it first turns inward and pursue a program of character development of its public servants. Then public servants will be able to take part in the transformation of institutions of democratic governance that will empower citizens to take responsibility for their lives (Denhardt

1994:2188). Currently, there are no set of values for action in the public sector in many countries (Bowman & Wall 1997:251). In South Africa, the *Batho Pele White Paper* has eight principles, which is insufficient to transform service delivery and create role model public servants.

Professional institutes can also instil virtues in its members and develop role models. These virtues enable one to apply universal moral principles to concrete human situations (Green 1994:2143). However, not all professions have the same virtues. Each profession, depending on the type of work being performed, will require different virtue combinations, but all professions do require virtuous persons.

In my opinion ethical problems in the public service have no clear resolution, in part, because public servants probably do not have clear personal values to guide their deliberations. This is probably true about South African public servants who may not have any role models and core humane values on how to act virtuously. Ethical conduct in the Public Service means to become a model of excellence in which service to society stems from commitment instead of compulsion (South Africa 1997c:20).

The vision is that virtue ethics when applied in the Public Service will result in a diverse, competent and well managed staff, capable of and committed to delivering high quality services to the people of South Africa. These public servants will act virtuously and serve as role models. By following the example of these virtuous public servants one can develop a good character and become virtuous.

4.4 THE RELATIONSHIP BETWEEN ETHICS$_1$, ETHICS$_2$ AND ETHICS$_3$ TO RULE BASED ETHICS, UTILITARIAN ETHICS AND VIRTUE ETHICS

In the previous paragraphs I have explained the three concepts of "ethics" and the three approaches to ethics. Now I will discuss what relationships exist between the referents of ethics$_1$, ethics$_2$ and ethics$_3$ with rule-based ethics, utilitarian ethics and virtue ethics. The three concepts of "ethics" refer to the three uses of the word "ethics". The three

approaches to ethics refer to the handling of moral phenomena. The word "ethics" have at least three referents - systematic reflection on good and bad, right and wrong; codes of rules; morality of behaviour, attitude and thought.

$Ethics_1$, which is a discipline of rational reflection, is needed when thinking in or formulating rule-based ethics, utilitarian ethics and virtue ethics. Rule based ethics, utilitarian ethics and virtue ethics can be a subject of rational reflection and discourse. From reflection and discussion on this subject one can come to various conclusions regarding the issues. $Ethics_2$ which refers to a code of conduct is related to rule-based ethics. Rule based ethics posits certain regulations and principles that should be adhered to. By nature rule based ethics is about rules, regulations or a code of conduct. Virtue ethics places the centre of moral good in the character of persons. It allows one's conduct to be guided by good values. The values a person holds is important. Pure utilitarian ethics has no code of conduct as the importance is placed on getting the job done irrespective of adhering to rules. Therefore $ethics_2$ has a very weak relationship with utilitarian ethics. To the utilitarian person, the greater good of the public is more important than rules. Rules are often regarded as red tape and time delaying to achieving the goals. $Ethics_3$, which refers to moral ethical conduct of a day to day nature, is related to all the approaches of "ethics". In fact the term "$ethics_3$" is related to many persons. Whether you are a deontologist, a utilitarian or a virtue ethicist, you must deal with morality – thinking about it and being moral or immoral. No person can avoid $ethics_3$ in his or her day to day activities. These values are generally accepted by the public to be universal and the norm. $Ethics_3$ denotes ethical values and virtue ethics also talks about the same ethical values. For example, a layman using the concept of $ethics_3$ might say that truth is important and a proponent of virtue ethics will say that truth should be a guiding value in all one's actions. But the difference is that the layman might say that truth is important but his actions may not always be truthful. It is just a generally accepted value of the public. On the other hand, virtue ethics is an approach, which may lead public servants to expressing the truth in their policies, in their words and their actions.

Now, do the concepts of ethics have a relationship with each other and to the approaches to ethics? The different concepts of "ethics" have a relationship with each other and the various approaches have a relationship with each other as well. Each concept could be viewed as contrasting to each other and each approach to ethics could be seen as opposing the other. In the context of philosophical reflection, they certainly are in competition with one another so that distinguishing features could be discerned of each of them. But in my opinion each concept and each approach of ethics should be complementary to each other, thus allowing ethics to make a meaningful contribution to service delivery. It becomes an aspect of Public Administration to be taken into consideration.

If one looks at each approach of ethics and apply each approach according to time, place and circumstances, then one can see how much it can improve the welfare of the public. For example, if a public servant fails to exhibit virtuous character, then the organisation needs to apply rules to establish right conduct in that person. This does not mean that virtue ethics has failed because another public servant that may well be aware of the rules still act contrary to the rules because he lacks virtue. This again does not mean that rule based ethics has failed. Different approaches can be applied by management to different public servants to ensure an ethical environment. I feel that this conflict of approaches is unnecessary as each approach fulfils a particular aspect of ethics. The rule-based approach should provide enough rules to achieve the greatest amount of results to satisfy the greatest number of people. When these three approaches complement one another, then service delivery has a better chance to be successful. To ensure that these three approaches are applied correctly in public administration would require a virtuous public servant. If the public service expects its members to possibly exemplify the character traits outlined in codes of conduct, then it must begin immediately to take steps to nurture and enhance the character development of public servants. It is a responsibility and a challenge that has been ignored for too long.

I agree with Gilman (1997:41) that there should be some system that serves to motivate employees to ethical behaviour. Often a code of conduct with vigorous enforcement will

serve to create this foundation. The simplistic solution of just doing away with the rules should not be viewed as the essence of transformation. The system must focus on essential programs that provide virtue without overly restricting flexibility. This will require a careful mixture of both rule based and virtue-based systems. There must be enough compliance to ward off the most base corruption of public office. However, there must also be an aspirational vision of virtue in the public servants, and means for rewarding that behaviour (Gilman 1997:41).

In the public service one could find that in top management the use of systematic reflection, utilitarian and virtue ethics is more predominately applied. This is because people in top management have to lead the public service successfully to achieve its goals and this requires that they think holistically and in totality of the affects of their decision. They are not engaged in the line function duties but are focussed more on policy and achievement of targets. On the other hand, codes and rule-based ethics bring about more successes when applied to lower ranking public servants. This is because the lower ranking public servants are engaged in line function work which may be of routine nature. They need to be informed about the rules and exactly what needs to be done.

An ethic of care can be rule based, utilitarian as well virtuous. Junior public servants should apply universal moral values to any given situation by displaying an ethic of care. Caring, compassion, sensitivity, and an effort to maintain and nurture relationships with others are the hallmarks of this 'ethic of care' (Gummer 1996:90). The public servants' duties are loyalty to the state and to its laws; refraining from acts which may cast a stain on the public service; behave appropriately to the job; have a polite and impartial attitude towards petitioners; do one's best to improve work procedures and to increase production; have a respectful and polite demeanour towards subordinates, superiors, and those equal in rank and status (Friedberg 1993:60).

4.5 CONCLUSION

In this chapter, I explored the meaning of ethics. I discussed the three concepts of "ethics" and the three approaches to ethics. I also explained the relationship between $ethics_1$, $ethics_2$ and $ethics_3$ and rule-based ethics, utilitarian ethics and virtue ethics. This will give the reader a clear understanding of the meaning of ethics. This understanding of ethics then enables the public servant and a researcher to identify service delivery issues from an ethical point of view. The public servant will be able to analyse the task and be able to identify which concept or approach of ethics applies to the situation. For example, some activities will require a mixture of the different approaches and concepts such as rule based ethics combined with the pursuit of virtue. This mixture and application of the concepts and approaches to ethics will depend, inter-alia, on the hierarchical level of the activity being performed. Higher echelons of the departments will be more inclined using the utilitarian and virtue ethics approach to their activities. Rule based ethics may bring about more successes when applied to lower ranking public servants. In this way one will be able to carry out the duties using ethics as guidance for all one's activities in the public service.

The reader now has an understanding of the meaning of "ethics" and humane values which was discussed in chapter three. Utilising this conceptual analysis of ethics and humane values, I will explore the ethical import of the *Batho Pele White Paper* from chapter five to chapter eight.

CHAPTER FIVE

THE UNDERSTANDING OF *BATHO PELE WHITE PAPER* BY USING THE REPRODUCTIVE READING MODALITY

5.1 INTRODUCTION

This chapter will analyse the *Batho Pele White Paper* from the reproductive reading modality. It will seek to discover an established single meaning of the text from an ethical point of view. It concerns knowing what the text is about and how much ethics and humane values it contains. This reading modality entails knowledge of the alphabet, rules of grammar, the meaning of words and their context. It requires one to know language and meanings of words. Understanding the text here means to pin down and repeat the original intention of the author.

The reproductive reading modality highlights the following points: the *Batho Pele White Paper* is the text authorised by the Department of Public Service and Administration to transform service delivery; the authority of the text comes from the fact that it was approved by the Government to transform service delivery; and the text is adequate because it consulted and tested its proposal on three pilot departments (see section 1.6 'Core Methodology' in chapter one).

In the following sections and paragraphs, I will describe to what extent The *Batho Pele White Paper* encourages humane values, $ethics_1$, $ethics_2$, $ethics_3$, rule-based ethics, utilitarian ethics and virtue ethics. Although the *Batho Pele White Paper* implicitly encourages ethics and humane values, this reading modality investigates those explicit phrases and words that encourage ethics and humane values.

5.2 HOW MANY HUMANE VALUES ARE CONTAINED IN THE *BATHO PELE WHITE PAPER*

The *Batho Pele White Paper* has little explicit reference to humane values (see chapter three, section 3.2.3 'Facets of core humane values'). The core humane values it encourages are: service to humanity, right conduct (with the specialised value of courtesy) and harmony of thoughts, words and deeds. This section will present and later discuss those words, sentences and paragraphs that explicitly encourage humane values and therefore deal with ethics, albeit implicitly.

5.2.1 SERVICE TO HUMANITY

Service to humanity is an important core humane value (see chapter three, section 3.2 'Core humane values'). The following sentences encourage service to humanity:

(a) In the first paragraph of the Foreword to the *Batho Pele White Paper*, the then Minister, Dr Zola Skweyiya sets the tone of the document by indicating the guiding principle of public service and reform to be **"service to the people"** (South Africa 1997a:5).

(b) Also in the first paragraph of the Foreword, the Dr Zola Skweyiya emphasises the importance of "improving the **delivery of public services to the citizens** of South Africa" (South Africa 1997a:5).

(c) In the Introduction, under the heading "Background", paragraph 1.2.3 where it discusses Constitutional principles, it states the following: "The development, particularly through training of **a culture of customer care** and of approaches to service delivery that are sensitive to issues of race, gender and disability" (South Africa 1997a:11).

(d) Also in the Introduction, in the section Background, paragraph 1.2.6 it states, "The introduction of a service delivery improvement programme cannot be achieved in isolation from other fundamental management changes within the public service. It must be part of a fundamental **shift of culture** whereby public servants see themselves first and foremost as **servants of the citizens of South Africa**, and where the Public Service is managed with **service to the public as its primary goal**" (South Africa 1997a:11).

(e) In the section Background, paragraph 1.2.8 it states that "The Public Service is currently perceived as being characterised by, for example **lack of responsiveness and insensitiveness towards citizens' complaints**, and **discourteous staff**" (South Africa 1997a:12).

(f) In the section "The people must come first: the customer concept", it emphasises the importance of customer by the following statement: **"The people comes first"** (South Africa 1997a:13).

(g) In the section "Remedying mistakes and failures", paragraph 4.7.4 it states the following: "The response to a complaint, however trivial should take full account of the **individual's concerns and feelings**. Where a mistake has been made or the service has fallen below the promised standard, the response should be immediate, starting with **an apology** and a full explanation; an **assurance that the occurrence will not be repeated**; and then whatever **remedial action** is necessary" (South Africa 1997a:22).

(h) In the section, "Partnership with the wider community", paragraph 6.1 it states that "The Public Service cannot develop a truly **service-oriented culture** without the active participation of the wider community, including the private sector and citizens themselves" (South Africa 1997a: 23).

(i) In the section "No Time to lose", paragraph 12.3 it states: "In this period of transformation and reform when public servants are facing constant changes and sometimes confusing challenges, ***Batho Pele*** **reminds them that their main goal, their prime motivation, their most important task is service to their customers**. The *Batho Pele message* is that **the customer comes first, last and all the time**. *Batho Pele does* not promise the impossible. It asks public servants to commit themselves to the limits of what is possible and then to push on to the next goal. If the initiative is to achieve its aims, public servants at every level, from the very top to the most junior, must understand it and support it. *Batho Pele must* become the watchword of the new South African public service" (South Africa 1997a:29-30).

The paragraphs (a) to (i) encourage the core humane value of service to humanity. Paragraph (a), (b) and (f) emphasise that the author in these statements is genuinely wishing to improve the services for all South Africans. Paragraph (c) points to the necessity of a culture of customer care. This culture of care may be possible only if it is based on humane values and ethics. It also highlights that public servants should be sensitive to race, gender and disability issues. This further supports section 9 of the Bill of Rights in the Constitution where it states under equality: "The State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth." Paragraph (d) makes two important points. Firstly, by just applying pressure externally on the public service, it will not achieve success. Secondly, the solution is to bring about a fundamental shift in the culture of the public servant. This requires that the way public servants see themselves has to change. To bring about this change would require the public servant pursuing the humane value of service to humanity. Then public servants will see themselves as servants of the citizens of South Africa. In this paragraph the cultivation of the culture of humane values is strongly emphasised. Ubuntu may bring about this shift of culture. Paragraph (e) indicates some forms of unethical conduct, which does not contribute to service delivery. It is this lack of responsiveness from officials that it wishes to change. Paragraph (g) also indicates the humane value of compassion and care when it

says that individual's concerns and feelings should be accommodated. It also brings in the value of repentance by mentioning 'an apology' and ethical action afterwards by mentioning 'remedial action'. Paragraph (h) explains the importance of a service-orientated culture. This service-orientated culture can be developed through the participation of the wider community, private sector and citizens. This means that every official should have an attitude of service. This attitude of service comes when one pursues the humane value of service to humanity. Paragraph (i) states in three different ways that service to the customers is important. It states that the public servants "main goal, their prime motivation, their most important task is service". It also emphasises the importance of the customer. It states "the customer comes first, last and all the time."

The core humane value of service to humanity is prescribed in the text of the *Batho Pele White Paper.* The main theme of the text is service delivery, which is a concept that arises from the emphasis placed on the value of service to humanity. By emphasising the message of the importance of the customer it is indirectly encouraging the value of providing a service to humanity or citizens.

5.2.2 HARMONY OF THOUGHTS, WORDS AND DEEDS

In the first paragraph in the Foreword of the *Batho Pele White Paper*, Dr Zola Skweyiya states he want to **"Turn words into action"** (South Africa 1997a:5). Words have to be turned into action otherwise it will remain words (see chapter three, section 3.2.3 'Facets of core humane values'). The core humane value of harmony of thoughts, words and deeds are therefore emphasised.

5.2.3 RIGHT CONDUCT: COURTESY

Right conduct is part of the core humane values (see chapter three, section 3.2.3 'Facets of core humane values'). Right conduct has many specialised values (see chapter three, section 3.2.4 'Facets of specialised values'). The *Batho Pele White Paper* has chosen courtesy as an important specialised value for the correct conduct of public servants.

Courtesy is a specialised value of right conduct (see chapter three, section 3.2.4 'Facets of specialised values'). It is one of the eight principles of *Batho Pele.* The *Batho Pele White Paper* states that the concept of courtesy goes much wider than asking public servants to give a polite smile and to say 'please' and 'thank you', though these are certainly required. The Code of Conduct makes it clear that courtesy and regard for the public are the fundamental duties of public servants, by specifying that public servants treat members of the public "as customers who are entitled to receive the highest standards of service" (South Africa 1997b:3). The principles of *Batho Pele* also require that the behaviour of all public servants be raised to the level of the best (South Africa 1997a:18).

Therefore national and provincial departments must specify the standards for the way in which customers should be treated. These are to be included in their departmental codes of conduct. These standards should cover, among other things:

1. greeting and addressing customers;
2. the identification of staff by name when dealing with customers, whether in person, on the telephone or in writing;
3. the style and tone of written communications (South Africa 1997a:19)

This would require that the performance of staff who deal with customers is regularly monitored and should it fall below the specified standards, it should not be tolerated (South Africa 1997a:19).

In the following instances courtesy is encouraged in the *Batho Pele White Paper*:

(a) Dr Zola Skweyiya mentions "the introduction of departmental **courtesy** campaigns" in the second paragraph of the Foreword, of the *Batho Pele White Paper* (South Africa 1997a:5).

(b) Also in the Foreword, in the third paragraph, the then Minister mentions that "Public servants are expected to treat all citizens with **courtesy, respect and dignity**" (South Africa 1997a:5).

(c) In the section "The people must come first: the customer concept" in paragraph 1.3.3 states how customers should be treated with courtesy. To treat citizens as customers implies:

1. **Listening to their views** and taking account of them in making decisions about what services should be provided;
2. **Treating them with consideration and respect**;
2. Making sure that the **promised level and quality of service is always of the highest standard**; and
3. **Responding swiftly and sympathetically when standards of service fall** below the promised standard (South Africa 1997a:13).

(d) In the section where "The service delivery principles of *Batho Pele*" are listed, it states in the fourth principle of courtesy that "Citizens should be treated with **courtesy and consideration**" (South Africa 1997a:15).

(e) In the section "Implementation strategy", in paragraph 7.2.1 it states that "There may be many actions which, for example, individual components within departments can take immediately to improve the services they provide such as **introducing a courtesy campaign**" (South Africa 1997a:25).

(f) Also in the "Implementation strategy", paragraph 7.2.7, "Step 5: Set service standards", it mentions what service standards should cover. "Service standards must cover customers' main requirements, e.g. accessibility of services, response times, turnaround times, accuracy, **courtesy**, the provision of information, and dealing with complaints" (South Africa 1997a:27).

Paragraph (a), (d), (e) and (f) encourage courtesy of the public servant to the citizens. In paragraph (b) humane values are listed. Paragraph (c) highlights the right conduct of public servants when they are dealing with customers in a courteous manner.

From this discussion one could see that *Batho Pele* wants to establish the value of courtesy in the South African Public Service. Without courtesy between staff and between officials and the public, it would hardly be possible to lift the standards of service delivery.

5.3 HOW MANY CONCEPTS OF AND APPROACHES TO ETHICS ARE USED IN THE *BATHO PELE WHITE PAPER* ?

The word "ethics" is only mentioned once in the *Batho Pele White Paper* in this quotation from the Constitution, Section 195(1)(a): "A high standard of professional **ethics** be promoted and maintained" (South Africa 1996 s195(1)(a)). However, it does indirectly refers to $ethics_2$, $ethics_3$, rule-based ethics, utilitarian ethics and virtue ethics.

5.3.1 $ETHICS_2$ OR ETHICS AS CODES

$Ethics_2$ is a concept that refers to codes and rules (see chapter four, section 4.2.2 '$Ethics_2$'). The following encourage the use of the concept of $ethics_2$:

In paragraph three of the Foreword it mentions that "Departmental **codes of behaviour will be developed** and training will follow to ensure that this happens" (South Africa 1997a:5).

This indicates that a code (or codes) is necessary so that courtesy can ultimately lead to high standards of service. This concept of $ethics_2$ is in line with section 195 (1)(a) of the Constitution, which states that: "A high standard of professional ethics must be promoted and maintained" (South Africa 1996 s 195(1)(a)). Here the Constitution is clear that ethics should not just be promoted, it should be maintained by the actions of the public

servants. This is what it means to turn words into action (see chapter three, section 3.2.3 'Facets of core humane values').

In paragraph three of the Foreword, it states that "Public servants are **expected to treat all citizens with courtesy, respect and dignity**" (South Africa 1997a:5). This explicit prescription makes it ethics$_2$ as it mentions that it is expected of public servants to treat citizens with courtesy and dignity.

The *Batho Pele White Paper* also refers to the Code of Conduct. The Code of Conduct is only mentioned once in the section "Ensuring courtesy", paragraph 4.4.1, which states the following:

"The **Code of Conduct** from Public Servants Commission, makes it clear that courtesy and regard for the public is one of the fundamental duties of public servants, by specifying that public servants treat members of the public as customers who are entitled to receive the highest standards of service" (South Africa 1997a:18).

This sentence indicates that the *Batho Pele White Paper* links with the Code of Conduct on this point. However, with the exception of this statement, it ignores the Code of Conduct to a large extent. The Code of Conduct refers to the *Batho Pele* principle of courtesy in stipulation M4.2.3. "An employee is polite, helpful and reasonably accessible in his or her dealings with the public, at all times treating members of the public as customers who are entitled to receive high standards of service" (South Africa 1997b:3). Courtesy is thus a fundamental duty of public servants and it is a rule that must be adhered to.

5.3.2 ETHICS$_3$

Ethics$_3$ refers to moral conduct that does not per se require much rational reflection or a code of conduct (see chapter four, section 4.2.3 'Ethics$_3$').

In the section "Ensuring courtesy", paragraph 4.4.1 the concept of ethics$_3$ is used in the following sentence: **"Many public servants do this instinctively**; they joined the public service precisely because they have a genuine desire to **serve the public**. The **Principles of *Batho Pele* require that the behaviour of all public servants is raised to the level of the best**" (South Africa 1997a:18).

The above sentence points out that ethical behaviour of public servants should be something they do instinctively or spontaneously without much rational reflection or referring to a code. These sentences actually encourage the concept of ethics$_3$.

5.3.3 RULE BASED ETHICS

Rule based ethics accentuate the right thing to do with reference to a principle or rule. (see chapter four, section 4.3.1 'Rule based ethics'). The following sentence from the section "Encouraging innovation, rewarding excellence" in paragraph 5.2 encourages the public servant to act in accordance with a code: "A key indicator will be how they rate in their dealings with their customers **in accordance with the behaviour code of the department**" (South Africa 1997a:23). This appears to oppose other statements in the *Batho Pele White Paper*, which does not support a rule-based approach to ethics (see chapter seven, section 7.3 'The idea of utilitarianism' paragraph (b), (d) and (e)).

5.3.4 UTILITARIAN ETHICS

Utilitarian ethics maximises goodness as the consequences of goodness is beneficial (see chapter four, section 4.3.2 'Utilitarian ethics'). The *Batho Pele White Paper* is to a certain extent a utilitarian document. It has values that encourage outcomes in public administration (see chapter four, section 4.3.2 'Utilitarian ethics'). One of the *Batho Pele* principles is value for money which is a utilitarian value that encourages efficiency (South Africa 1997a:15). Public services should be provided economically and efficiently in order to give citizens the best possible value for money (South Africa 1997a:15). Efficiency or value for money is a utilitarian value as it encourages those services be

provided economically and cost effectively to the most citizens. The *Batho Pele* initiative should be delivered within departmental resource allocations, and the rate at which services are improved will therefore be significantly affected by the speed with which national and provincial departments achieve efficiency savings, which can be ploughed back into improved services (South Africa 1997a:22).

The following sentences in the text indicate that the *Batho Pele White Paper* encourages efficiency:

(a) In the "Background" in paragraph 1.2.5 it states "The objectives of service delivery therefore include **welfare, equity and efficiency**" (South Africa 1997a:11).

(b) In paragraph three of the Foreword, the following is mentioned about efficiency: "We must **live within the resources** the nation can afford. That is why a key part of the *Batho Pele* is a relentless **search for increased efficiency** and the reduction of wastage within the Public Service. Every rand wasted in cumbersome, inefficient processes, in delays and duplication, is money, which could be invested in improving services" (South Africa 1997a:5).

(c) This means, for example, that staff dealing with the public directly should be given the necessary support and tools to carry out their functions effectively and efficiently" (South Africa 1997a:23).

In paragraph (a) the utilitarian values such as welfare, efficiency and equity of service provision are mentioned. These values are necessary for service delivery. A public servant should ensure that these values are part of his or her activities. In paragraph (b) the value of efficiency is emphasised. In paragraph (c), effectiveness is mentioned. This is line with section 195(1)(b) of the Constitution, which states: "Efficient, economic and effective use of resources must be promoted" (South Africa 1996: s 195(1)(b)). Effectiveness is included in its discussion of efficiency.

The other six *Batho Pele* principles are used for utilitarian purposes but is not utilitarian in itself. They are: consultation, service standards, access, information, openness and transparency and redress. Accountability and co-operation are also used for utilitarian purposes. The rightness of these values is confirmed by the fact that it increases the general good of welfare or in other words service delivery. The approach that the Public Service uses to utilise these values are utilitarian.

5.3.5 VIRTUE ETHICS

Virtue ethics places the centre of moral good in the character of persons. By following the example of a virtuous person or persons one develops a virtuous character (see chapter four, section 4.3.3 'Virtue ethics'). The following sentences indicates that *Batho Pele White Paper* uses virtue ethics:

(a) In the section "Ensuring courtesy", paragraph 4.4.3, it states the following which is related to virtue: "Of equal importance to formal training, is **the example set by senior managers**, and the **day to day guidance of immediate supervisors. Junior staff quickly pick up the unspoken messages about an organisation's values from the way their seniors behave. All managers have a duty to ensure that the values and behavioural norms of their organisations are in line with the principles of *Batho Pele***" (South Africa 1997a:19).

Paragraph (a) emphasises the fact that the example set by senior managers is important. Even the guidance given by immediate supervisors contributes to the ethical conduct of public servants. It also indicates that the organisation's values are important and the behaviour of senior mangers contributes to this. It also states that it is the duty of managers to ensure that the values and behavioural norms of their organisations are in line with the principles of *Batho Pele.*

When one studies the *Batho Pele White Paper* from a reproductive reading modality, one can deduce that it is an ethical document, but only to a degree. The goal of the entire text

is to deliver the maximum services to the people. The *Batho Pele* principles and its implementation strategy are geared toward this end result. This text therefore uses the utilitarian approach to ethics. It also utilises the concepts of $ethics_2$, $ethics_3$ and the approaches of rule based and virtue ethics but this is only minimal. The reproductive reading modality identifies utilitarian ethics as permeated throughout the text.

5.4 CONCLUSION

This chapter discussed the *Batho Pele White Paper* using the reproductive reading modality. The scope of the *Batho Pele White Paper* is that it is applicable to all levels of the public sector. This chapter also explained how many humane values are contained in the *Batho Pele White Paper*. It also identified public administration values. These public administration values have become part of the *Batho Pele* principles for transforming public service delivery. This chapter also explored to what extent the concepts and approaches to ethics are used in the *Batho Pele White Paper*. It was found that $ethics_2$, $ethics_3$, rule based ethics, utilitarian ethics and virtue ethics were encouraged. However a major part of the text encourages only utilitarian ethics.

CHAPTER SIX

THE UNDERSTANDING OF THE *BATHO PELE WHITE PAPER* BY USING THE HERMENEUTIC READING MODALITY

6.1 INTRODUCTION

The hermeneutic reading modality discussed by De Beer (1999:438 – 457) focuses on the complexity of language and the reading and writing of a subject. Both the writer and the reader do not have complete power over words, texts, contexts and documents and this is true for the *Batho Pele White Paper*. While reading the *Batho Pele White Paper*, one can see that there is no complete homogenous meaning. This document reflects the hermeneutic problem. This reading modality clearly shows that the meaning of the text is not invariably fixed. I will also read between the lines to investigate if there are any inner meanings that encourage ethics. One can find that this text brings out a variety of other meanings. See chapter one, section 1.6 'Core methodology' for an explanation of the hermeneutic reading modality. In order to understand the text from this modality I put forward a number of questions to the *Batho Pele White Paper*.

6.2 THE PURPOSE OF THE *BATHO PELE WHITE PAPER*

The purpose of this *Batho Pele White Paper* is to provide a policy framework and a practical implementation strategy for the transformation of public service delivery. This *Batho Pele White Paper* is primarily about how public services are provided, and specifically about improving the efficiency and effectiveness of the way in which services are delivered. It is hoped that the Ministers and Directors-general, from the various departments, decisions, about what should be delivered will be improved as a result of the *Batho Pele* approach, for example through systematic consultation with users of services, and by information about whether standards of service are being met in practice (South Africa 1997a:9).

6.3 BACKGROUND OF THE *BATHO PELE WHITE PAPER*

The former Minister for Public Service and Administration, Mr Zola Skweyiya was responsible for publishing the *Batho Pele White Paper* on 1 October 1997. He states in the Foreword of the *Batho Pele White Paper* that his underlying intention with *Batho Pele* is to build a public service capable of meeting the challenge of improving the delivery of public services to the citizens of South Africa (South Africa 1997a:5). The *Batho Pele White Paper* provides eight *Batho Pele* principles and a strategy of putting these principles into practice.

The *Batho Pele White Paper* has its origins in the South African Constitutional principles. The Constitution, stipulates that public administration should adhere to a number of principles, including that (South Africa 1996: s 195(1)):

1. a high standard of professional ethics be promoted and maintained;
2. services be provided impartially, fairly, equitably and without bias;
3. resources be utilised efficiently, economically and effectively;
4. peoples' needs be responded to;
5. the public be encouraged to participate in policy-making; and
6. it be accountable, transparent and development-oriented

In line with these constitutional principles, the *White Paper on the Transformation of the Public Service*, published on 24 November 1995, calls on national and provincial departments to make service delivery a priority. The *White Paper on the Transformation of the Public Service* also provides a framework to enable national and provincial departments to develop departmental service delivery strategies. These strategies will need to promote continuous improvements in the quantity, quality and equity of service provision (South Africa 1997a:10).

Chapter 11 of the *White Paper on the Transformation of the Public Service* requires national and provincial departments to identify among other things (South Africa 1995:59):

1. A mission statement for service delivery, together with service guarantees
2. The services to be provided, to which groups, and at which service charges
3. In line with RDP priorities, the principle of affordability and the principle of redirecting resources to areas and groups previously under resourced
4. Service standards, defined outputs and targets, and performance indicators, benchmarked against comparable international standards
5. Monitoring and evaluation mechanisms and structures, designed to measure progress and introduce corrective action, where appropriate
6. Plans for staffing, human resource development and organisational capacity building, tailored to service delivery needs
7. The redirection of human and other resources from administrative tasks to service provision, particularly for disadvantaged groups and areas
8. Financial plans that link budgets directly to service needs and personnel plans
9. Potential partnerships with the private sector, non-governmental organisations (NGOs) and community based organisations(CBOs) which will provide more effective forms of service delivery; and
10. The development, particularly through training of a culture of customer care and of approaches to service delivery that are sensitive to issues of race, gender and disability.

Proceeding from the constitutional principles and the strategies of the *White Paper on Transformation of the Public Service*, the *Batho Pele White Paper* was drafted. It also identified many problems. It states that the Public Service is currently perceived as being characterised by, for example inequitable distribution of public services, especially in rural areas, lack of access services, lack of transparency and openness and consultation on the required service standards, lack of accurate and simple information on services and standards at which they are rendered, lack of responsiveness and insensitiveness towards

citizens' complaints, and discourteous staff. These perceptions which are frequently reflected in media reporting of Public Service activities, are also shared by many public servants themselves, which was confirmed during the consultation process which preceded the preparation of the *Batho Pele White Paper* (South Africa 1997a:12).

The *Batho Pele White Paper* seeks to introduce a fresh approach to service delivery. It is an approach that focuses on systems, procedures, attitudes and behaviour within the public service and reorients them in the customer's favour. It is an approach that puts the people first. It involves creating a framework for the delivery of public services, which treats citizens more like customers and enables the citizens to hold public servants to account for the service they receive. It is a framework, which frees up the energy and commitment of public servants to introduce more customer-focused ways of working. The approach is encapsulated in the name, which has been adopted by this initiative- *Batho Pele* (a Sesotho adage meaning 'People first'). The *Batho Pele* policy framework consists of eight service delivery principles (South Africa 1997a:12-13).

6.4 SCOPE OF THE *BATHO PELE WHITE PAPER*

The *Batho Pele White Paper* sets out a practical agenda for transforming the delivery of public services. It is directly applicable to those parts of the public sector, both national and provincial, which are regulated by the Public Service Act. However, it is relevant to all areas and employees of the public sector regulated by other legislation, such as local government and parastatals, teachers in education departments, as well as the South African Police Service, South African National Defence Force and the Intelligence Services (South Africa 1997a:14).

6.5 INVESTIGATING THE CONSULTATION PROCESS AND COLLECTION OF INFORMATION

This White Paper was drafted after extensive consultation with many stakeholders, public servants, and customers of the service. Pilot departments provided some background

information to the formulation of the *Batho Pele White Paper*. It also shows how consultation should take place. The following exposition makes this clear:

(a) In the "Background", paragraph 1.2.8 it states: "These perceptions which are frequently reflected in media reporting of Public Service activities, are also shared by many public servants themselves, as was confirmed during the **consultation process which preceded the preparation of the *Batho Pele White Paper***" (South Africa 1997a:12).

(b) In the section "Setting service standards", paragraph 4.2.3 it states: "Service Standards must therefore have the approval of the relevant Minister/ MEC/ executing authority before they are adopted. **This need not require Ministers/ MEC/ other executing authorities to be personally involved in the detail of service delivery programs**. The process will normally be conducted by presenting the Minister/ MEC/ executing authority with the results of the consultation exercise, and proposing for his or her approval the key standards to be set in priority areas together with a strategic plan for achieving them" (South Africa 1997a:17).

(c) In the section "Partnership with the wider community", paragraph 6.2 it states: "*Batho Pele* will therefore seek to **establish partnerships with the wider community in which business and industry, NGOs, CBOs academic institutions and other bodies throughout the community can all play a part**. For example, local businesses might assist in funding the publication of Service Standards or a telephone helpline, or they might sponsor a customer survey in a variety of official languages. They could also offer secondments and exchanges to public servants to broaden their experience. NGOs and CBOs could help to spread information about what services are available and where to obtain them. They can also help individual citizens to access public service complaints schemes, and can work with national and provincial departments to simplify procedures and regulations. Academic institutions might be willing to conduct comparative studies on international best practice in public service improvement" (South Africa 1997a:23-24).

(d) Also in paragraph 6.3 it states: "As part of their consultation exercises, national and provincial departments must **involve representatives of the wider community in discussions about the future development of public services. They should also forge partnerships with business, NGOs, CBOs and other stakeholders to encourage them to participate** in service improvement initiatives" (South Africa 1997a:24).

(e) In the section "Pilot areas", paragraph 9, it states the following: "The implementation strategy outlined in paragraph 7 of the this White Paper has been developed on the basis of the **lessons learned from the three pilot departments** - the national Department of Health, the Department of Home Affairs, and the North-West provincial departments" (South Africa 1997a:28).

(f) In the section "DPSA's role in supporting departments' implementation efforts", paragraph 10, it states that "The DPSA will provide leadership and expertise on an ongoing basis to guide and support national and provincial departments' implementation programs and to assist in capacity building. In conjunction with other, such as the South African Management Development Institute and the Joint Universities Public Management Education Trust, the **DPSA project team will ensure that key line and staff officials within departments are assisted to develop expertise and share good practice**" (South Africa 1997a:29).

Paragraph (a) indicates that public servants were consulted. However paragraph (b) highlights who actually will be involved in setting service standards. The Ministers, MECs and other executing authorities need not personally be involved in developing service delivery programs. The process will involve public servants to develop the service delivery program which will be approved by the Minister. Paragraph (c) and (d) mentions that the private sector and civil society should participate in the implementation of the *Batho Pele* principles. Paragraph (e) mentions that information was collected by the lessons learnt from the pilot departments. Paragraph (f), indicates that the Department of Public Service and Administration will assist the departments by sharing expertise.

A shortcoming of the *Batho Pele White Paper* is the choice of pilot departments. The Health Department and the Department of Home Affairs are experiencing problems with service delivery. They could hardly serve as a model to draw lessons from to formulate *Batho Pele* principles. And even if it was used as a pilot project to apply the *Batho Pele* principles, since 1997 to date, services have deteriorated in these departments according to newspaper articles (see chapter one, section 1.1.1 'The problem in real life').

6.6 INVESTIGATING THE FORMULATION OF POLICY AND GOALS IN THE *BATHO PELE WHITE PAPER*

The following statements give an idea of how the *Batho Pele White Paper* formulates its policy and goals:

(a) In the "Implementation strategy", paragraph 7.2.3, "Step1: Identify the customer", it states: "The starting point is to establish who the recipients of services are. Taxpayers, for example, are customers, because *Batho Pele* gives them a right to expect that services will be provided cost-effectively. **A thorough stakeholder analysis will be required to establish who the customers are, and their relative priority in determining levels of service**" (South Africa 1997a:26).

(b) In the "Background" of the *Batho Pele White Paper*, paragraph 1.2.5 it states the following: "**Improving the delivery of public services means redressing the imbalances of the past and while maintaining continuity of service to all levels of society**, focusing on meeting the needs of the 40% of South Africans who are living below the poverty line and those such as the disabled and black women living in rural areas, who have previously been disadvantaged in terms of service delivery" (South Africa 1997a:11).

The *Batho Pele* has correctly identified taxpayers as customers and gives them a right to expect those services. All South African citizens are recipients of services of the state. However, in paragraph (a) these customers should be evaluated according to the criteria

given in paragraph (b) to determine their level of priority to the services given. Paragraph (b) stress that the disadvantaged level of society should receive the services while in all other levels of society, the services should be maintained as it is. The *Batho Pele White Paper* is formulated according to this principle. It is ethical that the needs of the disadvantaged should be satisfied. The use of humane values and ethics as criteria to redress the imbalances of the past will provide a lasting solution. All human beings who have a similar need for a particular service deserve to be satisfied by the state, irrespective of race and sex. These are also the values espoused by the Constitution. Utilitarian ethics is an approach that the state uses to provide the maximum services to the citizens (see chapter four, section 4.3.2 'Utilitarian ethics').

6.7 WHAT IS THE MESSAGE OF THE TEXT?

The message of a text is crucial to the hermeneutic reading modality. The meaning that the *Batho Pele White Paper* wishes to present, is the necessity to build a Public Service capable of meeting the challenge of improving the delivery of public services to the citizens of South Africa. It first identifies eight *Batho Pele* principles and explains a little about how each principle should be put into practice. Then it proposes an implementation strategy on how the service delivery could be improved using these principles.

This is explained in the following paragraph. "*Batho Pele* is based on eight national principles refered to as the *Batho Pele* Principles. To make sure that these principles are put swiftly into practice, the Minister is asking every national and provincial department to undertake a number of actions. Firstly he is asking them to identify the small but important improvements in their service delivery processes which can be immediately attended to and implemented. These include the speeding up of response times for answering letters and telephone calls or the introductions of departmental courtesy campaigns. Secondly he is asking departments to follow the White Paper's implementation strategy to develop a service delivery improvement program. He is also expecting departments to publish standards for the services they provide and to monitor

results thereof. Reports will be made public on how well departments have performed against set standards" (South Africa 1997a:5).

To understand the full meaning of *Batho Pele* one should ask which citizens are targeted by service delivery? From this question two conflicting answers can be received. The following quotation emphasises that *Batho Pele* is for raising the standards of service delivery in disadvantaged communities. "The aim is to progressively **raise standards of service**, especially **for those whose access to public services have been limited in the past** and whose needs are greatest" (South Africa 1997a:5).

The other perception is that the text is targeting improving service delivery to all citizens in South Africa. In paragraph one of the Foreword of the *Batho Pele White Paper*, the following sentence gives an indication of this: "The transformation of our Public Service is to be judged by **the practical difference people see in their everyday lives**. The **needs of the people should come first and be satisfied**" (South Africa 1997a:5).

This statement exemplifies the utilitarian approach to ethics where the needs of people are satisfied to the maximum. It is a people centred approach where the public service delivery should be judged by the difference people see in their lives. This statement gives the idea that all peoples' needs should come first and be satisfied. The focus is on all South African citizens and not a section of its population or a particular race group. It could also encourage consumerism because if we just satisfy peoples' needs and as there is no end to those needs, it may affect the economy and cause inflation.

So this presents a hermeneutical problem for the public servant who is rendering the services. The public servant has to ascertain as to which citizens the principles of *Batho Pele* apply. The choice of words may distort the intentions of the author which in turn may distort the message of the text.

However, in spite of this distortion in meaning, certain themes come out clearly in the text. These themes which are based on humane values, public administration values and ethics give meaning to the text.

The following sentences clarify the message of the text:

(a) Paragraph three of the Foreword of the *Batho Pele White Paper* underlines the message of the text: "More **accessible and responsive arrangements** are to be developed to enable individual members of the public to get something done if standards are not met" (South Africa 1997a:5).

(b) Also in paragraph three of the Foreword, the following is stated: "In future, **users of public services are to be consulted** about their needs and priorities" (South Africa 1997a:5).

(c) Paragraph three of Foreword also states: "Public servants are expected to treat all citizens with **courtesy, respect and dignity**. Departmental codes of behaviour will be developed and training will follow to ensure that this happens. However, this will not be sufficient by itself" (South Africa 1997a:5).

(d) The following is also stated in paragraph three of the Foreword: "Standards of service cannot be raised overnight. We must live within the resources the nation can afford. That is why a key part of the *Batho Pele* is a relentless search for increased efficiency and the reduction of wastage within the Public Service. Every rand wasted in **cumbersome, inefficient processes**, in delays and duplication, is money which could be invested in improving services. The aim is to progressively raise standards of service, especially for those whose access to public services have been limited in the past and whose needs are greatest" (South Africa 1997a:5).

In paragraph (a) and (b) the important public administration values, which are consultation, access and redress is used to ensure customer satisfaction. Consultation with

citizens about what services are to be delivered must become part of the Public Service activities. Paragraph (b) indicates that in the past there was no consultation of users of public services. In paragraph (c) the humane values of courtesy, respect and dignity among public servants are encouraged through departmental codes of behaviour and training. It seems that each department will have its own code of behaviour, which is separate from the one already in existence, which is the Code of Conduct from the Public Service Commission (South Africa 1997b:1-5.). In a way, this sentence is encouraging $ethics_2$ and $ethics_3$. However in the very next line it says the referent $ethics_2$ is not sufficient by itself. The text does not state what will make it sufficient. It seems that the author of it does not have an answer to that question.

However, the author of the paper supports utilitarianism throughout the text. In the following paragraph in the *Batho Pele White Paper* it is admitted that the standards of service cannot be raised overnight. Its gives economic reasons for this. The sentence "Every rand wasted in cumbersome, inefficient processes, in delays and duplication, is money which could be invested in improving services" indicates that currently money is wasted by following the rule based approach to ethics. It feels that if rules and regulations are minimised, it could use the money saved to improve services especially for those whose access to public services have been limited in the past (see chapter seven, section 7.3). Again the sentence "especially for those whose access to public services have been limited in the past" indicates that the focus of improving service delivery is especially on disadvantaged areas.

6.8 HOW IS THE INTENTION OF THE AUTHOR OF THE WHITE PAPER RELATED TO THIS MESSAGE?

A White Paper is normally drafted by the Director General and his or her team and then presented to the Minister for their approval. The *Batho Pele White Paper* was drafted by the then Director General of the Department of Public Service and Administration, Mr MP Ncholo and his team. His intention was to improve the services received by the disadvantaged people.

The meaning of the text is clearly expressed by this statement: "to build a public service capable of meeting the challenge of improving the delivery of Public Services to the citizens of South Africa". To build a public service means the entire Public Service of South Africa. It wishes to improve the service delivery of the Public Service. *Batho Pele* principles are searching for increased efficiency and the reduction of wastage within the public service.

Public Service delivery on a national level and for all citizens is poor. However the author's intention is not clearly related to the meaning of the text, as his intention is to focus on service delivery points for those who were previously disadvantaged. The following statement indicates his intention: "Access to decent public services is no longer a privilege to be enjoyed by a few; it is now the rightful expectation of all citizens, especially those previously disadvantaged" (South Africa 1997a:5). The author's intentions of improving service delivery for the disadvantaged is mixed up with the utilitarian ideals of improving the service delivery for the greatest number of citizens.

6.9 IS AN OBJECTIVE UNDERSTANDING OF THE TEXT POSSIBLE?

An objective understanding of the text is indeed possible. From the text one can understand that service delivery of the Public Service on the whole should be improved but first and priority attention should be given to those services which the disadvantaged people use. It leads one to understand that the application of the *Batho Pele* principles will improve the service delivery of the public service. It expects each department to implement a strategy to progressively improve the standards of the services it delivers.

6.10 WHAT ARE THE LIMITATIONS OF THIS UNDERSTANDING AND TO WHAT CAN THEY BE ASCRIBED?

This White Paper is written with a view that it would be read and implemented by public servants. Therefore it expresses its principles and ideas in simple language. Some of the

minor limitations, which can be overcome with a little research, are the use of words and phrases.

The following sentence explains what the phrase *Batho Pele* means: "The approach is encapsulated in the name which has been adopted by this initiative – *Batho Pele* (a Sesotho adage meaning 'People First')" (South Africa 1997a:12-13). The term *Batho Pele* is a Sesotho word which means "people first" (South Africa 1997a:13).

A person who does not speak Sesotho might not know the meaning of this term until he or she reaches page 13 of the White Paper, which explains the meaning of this word. Although on page 3 of the White Paper it has in bold "*Batho Pele* – people first", this is separate from the title "White Paper on Transforming Public Service Delivery". In the table of contents of the *Batho Pele White Paper* in section 1.3. there is a caption "The people must come first: the 'customer' concept." I consider this as a limitation as one might consider *Batho Pele* as synonymous with the customer concept. *Batho Pele* is actually a list of principles for improving service delivery. The customer concept is a business principle on how to treat customers (South Africa 1997a:13). Although *Batho Pele* principles enhance the customer concept, it is nevertheless more broad and general.

Words like "disadvantaged people"; "black people" will require a historical understanding of South Africa to know what it means. Disadvantaged people means those who were denied access to opportunities and facilities by the state. It includes disabled people, women and black people. Black people include Africans, Coloureds and Indians. Women include white women as well. However this statement shows the author's intention as to which group of South African citizens should have improved service delivery. "Improving the delivery of public services means redressing the imbalances of the past and while maintaining continuity of service to all levels of society, focussing on meeting the needs of the 40% of South Africans who are living below the poverty line and those, such as the disabled, and black women living in rural areas, who have previously been disadvantaged in terms of service delivery" (South Africa 1997a:13). Here he clearly explains what improving of service delivery means. It means

redressing the imbalances of the past, which is improving services for those who were disadvantaged. At the same time it wishes to continue maintaining the existing service to all levels of society which means those who benefited from the past system whom it considers to be advantaged. The key word in the sentence is "maintaining". This indicates that the services in white areas are of a high quality and therefore it should be maintained at that level. It gives an idea that there is no integration of the users of the services. In my opinion this is a misconception as most services are used by both black and white. Furthermore, service delivery is poor in both black and white areas. The sentence "…black women living in rural areas …" excludes Coloured and Indian women as they are living in urban areas. What it actually means is African women living in rural areas. In my opinion, the use of the concepts of race and class to determine needs and how resources of the state will be distributed is unethical. This may lead to unnecessary tensions within society and the government of the day could become exclusively focussed on satisfying the needs of certain sections of society based on race and class to the neglect of the other. What should be done is that the needs of the citizens, irrespective of race, class or gender should be satisfied in such a way that it encourages an ethical and humanistic lifestyle. The concept of ethics and humane values should be used to determine the needs of citizens and how resources are to be distributed to satisfy those needs. This will automatically ensure that those who were disadvantaged due to race, class and gender will have their needs satisfied. Public service delivery will improve in totality. A sectarian approach based on race, class or gender will not be successful in improving service delivery.

From the discussion of extracts from the *Batho Pele White Paper*, one could see that the meaning of words and sentences are not fixed and different meanings could be derived from a text according to one's understanding of the meaning of words in an historical context. This indeed reflects a hermeneutic problem in understanding the *Batho Pele White Paper*.

6.11 ARE THERE CULTURAL AND HISTORICAL DIMENSIONS IN THE TEXT WHICH ARE FOREIGN TO THE READER AND CAN THEY BE OVERCOME?

The cultural dimension that is foreign to a reader not of South African origin is the word *Batho Pele*. This is a Sesotho word which has certain cultural connotations such as encouraging the Ubuntu of the people (see chapter three, section 3.4 'Concept of Ubuntu'). *Batho Pele* is a word not commonly used either internationally or locally, therefore it can not be expected that everyone would understand its meaning.

The historical dimension reflects that in the past prior to 1994 there were two classes of people, the privileged and the disadvantaged. The privileged class was the whites and the disadvantaged class was the blacks. There was a class struggle as well as a racial struggle. The historical dimension is clearly seen from this statement: "Access to decent public services is no longer a privilege to be enjoyed by a few; it is now the rightful expectation of all citizens, especially those previously disadvantaged". However, when a few formerly disadvantaged people gain access to wealth and power they too may become a class that dominates those who lack those facilities. Therefore if race and class are used as criteria for redressing the imbalances of the past instead of the concept of ethics and humane values, then nothing much changes.

This cultural and historical dimensions can be overcome by the careful study of the history of South Africa. However much has changed since 1994. From my observation, residential areas are integrated, service users go to any centre that is near and convenient, and authority as such is no longer feared. Top management in the Public Sector is no longer dominated by whites.

6.12 CAN THE TEXT BE RELATED TO OTHER TEXTS ON THE THEME SUCH AS THE CONSTITUTION AND THE CODE OF CONDUCT?

The text of the *Batho Pele* is related to the Code of Conduct (South Africa 1997b:1-40), and the Constitution (South Africa 1996). The *Batho Pele White Paper*, which was published on 1 October 1997, has attempted to provide a strategy to implement the transforming of service delivery. Another document, the Code of Conduct, was promulgated on 10 June 1997 to improve the ethical conduct of public servants. Although the Code of Conduct was published just three months before the *Batho Pele White Paper* was promulgated, the reference the *Batho Pele White Paper* makes to the Code of Conduct is vague. The relationship can be seen through its indirect statements of generally accepted good conduct. Paragraphs 6.12.1 to 6.12.4 deals with its relationship to the Code of Conduct. Paragraph 6.12.5 shows its link to the Constitution.

In order to give practical effect to the relevant constitutional provisions relating to the Public Service, the Code of Conduct was developed. The primary purpose of the Code is a positive one, that is to promote exemplary conduct. If the public servant contravenes any provision of the Code of Conduct or fails to comply with any provision thereof he or she will be guilty of misconduct (South Africa 1997b:2-3). In other words the Code of Conduct stresses rules and punishment if the rules are not followed. This actually exemplifies $ethics_2$.

However the *Batho Pele White Paper* does not consider the Code of Conduct to be sufficient to improve service delivery. The following statement emphasises this fact: "Departmental codes of behaviour will be developed and training will follow to ensure that this happens. However this will not be sufficient by itself" (South Africa 1997a:5). Here again we find the hermeneutic problem of language. The first part of the sentence that "departmental codes of behaviour will be developed." is understandable. But the second part "training will follow to ensure that this happens." is not clear (South Africa 1997a:5). It could mean that training would be given to develop codes of behaviour. Or it could mean that training will be given to public servants on how to follow codes so that

correct behaviour is exhibited by public servants. The Code of Conduct is not strongly emphasised in the *Batho Pele White Paper* and sometimes even negates its value; so the relationship between the two is weak.

6.12.1 ACCESS TO INFORMATION

The following paragraphs from the *Batho Pele White Paper* are related to stipulation M4.2.9. of the Code of Conduct, which states: "An employee recognises the public's right of access to information, excluding information that is specifically protected by law."

(a) In the section "Implementation strategy", paragraph 7.2.9, "Step 7: Announce service standards", it states the following: "When the foregoing steps have been taken, the organisation will be ready to announce its service standards and launch its service delivery program. There is no single right method for publishing standards: the key is that **all customers and potential customers must know and understand** what level and quality of service they can expect to receive, and what recourse they have if the standards are not met. The method or methods adopted – more than one will usually be needed – must be tailored to the needs of different customers" (South Africa 1997a:28)

(b) In the section: "Putting the principles into practice", paragraph 4.5.1, "Providing more and better information" the importance of the public's right of access to information is emphasised. The paragraph reads as follows: " **Information is one of the most powerful tools at the customer's disposal in exercising his or her right to good service**. National and provincial departments must provide **full, accurate and up-to-date information** about the services they provide, and who is entitled to them. This must be done actively, in order to ensure that all those who need it receive information, especially those who have previously been excluded from the provision of public services. The consultation process should also be used to find out what

customers and potential customers need to know, and then to work out how, where and when the information can best be provided (South Africa 1997a:19).

(c) In paragraph 4.5.2 the following is stated: "Implementing *Batho Pele* will require a complete transformation of **communication with the public. Information must be provided** in a variety of media and languages to meet the differing needs of different customers. This is essential to ensure the inclusion of those who are, or have previously been disadvantaged by physical disability, language, race, gender, geographical distance or any other way. **Written information should be plain** and free of jargon and supported by graphical material where this will make it easier to understand. There should always be a name and contact number for obtaining further information and advice. All written information should be tested on the target audience for readability and comprehensiveness. However, it should not be assumed that written information alone will suffice: **many people prefer to receive information verbally**, so that they can ask questions and check their understanding" (South Africa 1997a:19).

(d) In paragraph 4.5.3 it is also stated: "As a minimum, information about services should be available at the point of delivery, but for users who are far from the point of delivery, other arrangements will be needed. Schools, libraries, clinics, shops, and local NGOs and CBOs are all potential distribution points; **information notices on trees** in rural areas, and toll-free telephone helplines, in a variety of languages, where needed can be extremely effective. Service providers should also make regular visits to remote communities to **disseminate information**" (South Africa 1997a:20).

The above paragraphs from the *Batho Pele White Paper* indicate that the free flow of information is important for service delivery and the Code of Conduct also recognises this. The difference is that, should the employee fail to provide the necessary information to the public, the Code of Conduct considers it a misconduct case. The Code of Conduct strives to alter the behaviour of public servants so that access to information by the public is guaranteed. However the *Batho Pele White Paper* does not recommend any

punishments should the public servant deviate from that principle. This is due to the fact that the *Batho Pele White Paper* is not an enforceable document on government departments by legal means.

6.12.2 POLITE, HELPFUL AND THE RENDERING OF A HIGH STANDARD OF SERVICE

In stipulation M 4.2.3 of the Code of Conduct it states: "An employee is polite, helpful and reasonably accessible in his or her dealings with the public, at all times treating members of the public as customers who are entitled to receive high standards of service" (South Africa 1997b:3). This is encouraged in the following sentences from the *Batho Pele White Paper*.

(a) In the "Implementation strategy", paragraph 7.2.7, "STEP 5: Set service standards", it says the following: "Once the 'improvement gap' has been identified, standards can be set, and progressively raised for closing the gap. Service standards are commitments to **provide a specified level and quality of service** to individual customers at any given point in time. Standards are different from targets, which express longer term aims for the ultimate level and quality of service to be achieved. Service standards must cover customers' main requirements, e.g. accessibility of services, response times, turnaround times, accuracy, courtesy, the provision of information, and dealing with complaints" (South Africa 1997a:27).

(b) In the section "Putting the principles into practice", paragraph 4.4.2, "Ensuring courtesy", the way a public servant treats a customer is emphasised. The paragraph reads as follows: "National and provincial departments must specify the standards **for the way in which customers should be treated**. These are to be included in their departmental codes of conduct. These standards should cover, among other things:

1. simplification and 'customer-friendliness' of forms;
2. the maximum length of time within which responses must be made to enquires;

3. the conduct of interviews;
4. how complaints should be dealt with
5. dealing with people who have special needs, such as the elderly or infirm;
6. gender; and
7. language (South Africa 1997a:18-19)

c) Also in paragraph 4.7.2 "Remedying mistakes and failures," it states the following about low standards of service given to customers: "The *Batho Pele* principle of redress requires a completely new approach to handling complaints. Complaints are seen by many public servants as a time-consuming irritation. Where complaints procedures exist, they are often lengthy and bureaucratic, aimed at defending the department's actions rather than solving the user's problem. Many departments have no procedures for regularly reviewing complaints in order to identify systematic problems. Indeed many organisations do not collect any statistics about the number and type of complaints they receive. Often complaints are counted as such only when they are submitted in writing through the formal channels. Yet many members of the public do not bother using these channels because they have no confidence in their effectiveness, and because they find the process time-consuming and sometimes daunting. As a result, public sector organisations frequently underestimate the level of dissatisfaction, which exists" (South Africa 1997a:21).

d) In paragraph 4.7.4, "Accessibility", the principle of accessibility is to be used to improve the complaints system. The following paragraphs explain: "Complaints systems should be well-publicised and easy to use. Excessive formality should be avoided. Systems which require complaints to be made only in writing may be convenient for the organisation but can be off-putting to many customers. Complaints made in other ways, such as face to face or by telephone should therefore also be welcomed" (South Africa 1997a:21).

Batho Pele ensures that all customers receive polite and helpful service of a high standard.

6.12.3 EFFICIENCY AND EFFECTIVENESS

The following stipulations from the Code of Conduct (South Africa 1997b:3-5) states:

"M4.4.1. An employee strives to achieve the objectives of his or her institution cost-effectively and in the public's interest;

M4.4.8. An employee is honest and accountable in dealing with public funds and uses the Public Service's property and other resources effectively, efficiently, and only for authorised official purposes;

M4.4.9. An employee promotes sound, efficient, transparent and accountable administration"

The *Batho Pele White Paper* has the following paragraphs that encourage the Code of Conduct principles of effectiveness, efficiency, and cost effectiveness and accountable administration.

(a) In the section "Putting the principles into practice", paragraph 4.8.1 "Getting the best possible value for money" it states the following: "The *Batho Pele* initiative must be delivered **within departmental resource allocations**, and the rate at which services are improved will therefore be significantly affected by the speed with which national and provincial departments **achieve efficiency** savings which can be ploughed back into improved services. Many improvements that the public would like to see often require no additional resources and can sometimes even reduce costs. A courteous and respectful greeting requires no financial investment. Failure to give a member of the public a simple, satisfactory explanation to an enquiry may result in an incorrectly completed application form which will cost time and money to put right. A few hours each month of a senior manager's time spent talking to their customers – and the staff who serve them – may be worth hundreds of rands in research fees" (South Africa 1997a:22).

(b) In paragraph 4.8.2 the *Batho Pele White Paper* states the following: "One of the key aims of *Batho Pele* will therefore be to search for ways to simplify procedures and **eliminate waste and inefficiency**. All national and provincial departments will be required, as part of their service delivery improvement programs, to identify areas where **efficiency** savings will be sought, and the service delivery improvements which will result from **achieving the savings**" (South Africa 1997a:22).

6.12.4 INNOVATION AND COMMITMENT

In stipulation M 4.4.2. of the Code of Conduct it states: "An employee is creative in thought and in the execution of his or her duties, seeks innovative ways to solve problems and enhance effectiveness and efficiency within the context of the law"

(a) In the section "Encouraging Innovation, Rewarding Excellence" of the *Batho Pele White Paper*, paragraph 5.1 encourages creative thought and seeks innovative ways to solve problems: "It is not only the public who would like to see public services improve. Many dedicated public servants, particularly those who serve the public directly, are frustrated by systems and procedures which are often a barrier to good service rather than a support for it. It is essential to the success of *Batho Pele* that **the commitment, energy and skills of public servants are harnessed** to tackle inefficient, outdated and bureaucratic practices, to simplify complex procedures, and to **identify new and better ways of delivering services**. It is also important that the efforts of staff – both individuals and groups – who perform well in providing customer service, should be recognised and appropriately rewarded. In considering the transformation of the existing awards systems in the Public Service, the Department of Public Service and Administration will give due regard to the need for recognising and rewarding such efforts. Performance management procedures must in future include an assessment of **the performance of individual staff in contributing to improving service to the public**. This will be essential for staff who serve the public directly, but it is also important for staff who provide services directly to their fellow public servants whether in their own or other departments. A key indicator will

be how they rate in their dealings with their customers in accordance with the behaviour code of the department" (South Africa 1997a:23).

(b) Also in paragraph 5.3. the *Batho Pele White Paper* states: "National and provincial departments must also ensure that a conducive environment for the delivery of services is created to **enhance their staff's capacity to deliver good services**. This means, for example, that staff dealing with the public directly should be given the necessary support and tools to carry out their functions effectively and efficiently" (South Africa 1997a:23).

The above paragraphs encourage creative thought which is line with the Code of Conduct. However, here again we encounter the hermeneutical problem. The author states that "Many dedicated public servants, particularly those who serve the public directly, are **frustrated by systems** and procedures which are often a barrier to good service rather than a support for it. It is essential for the success of *Batho Pele* that the commitment, energy and skills of public servants are harnessed to tackle inefficient, outdated and bureaucratic practices, to simplify complex procedures, and to identify new and better ways of delivering services" (South Africa 1997a:23). And at the same time the author says "A key indicator will be how they rate in their dealings with their customers **in accordance with the behaviour code of the department**"(South Africa 1997a:23). The first statement could mean that rule based ethics is the cause of poor service delivery. And in the second statement he is encouraging $ethics_2$. However $ethics_2$ manifests the rule based approach to ethics. The concept of $ethics_2$ is linked to the rule based approach to ethics.

6.12.5 RESPONSIVENESS AND PUBLIC PARTICIPATION

The *Batho Pele White Paper* also supports the Constitutional principles. The Constitutional principle from Chapter 10 section 195(e) stipulates that: "People's needs must be responded to, and the public must be encouraged to participate in policy-making."

(a) In the section "Partnership with the Wider Community", paragraph 6.1 emphasises the constitutional principle of public participation in policy making: "Improving public service delivery matters not only to the individual users of services, but also to the whole community. The Public Service cannot develop a truly service-oriented culture without the **active participation of the wider community, including the private sector and citizens themselves**" (South Africa 1997a:23).

(b) In paragraph 6.2 it states: "*Batho Pele* will therefore seek to **establish partnerships with the wider community in which business and industry, NGOs, CBOs academic institutions and other bodies throughout the community can all play a part**. For example, **local businesses might assist in funding** the publication of Service Standards or a telephone helpline, or they might **sponsor a customer survey** in a variety of official languages. They could also **offer secondments and exchanges** to public servants to broaden their experience. NGOs and **CBOs could help to spread information** about what services are available and where to obtain them. They can also help individual citizens to access public service complaints schemes, and can work with national and provincial departments to simplify procedures and regulations. **Academic institutions might be willing to conduct comparative studies** on international best practice in public service improvement" (South Africa 1997a:23-24).

(c) In paragraph 6.3 it states the following: "As part of their consultation exercises, national and provincial departments must involve representatives of the wider community in discussions about the future development of public services. They should also forge partnerships with business, NGOs, CBOs and other stakeholders to encourage them to participate in service improvement initiatives" (South Africa 1997a:24).

Although the *Batho Pele White Paper* encourages public participation, it still does this on a limited basis. It suggests that businesses might assist in funding and sponsors. CBOs may help in spreading information and academic institutions can conduct comparative

studies. This means the various sectors of society should merely assist in the implementation of the *Batho Pele White Paper*. This is the level of public participation it allows. The policy making and the selection of values and ethics that will guide service delivery was decided by Mr Ncholo and his team (Canary 2001).

6.13 HOW DOES THE *BATHO PELE WHITE PAPER* WISH TO TRANSFORM SERVICE DELIVERY?

The *Batho Pele White Paper* identifies eight principles for transforming public service delivery. These are called the *Batho Pele* principles. They are expressed in broad terms in order to enable national and provincial departments to apply them in accordance with their own needs and circumstances (South Africa 1997a:14). This underlines an important point, namely that transformation of service delivery has to be guided by principles. The principles emanate from philosophy, ethics and values. The principles are put into practice by public servants and the result could be change or transformation. The guiding values and principles are therefore important when analysing and improving services. The values and ethics the public servants hold and the ethical conduct they exhibit can transform service delivery or hinder it.

These *Batho Pele* principles actually form part of public administration values. These principles should produce outcomes in public administration. Using these principles, the *Batho Pele White Paper* expects to transform service delivery. This *Batho Pele White Paper* seeks to introduce a fresh approach to service delivery. It is an approach which views the public service from an external point of view and then puts pressure on systems, procedures, attitudes and behaviour and reorients them in the customer's favour. It does not introduce more rules and centralised processes or micro-managing service delivery activities. Rather, it involves creating a framework for the delivery of public services which treats citizens more like customers and enables the citizens to hold public servants to account for the service they receive. It is a framework, which frees up the energy and commitment of public servants to introduce more customer-focused ways of working (South Africa 1997a:12-13).

It proposes that in future, users of public services are to be consulted about their needs and priorities. More accessible and responsive arrangements are to be developed to enable individual members of the public to get something done if standards are not met. Public servants are expected to treat all citizens with courtesy, respect and dignity. Departmental codes of behaviour will be developed. The service delivery improvement programme must be within the resources the nation can afford. That is why a key part of the *Batho Pele* is a relentless search for increased efficiency and the reduction of wastage within the Public Service. Every rand wasted in cumbersome, inefficient processes, in delays and duplication, is money which could be invested in improving services. The aim is to progressively raise standards of service (South Africa 1997a:5).

6.14 DOES IT CLEARLY PROPOSE A STRATEGY TO ALTER THE ETHICAL CONDUCT OF PUBLIC SERVANTS?

The *Batho Pele White Paper* does not have a strategy to alter the ethical conduct of public servants. This text focussed on achieving service delivery. The end result is to produce services to the citizens. It is generally a document which is output orientated. It does not provide proposals with how and the means to achieve the results as long as the results are attained. It is not concerned which the quality of the inputs into public service. Inputs actually determine the outputs. Ethical conduct of public servants is one of the main inputs, amongst others such as finances, logistics, land and buildings etcetera. The quality and availability of the inputs actually determine the output which is service delivery. One cannot explore service delivery without investigating the ingredients that make up the services that is being delivered. This document is based on delivering services to the public and should that fail, then it proposes a complaints system to rectify the lack of services (South Africa 1997a:21). It requires public servants to deliver the services. However it is the public servants that listen to the complaints. If they are not guided by humane values and also not ethical in their conduct then the delivery of services will be affected and complaints will not be answered. In my opinion the failure of the *Batho Pele White Paper* can be attributed to a lack of a programme of ethics in its

implementation strategy. This can be attributed to the absence of a direct link of the *Batho Pele's* implementation strategy with the Code of Conduct.

6.15 CONCLUSION

This chapter attempts to give a clear exposition of the ethical content of the *Batho Pele White Paper* using the hermeneutic reading modality. In this way one can see that the text is an ethical document. The utilitarian approach to ethics is used in this text. I began by explaining the meaning of the text, and how the intention of the author is related to this meaning. I explained that an objective understanding of the text is possible. There were some limitations of this understanding and this has been ascribed to language and history. I have discovered that the text is related to other texts such as the Constitution and the Code of Conduct. I have pointed out that the guiding principles for the transformation of service delivery are the *Batho Pele* principles, which are used for utilitarian purposes. The *Batho Pele* does not propose a strategy to alter the ethical conduct of public servants. From the discussion in this chapter one could say that the *Batho Pele White Paper* encourages ethics and values but its import is insufficient to bring about the required level of service delivery.

CHAPTER SEVEN

THE UNDERSTANDING OF THE *BATHO PELE WHITE PAPER* BY USING THE IDEOLOGICAL-CRITICAL READING MODALITY

7.1 INTRODUCTION

One of the limitations of the hermeneutic modality is that there are expressions and words that cannot be understood without understanding their sociological significance, or their historical and ideological relationships. The ideological-critical reading modality of De Beer (1999:438 – 457) is important because it points to the language which people use to express their intentions. The words that form their language are loaded with a particular ideology and those words influence that which is written which may differ from the intention and meaning the author wishes to make. Therefore the meaning of words and language distorts the intention and message of the writer. Language and its concealed ideological values distort meaning (See chapter one, section 1.6: Core methodology). One would also find that the Code of Conduct, published in June 1997 is not mentioned in the *Batho Pele White Paper*, which was published in October 1997. This may be due to the power relations or the different ideologies of the persons and interests that existed between the Department of Public Service and Administration and the Public Service Commission. There is a difference between the powers of these two institutions. The Public Service Commission monitors, investigates and advises departments. The Department of Public Service and Administration is responsible for the formation of policy that governs the public sector.

The *Batho Pele White Paper*, viewed from this modality shows that it uses the utilitarian ideology to try and transform service delivery. Together with utilitarian principles, it also uses the populist ideology as this reflects the principles of the government of the day. This makes the *Batho Pele White Paper* an all-inclusive document or a conglomeration of ideas to transform service delivery. Because of its all-inclusive populist nature, it does not view service delivery purely from an ethical stance. Because this document wants

results, that is, service delivery, it does not consider the ingredients that bring about results such as ethical conduct, among others, as important.

7.2 WHAT IS AN IDEOLOGY?

An ideology is not necessarily a negative term as it may encourage ethical or unethical interests. According to the Public Administration Dictionary (Fox 1995:60), an ideology is a system of interdependent ideas (such as principles, traditions, codes of conduct) present in social groups or communities (eg political parties, governments) and which represent their specific political, social, moral, religious and economic interests. An ideology serves as the logical and fundamental justification of the patterns of conduct, attitudes, objectives and the like of a group or community. It contains the interpretation, and usually a rejection as well, of other ideologies. The point of departure of an ideology is accepted as the truth or as a dogma by its adherents, rather than as a provisional philosophy or theoretic formulation, in spite of the fact that ideologies change and are adapted to changing circumstances. In addition to ideas, an ideology also contains an action component by which these specific ideas have to be brought to fruition. The policy and actions of political institutions, such as political parties and governments, may, for example, reflect the ideas contained in a specific ideology.

An ideology is also a 'world view', the overall perception one has of what the world, especially the social world, consists of and how it works. In the Marxist and Hegelian traditions of social thought these world views are supposed to be related to one's social, and particularly to one's class, or social position. In this version, factory owners and factory workers actually understand their society in quite different ways, although it is also held that the ideology of the ruling class of any society permeates into those of all other classes. Capitalists will see their profit as the necessary and valid return on their investment of money and effort, while their workers would see it as an unfair result of exploitation, unless they have been ideologically manipulated into accepting the owner's own views, and into acquiescing into a false consciousness, which leads to an erroneous

vision of the capitalist's versions of reality as inevitable and true (Robertson 1993:232-233).

The *Batho Pele White Paper* will be analysed critically to determine the various ideologies that may have influenced it. The following sections will reveal sentences and phrases that encourage populism in the *Batho Pele White Paper*.

7.3 THE IDEA OF UTILITARIANISM

As stated previously, utilitarianism is an ideology that, inter alia, maximises the welfare of the people. The rightness or wrongness of actions is determined by the goodness and badness of their consequences. It is generally output or outcome oriented and it is not too concerned with written rules and regulations (see chapter four, section 4.3.2). The following are examples of sentences and paragraphs that encourage utilitarianism:

(a) In paragraph one of the Foreword in the *Batho Pele White Paper*, it states: **"Needs of the people come first and be satisfied"** (South Africa 1997a:5).

(b) In paragraph three of the Foreword, it states: "Every rand wasted in **cumbersome, inefficient processes, in delays and duplication**, is money, which could be invested in improving services" (South Africa 1997a:5).

(c) In the section "Background", paragraph 1.2.3 it states: "The **redirection of human and other resources from administrative tasks to service provision**, particularly for disadvantaged groups and areas" (South Africa 1997a:10).

(d) In paragraph 1.2.6, it states: "Improved service delivery cannot only be implemented by issuing circulars. It is not only about **rule-books and 'prescripts'**, because it is not simply an 'administrative' activity. It is a dynamic process out of which a completely new relationship is developed between the public service and its individual clients" (South Africa 1997a:11).

(e) Paragraph 1.2.5 states: "Improving service delivery also calls for a **shift away from inward-looking, bureaucratic systems, processes and attitudes** and a search for new ways of working which **put the needs of the public first, is better, faster and more responsive to the citizens needs**. It also means a complete change in the way that services are delivered" (South Africa 1997a:11).

(f) Paragraph 1.2.12 states: "This *Batho Pele White Paper* therefore urgently seeks to introduce a fresh approach to service delivery: **an approach which puts pressure on systems, procedures, attitudes and behaviour within the Public Service and reorients them in the customer's favour** an approach which **puts the people first**" (South Africa 1997a:12).

(g) In the section, "Consulting users of services", paragraph 4.1.2 states: "Often **more than one method of consultation** will be needed to **ensure comprehensiveness and representativeness**" (South Africa 1997a:16).

(h) In the section, "Encouraging innovation, rewarding excellence", paragraph 5.1 states: "Many dedicated public servants, particularly those who serve the public directly, are frustrated by systems and procedures which are often a barrier to good service rather than a support for it. **It is essential to the success of *Batho Pele* that the commitment, energy and skills of public servants are harnessed** to tackle inefficient, outdated and bureaucratic practices, to simplify complex procedures, and to identify new and better ways of delivering services" (South Africa 1997a:23).

Paragraph (a) states that the needs of the people come first and should be satisfied. This includes the needs of all South Africans, blacks, whites, women, disabled, the rich, the poor, the business sector and the working class, the rural and the urban population. This is a utilitarian ideal that encourages the greatest good for the greatest number of people. Paragraph (b) indicates that rules and regulations are not encouraged. Paragraph (c) discusses the redirection of human and other resources from administrative tasks to service provision. This means that human and other resources will be shifted away from

administration to the actual services that are being provided. This means that management and administration is not as important as line function activities. This is the major weakness of the *Batho Pele White Paper* in my opinion. Without proper management and administration there is no possibility that service provision can take place adequately. This principle may have resulted in poor service delivery in most government departments as indicated by media reports (see chapter one, section 1.1.1 'The problem in real life').

Paragraph (d) clearly states that rule based ethics will not improve service delivery. The words "issuing circulars" means issuing rules. This paragraph is in contradiction to rule based ethics which says that public servants should act in accordance with the code of the department (see chapter five, section 5.3.3 'Rule based ethics'). Here it considers rules, rule-books and prescripts as an administrative activity. However it is this administrative activity that ensures service delivery. The "dynamic process" that this paragraph mentions is actually referring to the utilitarian process of achieving results. Paragraph (e) points out that it does not favour bureaucratic systems and processes, which means that it does not favour the rule based ethics. It indicates that the needs of the public come first, which again supports utilitarianism. Paragraph (f) also emphasises the utilitarian approach in which the public service is reoriented to the customers favour and puts people first. Paragraph (g) shows that it does not matter what method is used as long as results are achieved. The words comprehensiveness and representativeness are mostly used in utilitarian arguments. Paragraph (h) discourages rule-based ethics and encourages utilitarian ethics.

The idea of utilitarianism attempts to maximise the welfare of the greatest number of people. The *Batho Pele White Paper* is indeed a utilitarian document. It focuses on the needs of the people first and the redirection of resources to satisfying those needs.

7.4 THE IDEA OF A PARTICIPATIVE DEMOCRATIC MANAGEMENT STYLE IN THE PUBLIC SERVICE

This section shows that the *Batho Pele White Paper* encourages a participative democratic management style in the public service. It identifies that senior public servants are autocratic and that junior public servants are powerless to makes suggestions and changes in the public service. However the *Batho Pele White Paper* still maintains that management should provide the leadership to bring these changes and implement *Batho Pele*.

7.4.1 "PUBLIC SERVANTS ARE AUTOCRATIC"

The following sentences from the *Batho Pele White Paper* indicates the belief that public servants behave autocratically:

(a) In the section "Remedying mistakes and failures", paragraph 4.7.4 states the following: "The **complainant's confidentiality should be protected**, so that they are not deterred from making complaints by **feeling that they will be treated less sympathetically** in future" (South Africa 1997a:22).

(b) In the "Implementation strategy", in paragraph 7.2.4 "Step 2: Establish the customer's needs and priorities", it states: "some members of the **public may feel intimidated from expressing their true opinions if asked questions by government officials**" (South Africa 1997a:26).

Paragraph (a) indicates that there is a suspicion that public servants behave autocratically. When complaints are received by public servants they treat the complainants less sympathetically in their dealings. This idea is also expressed in paragraph (b) where it says that people feel intimidated if asked questions by government officials. The question that I asked is which public servants are autocratic, the junior staff or senior officials and management? One can deduce from section 7.4.2 'Junior staff are helpless to make

changes', that paragraph (a) and (b) are referring to senior management officials, who do not come into direct contact with the public as often as they should.

7.4.2 "JUNIOR STAFF ARE HELPLESS TO MAKE CHANGES"

The following sentences indicate that a participative democratic management of departments is necessary:

(a) In the section "The people must come first: the customer concept", paragraph 1.3.6 states the following: **"Many public servants, especially those who serve the public directly, are only too conscious of all this, because they have to face the public's frustrations every day in their work. They would often like to see improvements and often have good ideas for what could be done, but they are bound by systems and practices which they believe they are helpless to change**" (South Africa 1997a:14).

(b) In the section "Ensuring courtesy", paragraph 4.4.4 states: "An important aspect of encouraging customer focussed behaviour is to **provide staff with opportunities to suggest ways of improving service and for senior managers to take these suggestions seriously**. This applies particularly to staff who come into regular contact with the public because they usually have an accurate appreciation of their needs and concerns. **All managers should ensure they receive first-hand feedback from front-line staff,** and should personally visit front-line staff at regular intervals to see for themselves what is happening" (South Africa 1997a:19).

(c) In the section "Institutional mechanisms", paragraph 7.1.1 states: "National and provincial departments are expected to start work on their service delivery campaigns immediately after approval of this White Paper. **Transformation units in national and provincial departments will have a key role to play in helping to support national and provincial departments' efforts to improve service delivery, by feeding in fresh ideas for improvements and identifying areas where existing**

systems are a stumbling block to better services. They will also **monitor the results of their department's service delivery improvement program** and **offer suggestions for making more rapid and effective progress**. At national and provincial level, **the various transformation co-ordinating committees will be valuable as focal points for sharing experience and best practice and ensuring that momentum is maintained right across the Public Service**" (South Africa 1997a:24).

(d) In the section "Remedying mistakes and failures", paragraph 4.7.4 states: "Wherever possible, **staff who deal with the public directly should be empowered to take action themselves to put things right**" (South Africa 1997a:22).

(e) In the section "No time to lose", paragraph 12.2 states: "Improving public service delivery is not a one-off exercise. It is an ongoing and dynamic process, because as standards are met, they must be progressively raised. This document marks only the first stage in that process. There is a great deal to do, and progress will sometimes be frustratingly slow; but the task is one of the most worthwhile and rewarding that the public service faces, and the need is urgent, so there is no time to lose. It is a **process that must involve every public servant, at every level, in every department, whether they work behind the scenes or directly with the public**" (South Africa 1997a:29).

Paragraph (a) clearly states that public servants who serve the public directly, which may actually be junior public servants know of the frustrations of the public. They would like to see changes and improvements and they often have good ideas for what could be done but they are bound by the systems and practices. This could show that senior managers who created the systems are the cause of the problems. They may have excluded the junior public servants from participating in decision making and their views may have been ignored to such an extent that junior public servants find themselves helpless to make changes. The ideologically loaded words 'bound by systems and practices' indicate that they and the author of the *Batho Pele* are not strongly in favour of rules and

regulations and codes of behaviour. This means that ethics$_2$ and the rule-based approach to ethics is not favoured for improving service delivery.

Paragraph (b) suggests that junior public servants should be given opportunities to suggest ways of improving services and it emphasises that senior managers should take these suggestions seriously. Senior officials should ensure that they receive first-hand feedback from junior public servants. Paragraph (c) mentions that transformation units, which could be made up of junior public servants, will improve service delivery by feeding in fresh ideas for improvements and identifying areas where existing systems are a stumbling block to better services. They will monitor the results of their department's service delivery improvement program. They will offer suggestions for making rapid and effective progress. These committees can be focal points of sharing experience and best practices. Here it gives the impression that junior officials who are in the transformation units will monitor the work of their seniors if good service delivery is not achieved. This is contradictory as it is junior public servants who render services directly to the public and it is the duty of senior managers to monitor their work. Paragraph (d) indicates that junior public servants should be empowered to take action themselves to put things right. However in contrast to this section 7.4.3. 'Leadership by management' states that the ultimate responsibility lies with senior management for service delivery. It will be difficult now to deduce who is in charge of the public service, the very thing that *Batho Pele* says should be one of the criteria of improving services. The *Batho Pele* principle of openness and transparency states: "Citizens should be told how national and provincial departments are run,…and who is in charge" (South Africa 1997a:15). There has to be someone in charge and that is the function of senior management. On the other hand paragraph (e) says that everyone should be involved in the process. This contradictory statements in the *Batho Pele* reflects its populist nature as it wishes to please all its interests groups.

7.4.3 LEADERSHIP BY MANAGEMENT

In this section it is obvious that the ultimate responsibility and leadership for the implementation of *Batho Pele* will be management. The following indicate this:

(a) In the section "Institutional mechanisms", paragraph 7.1.2 states: "However, **ultimate responsibility for implementation rests firmly with the political and administrative heads of departments** who should as a first step make the necessary institutional arrangements to ensure that the *Batho Pele* concept is communicated throughout their department, and to draw up and drive forward a Service Delivery Improvement Programme which must be integrated with the other departmental transformation priorities within the department's strategic plan" (South Africa 1997a:24).

(b) Also paragraph 7.1.2 states: **"Responsibility for this should be clearly assigned to a person or group of people, accountable directly to the administrative head of department**" (South Africa 1997a:24).

In paragraph (a) and (b) it now becomes clear who will be responsible for achieving service delivery. The ultimate responsibility for implementation of the *Batho Pele* rests with management and the transformation committees and junior public servants may only give fresh ideas and suggestions for change. So we can see that a democratic participative management style is encouraged. Junior staff are allowed to participate in the way in which the department is run. Democratic relationships is encouraged between management and workers in the public service. It seems that the delivery of services is still under the leadership of management who will apply sound public administration principles to ensure its success.

7.5 THE IDEA OF ETHICS, ETHICAL CONDUCT AND HUMANE VALUES

The idea of ethics, humane values and ethical conduct of public servants is discussed in chapter five and chapter six of this dissertation. In *Batho Pele* we find evidence that ethics and humane values should play a role in service delivery, but it is not stated explicitly as such.

7.6 THE IDEA OF DEMOCRACY

The following words, sentences and paragraphs quoted encourage democracy:

(a) In the "Background" of the *Batho Pele White Paper*, paragraph 1.2.1 states: "Public services are **not a privilege** in a **civilised and democratic society**: they are a **legitimate expectation**" (South Africa 1997a:10).

(b) Paragraph 1.2.3 states: "Potential **partnerships with the private sector, non-governmental organisations (NGOs) and community based organisations(CBOs)** which will provide more effective forms of service delivery"(South Africa 1997a:11).

(c) In the section "Consulting users of services", paragraph 4.1.2 states: "There are many ways to **consult users of services**, including customer surveys, interviews with individual users, consultation groups, and meeting with consumer representative bodies, NGOs and CBOs , including bodies representing previously disadvantaged groups. The **method or methods adopted must be chosen to suit the characteristics of the users and consumers concerned**. Whatever method is chosen, **consultation must cover the entire range of existing and potential customers**" (South Africa 1997a:16).

(d) Paragraph 4.1.2 states: "It is essential that **consultation** should include the views of those who have previously been denied access to public services. Particular effort must be made to include the views of those who have been previously disadvantaged

or who due to geography, language barriers, fear of authority or any other reason, have previously found it hard to make their voices heard. The **consultation process should be undertaken sensitively; for example, people should not be asked to reveal unnecessary personal information and they should be able to give their views anonymously if they wish**" (South Africa 1997a:16).

(e) In the section "Setting service standards", paragraph 4.2.1 states: **"Service Standards must be relevant and meaningful to the individual user.** This means that they must cover the aspects of service which matter most to users, as revealed by the consultation process, and **they must be expressed in terms which are relevant and easily understood. Standards must also be precise and measurable, so that users can judge for themselves whether or not they are receiving what was promised**" (South Africa 1997a:16-17).

(f) In the section "Providing more and better information", paragraph 4.5.1 states: "Information is one of the most powerful tools at the customer's disposal in exercising his or her right to good service. The consultation process should also be used to find out what customers and potential **customers need to know, and then to work out how, where and when the information can best be provided**" (South Africa 1997a:19).

(g) In paragraph 4.5.3 states: "As a minimum, **information about services should be available at the point of delivery**, but for users who are far from the point of delivery, other arrangements will be needed. **Schools, libraries, clinics, shops, and local NGOs and CBOs are all potential distribution points; information notices on trees in rural areas, and toll-free telephone helplines, in a variety of languages, where needed can be extremely effective**. Service providers should also make regular **visits to remote communities to disseminate information**" (South Africa 1997a:20).

(h) In the section "Increasing openness and transparency", paragraph 4.6.1 states: **"Openness and transparency are the hallmarks of a democratic government and are fundamental to the public service transformation process**. In terms of public service delivery, their importance lies in the need to **build confidence and trust between the public sector and the public they serve**. A key aspect of this is that the **public should know more** about the way national and provincial departments are run, how well they perform, the resources they consume and who is in charge" (South Africa 1997a:20).

(i) In the section "Implementation strategy", paragraph 7.2.4 "Step 2: Establish the customer's needs and priorities" states: **"Particular care must be taken to seek out the views of those who have previously been denied access to services, and those who may find it difficult to speak up for themselves**. More than one method will almost certainly be needed. For example, written questionnaires are unlikely to elicit helpful responses from people whose standard of literacy is not very high; and some members of the public may feel intimidated from expressing their true opinions if asked questions by government officials" (South Africa 1997a:26).

Paragraph (a) gives the idea that in a civilised and democratic society, every citizen has the right to public services. These services are a valid expectation of citizens. Paragraph (b) and (g) express some of the principles of democracy. It suggests that government in partnerships with other sectors of society will be able to achieve a better life for all. In paragraph (c), it encourages the democratic principles of openness and transparency. Paragraph (d) ensures people oriented methods are used during consultation. Paragraph (e) emphasises that sensitivity to people's needs and their privacy is important. This is in line with the Bill of Rights in the Constitution, section 14, which states that "everyone has the right to privacy". Paragraph (f), (g) and (h) stresses that information should be given to citizens so that they could make good decisions. This is also in line with the Bill of Rights in the Constitution, section 32 (1)(a), which states: "Everyone has the right of access to any information held by the state". In paragraph (h) it gives ways of how information may be disseminated to the public. It focuses on community centres,

government service points and local shops. The author suggests putting notices on trees in rural areas and mobile units to visit remote communities as a way to disseminate information. In paragraph (i) emphasis is placed on co-operative relationship between the government and civil society.

The *Batho Pele White Paper* encourages democracy in South Africa. It attempts to involve civil society and institutions of Government in the establishment of democracy in order to fulfil utilitarian values.

7.7 THE IDEA OF REDRESSING THE INEQUALTIES AND INJUSTICES AND THE REMOVAL OF BARRIERS

In the post-apartheid South Africa, the removal of inequalities, injustices and barriers between races is important. To solve this problem the *Batho Pele White Paper* continues to use the terminologies and criteria of race, namely black vs. whites and vice versa. Since inequalities, injustices and barriers are ethical problems, it would require ethical solutions. By simply following the principles of ethics and humane values many of the disadvantaged people's problems would be solved. For example, the ethical principle that there is only one race and that is the human race, could be applied to remove barriers. Inequalities and injustices can be removed by focussing on the oneness of humanity. Those who do not have the necessary provision of services are the disadvantaged section of humanity and will have their needs fulfilled. By designating the disadvantaged group of people to groups according to skin colour may create future imbalances, polarises society and fragment humanity.

7.7.1 REDRESSING THE INEQUALITIES AND INJUSTICES

In the following words, sentences and paragraphs the inequalities and injustices of the past in South Africa are pointed out with the aim of redressing them:

(a) Paragraph three of the Foreword states the following: "The aim is to progressively raise standards of service especially for **those whose access to public services have been limited in the past and whose needs are greatest**" (South Africa 1997a:5).

(b) Paragraph one of the Foreword states: "Access to **decent public services** is no longer a **privilege to be enjoyed by a few**; it is now the rightful expectation of all citizens, especially **those previously disadvantaged**" (South Africa 1997a:5).

(c) Paragraph 1.2.3 states: "In line with RDP priorities, the principle of affordability and the principle of **redirecting resources to areas and groups previously under resourced"** (South Africa 1997a:10).

(d) Paragraph 1.2.5 states: "Improving the delivery of public services means **redressing the imbalances of the past and while maintaining continuity of service to all levels of society**, focusing on meeting the needs of the **40% of South Africans who are living below the poverty line and those such as the disabled and black women living in rural areas, who have previously been disadvantaged in terms of service delivery"** (South Africa 1997a:11).

(e) Paragraph 1.2.8 states: "The Public Service is currently perceived as being characterised by, for example **inequitable distribution of public services, especially in rural areas, lack of access services**,..." (South Africa 1997a:12).

(f) Paragraph 1.2.8 also states: "These **perceptions which are frequently reflected in media reporting** of Public Service activities, **are also shared by many public servants themselves**, as was confirmed during the consultation process which preceded the preparation of the *Batho Pele White Paper*" (South Africa 1997a:12).

(g) Paragraph 4.1.2 states: "There are many ways to consult users of services, including customer surveys, interviews with individual users, consultation groups, and meeting with consumer representative bodies, NGOs and CBOs , including **bodies**

representing previously disadvantaged groups. The method or methods adopted must be chosen to suit the characteristics of the users and consumers concerned. **Whatever method is chosen**, consultation must cover the entire range of existing and potential customers" (South Africa 1997a:16).

(h) Paragraph 4.1.2 states: "It is essential that **consultation should include the views of those who have previously been denied access to public services**. Particular effort must be made to include the views of those who have been **previously disadvantaged or who due to geography, language barriers, fear of authority or any other reason, have previously found it hard to make their voices heard**" (South Africa 1997a:16).

(i) Paragraph 4.2.1 states: "National and provincial departments must publish standards for the level and quality of services they will provide, including the **introduction of new services to those who have previously been denied to them**" (South Africa 1997a:16).

(j) Paragraph 4.3.1 states: **"While some South Africans enjoy public services of first world quality, many others live in third world conditions**. One of the **prime aims of *Batho Pele* is to provide a framework for making decisions about delivering public services to the many South Africans who were and still are denied access to them**, with the parameters of the Government's GEAR strategy. *Batho Pele* also aims to **rectify the inequalities of distribution in existing services**. All national and provincial departments are required to specify and set targets for **progressively increasing access to their services for those who have not previously received them**. In setting these targets, **institutions which promote the interests of previously disadvantaged groups, such as the Gender Commission, and groups representing the disabled should be consulted**" (South Africa 1997a:18).

(k) Paragraph 4.5.2 states: "National and provincial departments must provide full, accurate and up-to-date **information about the services they provide, and who is**

entitled to them. This must be done actively, in order to ensure that **information is received by all those who need it, especially those who have previously been excluded from the provision of public services**" (South Africa 1997a:19).

(l) Paragraph 4.5.2 states: "Implementing *Batho Pele* will require a complete **transformation** of communication with the public. Information must be provided in a variety of media and languages to meet the differing needs of different customers. This is essential to ensure the inclusion of those who are, or have **previously been disadvantaged by physical disability, language, race, gender, geographical distance or any other way**" (South Africa 1997a:19).

(m) Paragraph 4.7.4 states: "Complaints should be fully and impartially investigated. **Many people will be nervous of complaining to a senior official about a member of their staff, or about some aspect of the system for which the official is responsible**. Wherever possible, therefore, **an independent avenue should be offered if the complainant is dissatisfied with the response they receive the first time round**" (South Africa 1997a:21).

Paragraph (a) refers to black people, women, disabled and rural people whose access to public services have been limited in the past. Paragraph (b) clearly highlights the unequal distribution of resources among the classes. Paragraph (c) encourages the redistribution of wealth. Paragraph (d) states that service delivery should take place for disadvantaged communities. The services for other communities and other levels of society should be maintained as it is. It points out that 40% of South Africans are living below the poverty line. It also identifies disabled and black women living in rural areas who are disadvantaged. Paragraph (e) also says that rural areas have an unequal distribution of public services. Paragraph (f) discusses the public servant's perception about services and they seem to be in agreement with what the media reports. The media reports hold the public servants responsible for the poor service delivery. So it can be deduced that it is the views of junior public servants that are emphasised by the author of the *Batho Pele White Paper*. (See section 7.4.2. 'Junior staff are helpless to make changes', paragraph

(a).) These are the perceptions of junior public servants who are directly responsible for service delivery.

Paragraph (g) makes the point that the method of service delivery is up to the individual managers and no particular method and means are prescribed. It does not matter how or what means we use as long as we deliver the services. This is loaded with utilitarian values and ethics. In paragraph (h) it also mentions those who were disadvantaged but this time it is more specific, such as the inclusion of the disadvantaged because of geography or place of residence, disadvantaged because of language barriers and disadvantaged because of their own personal fears of authority. Paragraph (i) says that new services should be introduced to the disadvantaged. Paragraph (j) shows South Africa has first and third world conditions. Some people enjoy public services of first world conditions while others do not. This is linked to paragraph (b) where decent public services are enjoyed by a privileged few. Here the prime aim of *Batho Pele* is given, namely to deliver public services now to those who were denied access to them in the past.

Paragraph (k) brings forward an important point about providing information about services and who is entitled to them. Paragraph (l) uses the word 'transformation' which is a word commonly used in the populist ideology. It also clearly states whom it considers disadvantaged such as those with physical disability, certain language, race, and gender groups, and those having to cope with geographical distance. This is also related to paragraph (h). In paragraph (m) it says that people are nervous of complaining to a senior official or the system, which shows that people fear people in authority.

Redressing the imbalances created by apartheid is one of the prime reasons for the *Batho Pele White Paper*. Inequalities and injustices are corrected through the reprioritising of the services and the redirecting of resources to provide services to those previously disadvantaged.

7.7.2 REMOVAL OF BARRIERS

The *Batho Pele White Paper* also strives to remove all forms of barriers in the provision of public services. The following quoted sentences and paragraphs indicate this:

(a) Paragraph 1.2.11 states: "It also fails to recognise that the **cultural and managerial reforms** which are required are of an ongoing nature…" (South Africa 1997a:12).

(b) Paragraph 4.1.2 states: "It is essential that consultation should include the views of those who have previously been denied access to public services. Particular effort must be made to **include the views of those who have been previously disadvantaged or who due to geography, language barriers, fear of authority or any other reason, have previously found it hard to make their voices heard**. The consultation process should be undertaken sensitively; for example, people should not be asked to reveal unnecessary personal information and they should be able to give their views anonymously if they wish" (South Africa 1997a:16).

(c) Paragraph 4.3.2 states: "There are **other barriers to access – social, cultural, physical, communication and attitudinal, for example – which need to be taken into account**. Service delivery programs should therefore specifically address the need to progressively **redress the disadvantages of all barriers to access**" (South Africa 1997a:18).

(d) Paragraph 4.3.2 also states: "One significant **factor affecting access is geography**. Many people who **live in remote areas have to travel long distances to avail themselves of public services**. In drawing up their service delivery programs, national and provincial departments must develop strategies to **eliminate the disadvantages of distance**, for example, by setting up mobile units, and redeploying facilities and resources closer to those in greatest need. Another significant factor is the **lack of infrastructure**, which exacerbates the difficulties of communication with and travel to remote areas" (South Africa 1997a:18).

(e) Paragraph 4.5.2 states: **"Written information should be plain and free of jargon and supported by graphical material where this will make it easier to understand**. There should always be a name and contact number for obtaining further information and advice. All written information should be tested on the target audience for readability and comprehensiveness. However, it should not be assumed that written information alone will suffice: many people **prefer to receive information verbally**, so that they can ask questions and check their understanding" (South Africa 1997a:19).

(f) Paragraph 4.6.2 states: "This mechanism for achieving this will be an Annual Report to Citizens published by each national and provincial department setting out in **plain language.** Their aim is, in one or two pages of **straightforward language**, to provide the public with key information, which they are entitled to know. Reports to Citizens should be publicised as widely as possible and should also be submitted to national and provincial legislatures in order to assist the relevant Portfolio Committees in scrutinising and monitoring departmental activities" (South Africa 1997a:20).

Paragraph (a) mentions that cultural and managerial reforms are necessary for the transformation of service delivery. This means that ethics and humane values which are the foundation of most cultures and public administration values which are the basis for sound management should play a major role in improving service delivery. Paragraph (b) states that in order for consultation to be successful, all forms of barriers should be removed. It discusses geographic barriers which means that people's areas of residence are far from where the services are provided. It also explains language barriers, which means that not all people are literate and some people still have fear of people in authority.

Paragraph (c) also lists other barriers such as social, cultural and physical. It indicates that people of different social backgrounds find it a barrier to relate to another's social background. Class differences also forms part of this social barrier. It also shows that cultural differences are barriers. This may prevent everyone from getting the required

services or from being consulted by the Government departments because the authorities are from different social and cultural backgrounds. It mentions attitude and communication as one of the barriers. This means that public servants with a negative attitude to the government may not be keen to deliver the services. It further suggests that if the authorities speak a different language it could be a barrier to service provision. The role of culture and social background of public servants is highlighted in paragraph (a). The failure of service delivery can be attributed to the fact that ethics and humane values were not the guiding principles for transformation of the public service in the past. If race and gender are criteria in itself for change, then when that is accomplished, that is all that the public service will reflect. It does not mean that service delivery will improve. This is because race and gender are mere physical characteristics and by itself cannot bring about transformation. But humane values and ethics are principles that can establish excellence in character if the public servant strives for such perfection. This can bring transformation as public servants can change their principles but not their race and gender which are physical characteristics. Recruitment and training of public servants should be focussed on the developing of ethical public servants. Within these ethical principles and humane values, a representative and responsive public service can be created.

Paragraph (d),(e) and (f) indicate that economic differences among people may also create barriers. It may be the ideology of the state that causes these barriers. Paragraph (d) highlights that distance is also a barrier. Once again people in rural areas have to travel long distances to avail themselves of public services. Therefore the disadvantages of distances and lack of infrastructure should be eliminated. Paragraph (e) and (f) also mentions that language is a barrier. It points out that written language should be plain and straightforward, free of jargon and supported by graphical material that will make it easier to understand. It also states that some people prefer to receive information verbally so that they can ask questions and check their understanding. This facility should also be provided.

7.8 CONCLUSION

The ideological-critical reading modality allows one to read the *Batho Pele White Paper* critically and pick up distortions caused by ideology. It shows that the *Batho Pele White Paper* encourages the ideology of populism. It encourages the idea of redressing the injustices and inequalities of the past, although this can not be termed a distortion. The idea of democracy comes clearly from its insistence that all interest groups should be consulted and allowed to participate. Utilitarianism, which is the idea of the greatest good for the greatest number of people and which maximises the welfare of the people helps the public servants in their decision making. The idea of removing all forms of barriers such as social, cultural and physical makes service delivery easy to attain because these barriers tend to restrict service provision to all citizens. However the White Paper is not clear as to how it will remove all these barriers as it is inherent in the values of different cultural, social and language groups. If it uses humane values and ethics, it will perhaps succeed in the attempt to remove these barriers, injustices and inequalities of the past. And the idea of a participative democratic management style in the public service helps to achieve the delivery of services with the least amount of conflict and resistance to change. Although the White Paper says that junior staff should be empowered in the public service, it nevertheless states that management is responsible for service delivery.

CHAPTER EIGHT

THE UNDERSTANDING OF *BATHO PELE WHITE PAPER* BY USING THE DECONSTRUCTIVE READING MODALITY

8.1 INTRODUCTION

The deconstructive reading modality of De Beer (1999:438 – 457) encourages one to investigate everything which was taken for granted during the compilation of the *Batho Pele White Paper*. It includes those conscious and self-conscious acts, which we are quite familiar with such as the act of writing, all the calculations and schemes and the research methods used for collecting information (see chapter one, section 1.6, 'Core Methodology'). The authors of the *Batho Pele White Paper* planned and formulated policies and goals and created scenarios where the ideal will be presented. We find that in this way the writing act that was executed, the carefully selected information that constitutes this text is forced on the reader as one absolute logical meaning. This meaning of the text is presented as the only meaning for the solution of the problems of the Public Service and as the only meaning that can bring direction. The author consulted many interest groups and attempted to include the views of most sectors of society. This ensures its populist perspective. This text gives the impression that it has the only direction forward. The *Batho Pele* Principles allow one to see how things ought to be. It also describes service delivery and how we ought to deal with the problems of service delivery and why its solution is justified and ethical. The implementation strategy that the *Batho Pele White Paper* has, makes it a manuscript of direction. In this implementation strategy, it gives direction as to what should be done. These points will be latter discussed in the following sections and paragraphs.

8.2 INVESTIGATING THE ACT OF WRITING

The text is the *Batho Pele White Paper* and its frame of reference is service delivery and the network in which it operates is the public service. The perception of poor service

delivery rendered by the public service creates a frame of reference in which the text, the *Batho Pele White Paper* operates. The *Batho Pele White Paper* attempts to provide guiding solutions to the problems of service delivery. The text is related to service delivery, which is related to the public service. The understanding of each of these aspects influences the meaning of each other. For example, one finds that in the public service there is little training in ethics and values and the text that is supposed to improve service delivery, places little emphasises on ethics. On the other hand the lack of ethical conduct among public servants and poor service delivery by them is a reality. There is a connection between the policy document, service delivery and the public servant. The policy document has its demarcation in the public service and has a specific frame of reference which is service delivery.

The language that I studied the *Batho Pele White Paper* is English. It is also available in four other official languages namely, Afrikaans, Sesotho, Xitsonga and isiZulu. (South Africa 1997a:29). The *Batho Pele White Paper* was not translated into the other six official languages.

Upon reading the text one discovers that it is written in simple English that is possible for a layman to read. The language of this paper is easy to understand, has little complexity of words and simple sentence construction. It clearly does not contain many philosophical terms and difficult academic or scientific words. This is because it has to be understood by public servants who are going to implement the principles, especially the junior public servants whose level of education may not be the same as those of the management staff.

The text of the *Batho Pele* reflects an informal free flowing act of writing. The whole purpose of using this way of writing is to make it easily understandable to all public servants. The plain and straightforward English empowers junior public servants and since they will be in the transformation committees, it is important that they have a clear understanding of what is intended for the transformation of service delivery. This White Paper is practical and pragmatic. It also teaches public servants by example what plain

and straightforward language is. They should follow this example in their communication. One of the problems that *Batho Pele* identifies is the way public servants write letters. It states that "the style and tone of written communications" is important. (South Africa 1997a:18), "Excessive formality should be avoided" (South Africa 1997a:21). This is the reason for the author's choice of an informal style of writing. The choice of sub-heading such as: "Putting the principles into practice"; "Making it happen"; "No time to lose" (South Africa 1997a:29) suggests the author's commitment to simplify the White Paper in order for it to be understood by non-intellectuals.

8.3 HOW THINGS OUGHT TO BE DONE

A guiding principle of the public service in South Africa will be that of service to the people (South Africa 1997a:9). In line with this idea eight principles of the *Batho Pele* were formulated to determine how the public service ought to operate.

These eight principles have their origin in ethics and values (see chapter four, section 4.3.2 'Utilitarian ethics'). It is expected that all government departments ought to render services according to these principles. The implementation of these principles by departments can lead to improved service delivery.

Batho Pele principles set standards of how the public service ought to be. It also shows us how it ought to be applied in relation to the history of South Africa. These principles, though applicable to all levels and sectors of society, must be applied particularly to the disadvantaged people first.

8.4 *BATHO PELE WHITE PAPER*: A MANUSCRIPT OF DIRECTION

The deconstructive reading modality, highlights three important points to look for when reading a text, namely:

(a) What is the tested meaning of the expert who knows best?

(b) What is the only meaning to bring direction?

(c) Who knows the direction to be taken?

The Director General Mr MP Ncholo and the Department of Public Service and Administration's team, has placed themselves as the experts who are going to improve service delivery through the *Batho Pele* principles (South Africa 1997a:5). These principles were tested on three pilot departments, namely, the National Department of Health, the Department of Home Affairs, and the North-West provincial department. It appears that Mr Ncholo also considered the meaning of these principles as the only way to bring direction to the public service. Mr MP Ncholo was the person who apparently knew what the direction was that should be taken.

We are led to believe through the carefully selected information Mr MP Ncholo and his team supplied that service delivery has to improve, especially in rural areas, through his *Batho Pele* principles. These principles form an important input into the public administration process. These principles give direction on how services are to be improved. The *Batho Pele White Paper* has an output orientated strategy. It is concerned with achieving targets.

The *Batho Pele White Paper* is also a manuscript of direction. It states what should be done in its "Implementation strategy" in section 7.2. It states that the implementation of *Batho Pele* can begin immediately. There may be many actions which, for example, individual components within departments can take immediately to improve the services they provide, such as speeding up response times for answering letters and telephone calls, or introducing a courtesy campaign (South Africa 1997a:25).

However, improving service delivery requires a service delivery improvement programme. This is because improving service delivery is a continuous and progressive process. As standards are raised, so higher targets must be set. Implementing a service delivery improvement programme can best be illustrated by the *Batho Pele*'s eight-step cycle (South Africa 1997a:25).

8.5 CONCLUSION

In this chapter, the deconstructive reading modality was used to investigate various aspects of the *Batho Pele White Paper*. The way in which the *Batho Pele White Paper* was written was investigated. The *Batho Pele* principles clearly state how things ought to be done in the public service. The implementation strategy of the *Batho Pele White Paper* indicates that it can be considered as a manuscript of direction. It states how public service delivery can be attained by rectifying its failures.

CHAPTER NINE

CONCLUSION: FINDINGS AND RECOMMENDATIONS

9.1 INTRODUCTION

This chapter concludes this dissertation on the ethical import of the *Batho Pele White Paper*. The reader by now should have a fairly clear idea of the nature of ethics and humane values and how much of it is contained and or implied in the *Batho Pele White Paper*. This chapter will summarise the previous chapters. It will also discuss the ethical sufficiency of the *Batho Pele White Paper*. This chapter discusses the cultivation of humane values and ethics among public servants as a recommendation to be implemented in the public service. It discusses some suggestions for further research such as creating an ethical organisational culture in the public sector and the importance of the culture of Ubuntu in enhancing African Renaissance in the public service.

9.2 THE PREVIOUS CHAPTERS

In the previous chapters, I explained that the *Batho Pele White Paper* was implemented in government departments to improve the service delivery. It was found that departments were not delivering services according to people's needs and expectations. However, since the implementation of *Batho Pele White Paper*, newspaper reports have indicated that service delivery has not improved. In fact they claim it has become worse and their reports revolve around corrupt officials (see chapter one, section 1.1.1). This problem highlighted the need for ethics. It relates poor service delivery to a lack of ethical conduct by public servants.

Public servants must not only do the right thing, but do it in the right way. This is the essence of much of contemporary ethics$_1$ discourse in public administration (Gilman 1997:39). This dissertation focused on the possible impact of the *Batho Pele White Paper*

in the transformation of service delivery. It discusses the potential for creating a public service that is more responsive while at the same time preserving public integrity.

The *Batho Pele White Paper* tackles the functional aspects of service delivery. Standards of services should be raised progressively and should the public servants fail to render a service according to a standard then the situation should be rectified. However the White Paper neglects to develop an ethics program in its implementation strategy to transform the conduct of officials. It is through the conduct of these officials that service delivery is possible. This shortcoming of the *Batho Pele White Paper* has most probably resulted in public servants not functioning to their full capacity. Therefore human, physical and capital resources are wasted and misappropriated by unethical public servants. Poor service delivery is the result.

In chapter one, I discussed the problems that the public service in South Africa is currently experiencing. I did this by citing articles from the newspapers about the public's dissatisfaction with service delivery. The research problem of this dissertation is to explore the ethical import of the *Batho Pele White Paper*. I thereafter formulated the unit of analysis, which is the *Batho Pele White Paper*. The purpose of my research was to determine whether the *Batho Pele White Paper* sufficiently and adequately encourages ethics so that it could have an ethical impact on the public servant. In chapter one, I also defined key concepts such as "ethics", "humane values" and terms such as "*Batho Pele*" and "Constitution". In order for me to extract the ethical import of the *Batho Pele White Paper*, I used four reading modalities namely, the reproductive, hermeneutic, ideology-critical and deconstructive. In chapter two I discussed the origin of the concept of ethics. I also described the uses and need for ethics.

In chapter three I explored the concept of humane values. I began by discussing how values provide a framework of understanding problems. I also discussed the facets of core humane values. These core humane values are necessary to encourage service delivery. Thereafter, I explained that there are many other values that relate to core humane values and they can be considered as specialised values. I also discussed

utilitarian values that improve public administration. The concept of Ubuntu consists of humane values and this concept may be used to alter the conduct of public servants. This concept of Ubuntu has not been mentioned once in the *Batho Pele White Paper*. I also pointed out the link between human rights, responsibility, humane values and service delivery.

Then in chapter four I discussed the concepts and approaches to ethics. I explored the concepts of $ethics_1$, $ethics_2$, and $ethics_3$. I also described the three approaches to ethics namely; rule based ethics, utilitarian ethics and virtue ethics. I also explained the relationship between $ethics_1$, $ethics_2$ and $ethics_3$ and rule based ethics, utilitarian ethics and virtue ethics.

Chapter five employs the reproductive reading modality which describes those ethics and humane values that are explicitly stated in the *Batho Pele White Paper*. The humane values that were discussed were service to humanity, harmony of thoughts, words and deeds and right conduct. Humane values also encourage $ethics_2$, $ethics_3$, rule-based ethics, utilitarian ethics and virtue ethics.

In chapter six, I explained the *Batho Pele White Paper* from the hermeneutic reading modality. The background of the *Batho Pele White Paper* and its scope were discussed. I investigated its consultation process to set standards. I also investigated the formulation of policy and goals in the *Batho Pele White Paper*. I determined the message of the text and whether it relates to the intentions of the author. I found that an objective understanding of the text is possible. There are certain cultural and historical dimensions which some readers may find foreign, but one who understands the history of South Africa can easily overcome this. The *Batho Pele White Paper* has some relationship with the Constitution and the Code of Conduct. In fact, the *Batho Pele White Paper* gives effect to the constitutional values. These establish the eight *Batho Pele* principles for transforming public service delivery.

In chapter seven, I explained that the *Batho Pele White Paper* uses the populist ideology.

The ideological-critical reading modality also finds that utilitarianism is emphasised in the text. In chapter eight the deconstructive reading modality was used to investigate whether the *Batho Pele White Paper* is a manuscript of direction. The *Batho Pele White Paper* also explains how things ought to be done. Chapter nine concluded the whole dissertation. It discussed the ethical sufficiency of the *Batho Pele White Paper*. It also presents a recommendation for implementation and makes suggestions for further research.

9.3 FINDINGS: THE ETHICAL SUFFICIENCY OF THE *BATHO PELE WHITE PAPER*

The reading modalities clearly showed to what extent the *Batho Pele White Paper* contains ethics and humane values, if sometimes implicitly. In this section, I will attempt to analyse whether it corresponds with those ethics and humane values presented in chapter three and chapter four of this dissertation. In this way I will determine whether the *Batho Pele White Paper* has sufficient ethics according to my analysis.

9.3.1 WHAT ETHICS AND HUMANE VALUES ARE EXPLICITLY CONTAINED IN THE *BATHO PELE WHITE PAPER*

The *Batho Pele White Paper* (South Africa 1997a:1 – 40) encourages the following core humane values, namely service to humanity (see chapter five, section 5.2.1 'Service to humanity'), harmony of thoughts, words and deeds (see chapter five, section 5.2.2 'Harmony of thoughts, words and deeds') and right conduct (see chapter five, section 5.2.3 'Right conduct'). The *Batho Pele White Paper* encourages one specialised value that develops character, which is courtesy (see chapter five, section 5.2.3.1 'Courtesy'). It also encourages ethics$_2$ (see chapter five, section 5.3.1 'Ethics$_2$'), and ethics$_3$ (see chapter five, section 5.3.2 'Ethics$_3$'). The following approaches to ethics are encouraged by the *Batho Pele White Paper*, namely rule based ethics (see chapter five, section 5.3.3 'Rule based ethics'), utilitarian ethics (see chapter five, section 5.3.4 'Utilitarian ethics') and virtue ethics (see chapter five,

section 5.3.5 'Virtue ethics'). Utilitarian ethics has certain specialised values, for example efficiency (value for money), which produces specific outcomes in public administration. Other values such as consultation, service standards, access, information, redress, and openness and transparency are used for utilitarian purposes. They are not utilitarian in themselves. These seven specialised values together with the specialised value of courtesy form the eight *Batho Pele* principles (South Africa 1997a:1 – 40). These principles are selected specifically to transform the service delivery of the public service.

Other values that the *Batho Pele White Paper* discusses are respect, dignity, listening to people's views, treating people with consideration, responding swiftly and sympathetically, fairness, confidentiality, responsiveness, welfare, equity, co-operation, responsibility, accountability and duty.

9.3.2 INVESTIGATING THE GAP BETWEEN ETHICS AND HUMANE VALUES AND THE TEXT

From the discussion in the previous section, one could see that the *Batho Pele White Paper* shows that it contains values and ethics. However, this is not sufficient for transforming service delivery. It does not express some of the most important values necessary for improving service delivery. For example, under the facet of core humane values, I listed seven important core humane values (see chapter three, section 3.2.3 'Facets of core humane values'). Of these seven core values, it encourages three core values which are right conduct, service to humanity and harmony of thoughts, words and deeds. The other values such as truth, non-violence, peace and love are not explicitly encouraged. The *Batho Pele White Paper* also does not explicitly encourage many specialised values and public administration values.

The *Batho Pele White Paper* does not encourage the concept of $ethics_1$ among the public servants. Since public servants are making constant choices it is important that they rationally reflect on the choices. This reflection would require the use of the

concept of ethics$_1$ (b) (see section 4.2.1 'Ethics$_1$'). Had the *Batho Pele White Paper* emphasised ethics$_1$, it would have assisted the public servants in ways on how to logically reflect on issues of a philosophical nature. However, ethics$_1$(a) which is a subdiscipline of philosophy may not be so important to public servants. But skills in ethics$_1$(a) will make a public servant more introspective and develop his or her ethical reasoning.

The real issue in ethical reasoning is that acting on one's rational thought processes is both a cognitive skill and an affective skill. Thus, if one does not know what moral principles are involved, or what values are in conflict, it is a cognitive skill problem (Lee & Paddock 1992:491). Ethics$_1$ may assist in solving this problem. The Code of Conduct also provides some guidance in this regard.

The concept of Ubuntu has not been mentioned once in the *Batho Pele White Paper*. Ubuntu encourages humane values and is actually necessary for transforming service delivery. It is only a return to the foundational values, which will meet the needs of our current administrative system. An Ubuntu culture can reduce unethical behaviour and therefore it should be encouraged and cultivated. Ubuntu culture can only lead to higher ethical standards in the public service.

Although the concepts and approaches to ethics are encouraged in a broad sense, the *Batho Pele White Paper* does not elaborate and specify core values, except the ones that are mentioned under right conduct and utilitarian ethics. Those specialised values are the *Batho Pele* principles.

It does not state any rules to be followed under the rule based approach, nor does it support the rule-based approach. It also does not encourage any virtues to be learnt from a role model which virtue ethics proposes (see chapter seven, section 7.3). Rule-based ethics encourages a code of conduct. To a large extent the Code of Conduct issued by the Public Service Commission (South Africa 1997b:2-5) helps to create an organisational culture whereby every public servant knows what the ethical requirements

are and how they are expected to behave. Codes of conduct normally provide a clear direction about ethical behaviour when the temptation to behave unethically is strongest (Donaldson 1996:54).

The success of the Public Service in delivering its operational and developmental goals depends primarily on the efficiency and effectiveness with which employees carry out their duties (South Africa 1997a:42). I feel that current officials need help in learning how to be ethical in public life, as translating basic ethical principles into ethical conduct in government does not come naturally to most people. The *Batho Pele White Paper* does not have a programme on how to convert ethical principles into ethical character.

To convert ethical principles into ethical character would require the public servant to establish harmony between his thoughts, words and actions. If this harmony is not established it is impossible to ensure that ethical principles are reflected in his character, let alone achieving any other goals, for example service delivery in the public service. Take for example bribery. Harmony of thoughts, words and deeds ensure that the public servant should think of and believe in the thought that bribery is not acceptable. Thereafter if someone offers him or her a bribe he or she should explain to that person in no uncertain terms that corruption is unacceptable to him. Then he or she should act on his or her thoughts and words and not accept any bribes. The actions of public servants should not reflect any form of corrupt practices. However, should there be disharmony in this relationship between their thoughts, words and deeds, then one is bound to encounter corruption in the public service. Therefore it is so important that a public servant's thoughts, words and deeds should be focussed on adhering to the Code of Conduct.

One's feelings, intuitions and senses must also be engaged if values are to be completely appreciated or fully internalised. The public servant should abide by a set of standards once a choice has been made. Acting according to a code acknowledges that ethical issues are not abstract issues but influence what we do with our limited time and energy (Lee & Paddock 1992:492).

The *Batho Pele White Paper* also does not have a program to create an ethical organisational culture in all government departments. When public servants act in accordance with the guidelines for ethical conduct, then an ethical organisational culture may be established. The public servant should demonstrate the highest standard in all activities to inspire public confidence and trust in the public service. They should maintain truthfulness and good values and not compromise them for advancement, honour, or personal gain. They should also zealously guard against conflict of interest or its appearance, nepotism, improper outside employment, misuse of public resources or the acceptance of gifts. They should respect the public, subordinates, colleagues and superiors (Van Wart 1996:530). They should furthermore inspire public trust through integrity, and fortitude and they should serve the public with respect and courtesy. They should achieve excellence and recruit like-minded people to the public service. They must be positive, creative, open, and compassionate. They also should keep up to date in their profession and be competent, fair, impartial, efficient, and effective. They should discipline those who commit waste, fraud, and abuse state resources (Reynolds 1995:102). In this way, public servants could become role models for others to follow. Other public servants will be inspired by the role models and they too will behave likewise. This is the benefit of virtue ethics. Virtue ethics can also establish an Ubuntu culture in the departments.

The *Batho Pele White Paper* does not give direction as how to inculcate ethical conduct in the public service. Although the text contains some values and ethics, it lacks encouraging it among the public servants. In its implementation strategy (South Africa 1997a:25) there is no strategy to inculcate values and ethics. Its implementation strategy is to rectify services once they have failed by using the *Batho Pele* principles. It does not prevent poor service delivery by inculcating humane values and ethics. I have identified this as a significant gap in the text. This lack of a program to cultivate ethics and humane values among public servants in its implementation strategy makes the text ethically inadequate. Most government departments used the guidelines in the implementation strategy to improve its service delivery. Though ethics and humane values are mentioned elsewhere in the text, it does not form any part of its implementation strategy (South

Africa 1997a:25). Only the word 'courtesy' is mentioned once as part of setting standards in its implementation strategy to improve outcomes of public services.

The text does admit that it is only the beginning and much more will be latter added to improve the *Batho Pele White Paper*. My research in ethics may add a valuable input to further strengthening the *Batho Pele* and may bring the results of improved service delivery, which is long overdue to all South Africans.

9.4 FINAL CONCLUSION

The underlying intention of the *Batho Pele White Paper* is to build a public service capable of meeting the challenge of improving the delivery of public services to the citizens of South Africa (South Africa 1997a:5). This means all South African citizens. This vision can be achieved if the gap of values and ethics in the White Paper is filled. In this dissertation it is clear that the *Batho Pele White Paper* may not have succeeded in linking ethics and *Batho Pele*. Principles will remain principles until it is acted upon by a person or group of persons to bring tangible results. Therefore the knowledge of humane values and ethics can make *Batho Pele* as a concept more effective in improving service delivery.

The concepts of ethics articulated in this dissertation can bring greater understanding of the meaning of the word "ethics". This understanding together with the three approaches to ethics will give public servants a better knowledge of how to act ethically in the public service. Although in the philosophical context the concepts and approaches to ethics are in competition with one another, in practice they could be used in a complimentary way, thus allowing ethics to make a meaningful contribution to service delivery.

This dissertation has shown how much ethics and humane values are contained in the *Batho Pele White Paper*. It also shows what ethics and humane values it does not deal with explicitly. Although it is a document filled with values, it only highlights certain specific values for transforming service delivery. The eight *Batho Pele* principles were

formulated to bring about transformation. The *Batho Pele* uses the utilitarian approach to facilitate service delivery.

Upon investigating the gaps in the *Batho Pele White Paper*, it was found that humane values and ethics did not form part of the implementation strategy to improve public services. This lack of emphasis on ethical conduct of public servants may be the cause of poor service rendering.

This chapter concludes my discussion on this topic of whether the *Batho Pele White Paper* is ethically adequate. From this discussion, one could conclude that the *Batho Pele White Paper* insufficiently articulates ethics and values. Being insufficient and inadequate in its emphasis on ethics and humane values, could be one of the reasons for the slow transformation of service delivery. To strengthen *Batho Pele*, the Department of Public Service and Administration should consider the values that I highlighted which the White Paper lacks.

Public servants need to make the core humane values part of their lives. National and provincial departments could be successful in their service delivery if they implement a training program that cultivates ethics and core humane values among public servants. The public service needs to develop an Ubuntu culture in the departments. This Ubuntu culture will enhance the Renaissance of Africa. Ethics and humane values could benefit the public administration of South Africa and improve service delivery.

In the next section, I make a recommendation for implementation in the public service. In section 9.6, I give some suggestions for further research. These suggestions for research may be useful in contributing to the debate on improving the ethical conduct of public servants.

9.5 RECOMMENDATION FOR IMPLEMENTATION: A PROGRAMME OF EDUCATION IN HUMANE VALUES AND ETHICS FOR PUBLIC SERVANTS

A training program in the practice of humane values could be one of the ways to encourage ethical conduct. The training programme should find ways of cultivating values and ethics in public servants, which is important in the field of public administration. The cultivation of humane values and ethics means to teach public servants, in a rational manner, the objective truth of statements such as "Promises must be kept", "Administration must be conducted honestly and openly", "Conflict of interests should be avoided", and "Inefficient use of public funds is wrong". If morality can thus be taught logically, then an ethics program can result in the behavioural and attitudinal improvement (Garofalo & Geuras 1994:289 – 290). To be good and virtuous is a noble thing but to teach others to be good and virtuous is nobler still (Sullivan 1993:600). But how do we teach others to be good and virtuous?

We have to build into training programs the practice of values within our governmental organisations. Aristotle believed that doing virtuous things forms virtuous character and individuals are more likely to do virtuous things when the environment is encouraging, nurturing, and educational. Critical self-reflection and self-revision occurs most easily in a non-threatening environment where participants feel free to exchange ideas, disagree with one another, or experiment with new ways of thinking. In such an environment there are opportunities to consider alternative ways of thinking about a problem, develop better skills in ethical deliberation, and hone one's skills in persuading others of the correctness of one's judgement (Denhardt 1994:2182).

To create a more ethical public service, the first thing the public servants need is more courses in ethics and humane values. This theoretical understanding of the concepts of ethics and humane values creates an ethical mindset in the public servant. It is training and reflection that encourages moral behaviour. This training should focus on harmonising thoughts, words and actions of the public servants. The distinction between

right and wrong is not difficult to discern – the challenge lies in overcoming the inertia that prevent one from doing the right thing (Reynolds 1995:105). The second thing the ethics programme should have is the awareness that the public service is an opportunity for the public servant to render service to humanity and to put into practice the theoretical knowledge of the ethics program. This awareness of rendering service to humanity becomes an opportunity for the public servants to do virtuous activities so that they could develop a virtuous character. When this harmony of intention and action is fostered in the public servant, service delivery is assured. In the training and development of human resources, the inculcation of ethical habits is important. The *Batho Pele White Paper* neglects the development of ethical habits.

The implementation strategy of the *Batho Pele White Paper* has eight steps to improved service delivery. In addition to this, the implementation strategy should include a program to improve the ethical conduct of public servants. In my opinion the structure of this ethics program should contain an understanding of humane values and the concepts and approaches to ethics. This program can raise the ethical awareness of public servants. The basics of this program should include knowledge of the core humane values, specialised values, public administration values and the culture of Ubuntu. The knowledge of values that should be taught to the public servants can be set out as:

(a) A knowledge of the facets of core humane values

Public servants need to have an understanding of core humane values. The core humane values are: truth, right conduct, non-violence, peace, love, harmony of thought, words and deeds and service to humanity. (See chapter three, section 3.2.3 'Facets of core humane values'.)

(b) A knowledge of the facets of specialised values

Public servants should know what specialised values are. Specialised values encourage or establish one or more of the core humane values to various degrees. I consider specialised

values important as they establish character in the public servant. (See chapter three, section 3.2.4 'Facets of specialised values'.)

(c) A knowledge of public administration values

The public servant should be taught that the field of public administration has more specific values. From the core humane values and specialised values, values that are necessary and peculiar to public administration are established. These are specialised values because they may be used to encourage public administration outcomes. Specialised values that encourage outcomes in public administration are considered as public administration values. (See chapter three, section 3.3 'Public administration values'.)

In addition to understanding values, the public servant should be taught the importance of the various concepts and approaches to ethics. The training program should also include how public servants could apply the three concepts of ethics and the three approaches to ethics in their practical day to day activities. This will assist public servants in identifying public service activities as being ethical and therefore encourage them to be conscientious in their conduct. The concepts and approaches to ethics that the public servant should be taught are:

(a) A knowledge of ethics$_1$

The public servant should be aware of the nature of ethics$_1$. Ethics$_1$ refers to:

a) a subdiscipline of philosophy
b) A rational reflection of a philosophical nature on good and bad, and the way we understand it within the context of public life

(See chapter four, section 4.2.1 'Ethics$_1$'.)

Ethics$_1$ encourages understanding to what one is doing, therefore it is important that each person should to a certain extent be able interpret problems according to some philosophical understanding.

(b) A knowledge of ethics$_2$

Ethics$_2$ is a concept that refers to codes and rules. It refers to ethical codes, generally to professional codes. The public servants should know their code of ethics. (See chapter four, section 4.2.2 'Ethics$_2$'.)

(c) An understanding of ethics$_3$

Public servants should also have an understanding of the concept of ethics$_3$. Ethics$_3$ simply is the morality of an action, person or group. It refers to a general moral ethical conduct that does not necessarily require much rational philosophical reflection or a code of conduct. In ethics$_3$ morality is the main consideration. Its activity is one of judgement or evaluation. It occurs when we judge or evaluate ethically and morally. This can be based on reflection as well. (See chapter four, section 4.2.3 'Ethics$_3$'.)

(d) An understanding of rule based ethics

The public servants should understand rule-based ethics and how it could be applied to their activities. Rule based ethics accentuate the right thing to do in a particular situation with reference to a principle or rule. All codes of conduct, rules and regulations give this approach a distinct character of its own. (See chapter four, section 4.3.1 'Rule based ethics'.)

(e) A knowledge of utilitarian ethics

The public servants should be taught utilitarian ethics and it applications. They should be taught to give attention to the consequences of their actions and the welfare of the people.

What distinguishes utilitarianism from other theories is its assertion that actions are 'good' only to the extent they produce 'good' outcomes (Brady & Woller 1996:311). (See chapter four, section 4.3.2 'Utilitarian ethics'.)

(f) Practice of virtue ethics

The public servants should also have an understanding of virtue ethics and its importance in the public service. Virtue ethics places the centre of moral good in the character of persons. Practising virtue equals one having a virtuous character, which equals one exhibiting habitual ethical patterns of behaviour. (See chapter four, section 4.3.3 'Virtue ethics'.)

Public service generally attracts people who have an orientation towards doing good, serving others, and behaving in an ethical manner. The character of a public servant helps define the moral climate of our workplaces, and it determines the nature and quality of judgements made by the particular public servant. Adults entering public service do tend to have fairly well established character orientations. Character is formed through practice and experience. The development of virtuous character continues during adult years as well. Working in the public service could either aid in the process of character development, or contribute to its atrophy and decline by creating workplaces that foster moral illiteracy and the decline of personal integrity (Denhardt 1994:2179).

I think the use of senior managers as role models can raise the ethical consciousness of public servants. The public service can also reward positive behaviour by means of recognition and incorporate a developed ethical sense into the civil service promotional system. Appropriate role models and rewards systems can enable public servants to meet this challenge (Reynolds 1995:105). If public servants want to be role models they should utilise their time and energy to enhances organisational capacity for open communication, creativity, and dedication.

Having theoretical knowledge of humane values and the concepts of ethics is the first part of the ethics program. The second part of this ethics program is the practical application of this knowledge for public servants. This will require monitoring of their activities by senior managers. This also emphasises the importance of senior managers acting as exemplary role models.

9.6 SUGGESTIONS FOR FURTHER RESEARCH

This section offers suggestions for further research. Research on the dynamics of creating an ethical organisational culture in the public service is an option. Another topic of research is the role of Ubuntu and African Renaissance in improving service delivery. These topics of further research are discussed in the following sections.

9.6.1 CREATING AN ETHICAL ORGANISATIONAL CULTURE IN THE PUBLIC SECTOR

One research problem here is whether an ethical organisational culture improves public administration. The topic of creating an ethical organisational culture may also be investigated. The creation of an ethical organisational culture necessitates the application of ethics and humane values. A complete evaluation of the current organisational culture may have to be undertaken. This research may necessitate a survey being conducted on an institution's organisational culture. This will require a clear understanding of the meaning of organisational culture.

The Public Service can improve service delivery by creating and sustaining an organisational culture in which employees, customers, and suppliers are treated not as means to an end but as people whose intrinsic value must be acknowledged. Public service can respect basic rights by acting in ways that support and protect the individual rights of employees, customers, and surrounding communities, and by avoiding relationships that violate the right of human beings to health, education, safety, and an adequate standard of living. These values establish a moral compass for the public

service. They can help public service to identify practices that are acceptable and those that are intolerable, for example dumping pollutants near people's homes and accepting inadequate standards for handling hazardous materials are actions that violate core values (Donaldson 1996:54). Other questions that could be asked are whether the public servants have core values to guide their conduct and how important it is for them to act according to values. If it is not important to them then it could be deduced that the ethical culture of the organisation is very low. It is extremely important that government departments create an ethical organisational culture, which can encourage ethical conduct and self-discipline among public servants.

9.6.2 THE IMPORTANCE OF UBUNTU CULTURE IN ENHANCING AFRICAN RENAISSANCE IN THE PUBLIC SERVICE

The research problem here is to determine whether African Renaissance and Ubuntu can improve public service delivery by altering the ethical conduct of public servants. What contribution can they make to improve the character of public servants? Does the philosophy of African Renaissance contribute to the concept of humane values and ethics?

President Mbeki outlined what he believed Renaissance in Africa entailed during the launch of the African Renaissance Institute. It entails the following:

- The establishment of democratic political systems to ensure … that the people shall govern;
- The form of these democracies should take into account African specifics so that they could ensure that political and therefore peaceful means can be used to address the competing interests of different social groups in each country;
- Achieving sustainable economic development that results in the continuous improvement of the standards of living and the quality of life of the masses of the people;

- Changing Africa's place in the world economy so that it is free of the yoke of the international debt burden and is no longer a supplier of raw materials and an importer of manufactured goods;
- Ensuring the emancipation of women;
- Successfully dealing with the HIV/AIDS pandemic;
- Rediscovering Africa's creative past, recovering cultures, encouraging artistic endeavour and accessing and advancing science and technology; and
- Advancing the genuine independence of African countries and enhancing their role in international affairs. (Howard 2000:11)

President Mbeki also said at the Anti Corruption Summit, which followed the Morals Summit, that it must add further impetus to the struggle that is waged for the fundamental renewal of South Africa which is, itself an important part of the African Renaissance (Mbeki 1998:5).

From the above ideas one could summarise the values of African Renaissance as self-reliance, economic recovery, political and economic independence, sustainable development, and democratic governance, anti-corruption and the avoidance of ethnic conflict, better health and rediscovering Africa's culture. These values of African Renaissance depend on the culture of Ubuntu. Ubuntu is humane values. Researching the culture of Ubuntu and the concept of African Renaissance may make an important contribution to establishing ethical conduct among public servants and improving service delivery. Ubuntu encourages the culture of respect and core humane values, which are truth, right conduct, peace, non-violence and love. It establishes harmony of one's thoughts, word and deeds and the value of service to humanity. This concept of Ubuntu can encourage ethical conduct among public servants and improve service delivery (see chapter three, section 3.4 'Concept of Ubuntu'). These humane values will ensure that African Renaissance is a success. To establish humane values as part of the public servant's culture would require the departments playing a major role in popularising these principles among officials. The use of public servants as role models who practice these

values can enable Ubuntu to become part of the organisational culture. The culture of Ubuntu is needed to guide public servants. I think that if Ubuntu is part of the African Renaissance concept, then success in improving all sectors in South Africa may be assured. This would however require a new document or White Paper on instilling the culture of Ubuntu and humane values and developing a spirit of African Renaissance.

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