

THE ROLE OF DISCUSSION IN THE
INSTITUTIONALISATION OF A CODE OF
CONDUCT/ETHICS WITH SPECIFIC REFERENCE TO THE
ADOPTION OF A CODE OF CONDUCT BY THE SOUTH
AFRICAN POLICE SERVICE



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DECLARATION

I the undersigned hereby declare that the work contained in this assignment is my own original work and has not previously in its entirety or in part been submitted at any university for a degree

Date: 98.11.26

OPSOMMING VAN 'N TESIS TER GEDEELTELIKE VERVULLING VAN DIE
VEREISTES VIR 'N MEESTERSGRAAD IN FILOSOFIE AAN DIE
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DIE ROL VAN GESPREK IN DIE INSTITUSIONALISERING VAN 'N ETIESE OF
'N GEDRAGSKODE MET SPESIFIEKE VERWYSING NA DIE AANVAARDING
VAN DIE NUWE GEDRAGSKODE VAN DIE SUID-AFRIKAANSE
POLISIEDIENS

Die uitgangspunt vir hierdie tesis was die deurslaggewende rol wat gesprekvoering kan speel in die suksesvolle institusionalisering en aanvaarding van 'n gedrags- of etiese kode.

Met hierdie uitgangspunt is aanvaar dat kodes 'n opbouende rol kan speel in die kultuur van organisasies en groepe, maar ook in die persoonlike lewens van mense. Om egter duidelikheid te kry oor die wesenlike rol wat kodes wel kan speel, is die 'woordeskat' en die wêreld van kodes bekyk. Daar word in die praktyk ervaar dat begrippe aangaande etiek, kodes en die waardes wat dit omhels sonder respek vir die betekenisomvang daarvan gebruik word. Dit blyk belangrik te wees om te weet wat die begrippewêreld is van 'n instrument wat staan aangewend te word as 'n stimulant vir etiese gesprekvoering.

Hoewel kodes 'n mode-neiging geword het en kritiek gelewer is op die reklame-foefie wat deur sommiges daarvan gemaak is, is dit toenemend aangewend om juis die geloofwaardigheids- en legitimiteitskrisis van die openbare sektor en instansies wat diens van 'n sensitiewe aard lewer, te verlig. Vanweë die dialogiese aard van kodes is dit uiters geskik om gesprekke aangaande die herstel van 'n vertrouensverhouding te stimuleer. Kodes ontstaan in baie gevalle juis in tye van krisis; ook vanweë die korrupsie-krisis; en is daarop gemik om die doel en aktiwiteite van instansies en individue ten goede te omllyn. Die groot appél vandag op deursigtigheid en vertroue verskerp die rol wat kodes kan speel om juis aanvaarbare gedrag te bevorder. Die bespreking aangaande die aard en doel van kodes het hierdie rol onderstreep. In die postmoderne era word kodes dan ook nie aangebied as 'n rigiede, sentrale middel van beheer nie, maar as 'n basis vir die inskakeling van alle betrokkenes by besinning en besluitneming.

Bestudering van die literatuur beklemtoon die uitgangspunt van hierdie tesis. Gesprekvoering en deliberasie behoort part en deel te wees van die hele proses van ontwikkeling en institusionalisering van kodes. Hierdie aktiwiteit beklemtoon egter die beperkinge van kodes, aangesien hulle nie op hul eie 'n legitimiteitskrisis of onaanvaarbare gedrag kan aanspreek nie. Kodes moet gerugsteun word deur sterk leierskap wat die kode en die korresponderende waardes promoveer en beskerm. 'Kampioene' van die kode en die kultuur waarna geaspireer word, moet bemaagtig word om die rol verder te neem. Die tesis beklemtoon dat diesulkes op alle vlakke betrek moet word om deurlopende ondersteuning aan die projek te kan verskaf.

Die proses behoort ook verder gerugsteun te word deur etiese opleiding waarin diskursiewe metodes 'n groot rol behoort te speel. Weens die groot druk om die vertrouwe wat in die diensleweraar gestel word, werd te wees, is heelwat bespreking aan 'integriteit' gewy. Sommige metodes soos die Kritieke Insident Tegniek en rollespel is bekyk om die waardevolle disposisie van integriteit in die praktyk te vestig.

Ten slotte is die proses wat die Suid-Afrikaanse Polisie diens gevolg het om hul gedragskode te ontwikkel en te implementeer, bekyk. Sekere aspekte soos die deeglike bekendstelling van die kode, die skynbare gebrek aan behoorlike voorbereiding, die gebrek aan 'n program vir die vestiging van die kode op plaaslike vlak, die afwesigheid van 'kampioene' om dit te ondersteun, die interne en eksterne legitimeitskrisis en die rol van godsdiens is bespreek. Uiteindelik is aanbevelings gemaak om te keer dat die kode vergete raak en stof opgaar. Die skrywer is, ten spyte van die afbrekende rol van die legitimeitskrisis, oortuig dat die gedragskode, weens haar dialogiese aard, 'n broodnodige etiese bewusmakingsrol kan speel in die nuwe SAPS.

SUMMARY OF A THESIS PRESENTED IN PARTIAL FULFILMENT OF THE
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The point of departure of this thesis was the decisive role which discussion can play in the successful institutionalisation and acceptance of a code of conduct or ethics.

With this point of departure it was also assumed that codes can play an uplifting role in the culture of organisations and groups, but also in the personal lives of individuals. From the start it became clear that codes have the potential to create a discursive interaction between provider and recipient. Their very nature as a declaration of intent conveys the relationship in which the relevant parties stand towards each other. Codes are, therefore, contextual and ought to be applicable to the parties concerned.

As they are also internal statements connecting users to the purpose of their profession or occupation, they possess the ability to promote ethical deliberation amongst own ranks. Their potential to establish relationships and build trust and cooperation make codes a worthwhile endeavour to adopt in order to curb teleopathy and self interest.

Codes' versatility lies also in the fact that it can be used as a basis for increasing the ethical sensibility, knowledge and conduct of all involved in their utilisation. Their wide ranging use by corporations, organisations, groups and institutions; especially the last two decades of this century; emphasised their status as an effective measure. All the literature stressed the point, however, that codes cannot be effective on its own. Its discursive nature has to be exploited through discussions in peer groups, discussions lead by managers or leaders, ethics workshops and ethics training. This accentuates the necessity to continually reinforce acceptable values, norms and standards and their embodiment in acceptable conduct. Codes serve as the point of departure as well as the basis to keep this exercise alive. It is this capability of codes and the corresponding activity of making people aware of their ethical responsibility which interested the author. The potential of codes to sensitise or resensitise people who have become ethically numb or apathetic is a challenge which can have enormous benefits for a policing institution. Ethical vulnerable units should surely be 'debriefed' and resensitised for purpose and values they try to protect. The role of discussion is fundamental to this exercise.

The author's belief that discussion can play a major role in the development and institutionalisation of a code has been confirmed by literature on this subject. Class discussions and meetings with officers on the code of conduct, its application and its institutionalisation confirmed the contribution which such an interaction can bring about. Methods such as role play and the CIT have still to be researched to make it applicable for ethical discussions. Its potential, especially lastmentioned, to enhance

ethical understanding and decision making is worthwhile to explore. The discussions and meetings held with members of all ranks revealed, however, that negativity, anomie and alienation makes meaningful discussion a futile event. Questions on the legitimacy of a code and its compilers mandate to impose it undermines the uplifting role of deliberation. There are, however, still many members who “have not given up on themselves” and are willing to make a contribution to keep the organisation in contact with its purpose. These champions have to be identified and equipped to further a culture of learning and deliberating. I believe that leadership in the sense of taking ownership of the desired values, norms and standards and integrating it into the daily professional life of the organisation is crucial. Only someone who believes in the value of the desired behaviour and who has the confidence to promote it, can encourage others to follow suit.

Lastly the process which the SAPS followed to develop and implement their was scrutinised. Some aspects such as the comprehensive launch and introduction of the code, the apparent lack of preparation, the lack of a program to instil the code locally, the absence of champions to support this, the internal external problems with legitimacy and the role of religion were discussed. The author believes that, despite the destabilising role of the crisis regarding legitimacy, the code of conduct will, through its discursive nature, play a welcome role of raising ethical awareness in the new SAPS.

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INTRODUCTION

We live in a time of deep contradiction. The accent on freedom, individualism and deregulation of behaviour conflicts with attempts to curb the misuse of individual freedom and the overemphasis on idiosyncratic behaviour. There seems to be, however, a dissatisfaction with rules and regulations and where they are tolerated it seems to be for purposes of self-interest and utilitarianism. Despite unanimity on the necessity for measures; also acceptable democratic measures; to establish some order or survival from chaos and individualism they are frequently met with resistance.

Codes of ethics and conduct are apparently some of the measures taken to create a new subsoil in which a healthy culture and appropriate behaviour can be nursed. This phenomenon proliferated in the last four decades of our century and in many instances codes were presented as a panacea for the deterioration in the work-ethic of especially service-oriented organisations. Many factors were then, and are still present, which inhibit the evolutionary character of codes. Idiosyncraticism, cynicism, apathy, a breakdown of respect for authority and sound principles are among those many factors which are responsible for the undermining of the efficacy of codes. In times of violence, misappropriation, exploitation and fierce competition people tend to become desensitised for the values and ethical guidelines which are necessary for co-existence and cooperation.

People, being the biggest antagonists towards codes, can also be the main protagonists of an instrument which in any event seemed to have made an impact in the organisational and corporate world. The success stories of many major national and international businesses and the successful transformation of organisations the latter half of our century are connected to the presence of a code of ethics or conduct. It is believed that codes of ethics/conduct can play a significant role in resensitising people and competitors for the values and ethical guidelines for a just society.

The incorporation of a code of ethics or conduct as part of the strategy of businesses or organisations seems to have only started in South Africa. The accusation by citizens of this country and by commentators from abroad that corruption and a poor work-ethic record are prevalent, seem to have contributed to attempts of instilling a new culture. Everybody in this country, e.g. government, institutions, organisations and corporations, all want to deal with this big threat to stability and progress in a credible and sustaining way. Codes of ethics and conduct seem to be an enduring catalyst in this endeavour. According to Kleinig (1996 : 234) codes of ethics are a “partial response” to the social breakdown in which the “fragile trust” put in people and organisations is often betrayed.

In this dissertation the nature, significance and the institutionalisation of codes will be discussed. The role of discussion in this process will be probed and the case will be put forward that interaction between colleagues will be of a decisive nature in the successful adoption of a code. The case will be debated that discussions of relevant values and principles will serve to resensitise members of organisations. The stance will be taken that it is possible to educate and re-educate people in the context of

organisational ethics. This education will entail an enrichment of people's knowledge of the relevant values and principles at stake. The importance of leadership in this interaction will also be highlighted. In conclusion, the case of the South African Police Service's (SAPS) adoption of a code of conduct will be studied with reference to the role which discussions took and still has to take in the institutionalisation of the code.

In chapter I codes' nature and their specifics will be discussed, with chapter II discussing the development and institutionalisation of codes. Chapter III will address the adoption and implementation of a code of conduct by the SAPS. Specific issues of this process will be identified and, in conclusion, recommendations will be put forth.

I CODES OF ETHICS AND CONDUCT : ITS VOCABULARY.

During the last two decades of this century codes have proliferated and have become part of the strategic and marketing documents of businesses, organisations and institutions. The modern trend to have one, might have had a large influence on the growth of this phenomenon, but pressures from communities, local and global, and from government certainly played a major role in the emergence of codes. The uncompromising world of business and governance with the recipients of the service increasingly running the danger of being exploited or disregarded, brought with a public demand to be treated fairly. Society demands ethical behaviour from those who run businesses, those who govern and those who are employed. Many scandals which were made headlines by the powerful media of today brought about much disappointment and criticism towards those in the superior position of controlling services and products. It is accepted that “this scepticism is warranted” (Malachowski 1990 : 23) although it is believed that many of the scandals became public on account of greater transparency (Ibid.). Transparency is “a state of clarity within the world at large about what is happening in the business world” (Ibid.) or making organisational activity more visible to the society at large. The clarity ought to aspired to by all role players in public life. IBM’s statement: “Business today is being called upon as never before to explain its actions, provide reasons for its decisions and speak out on ethical behaviour” (Ibid.) is also applicable to other sectors of our society.

Although there are many considerations for the prevalence of codes in business, organisations and government the decisive factor might just be the endemic problem of credibility and legitimisation highlighted above. Supporters of codes will immediately defend their position by saying that “codes are not a gimmick” (Gavin *et al* 1991 :32). Complaints are, however, that codes are only a ‘piece of paper’ and are used for purposes of public relations. Apart from this criticism it is also held that codes are not effective in re-establishing trust between those rendering service and the recipients or changing the behaviour of those doing the job. Despite this the growth of codes did not dissipate. Perhaps the response is indeed an indication that business, organisations and government are taking their social responsibility seriously. Through this they express their willingness to be held accountable and to be transparent. On account of the apparent important role of codes in conveying this message it will be discussed forthwith.

1. ETHICAL CODE, CODE OF CONDUCT AND OTHER TERMS.

Many terms are used today to describe documents we have come to know as codes of ethics or conduct. These terms have been used interchangeably in the literature and in organisational jargon, although their specific significance are also discussed in some instances.

Codes come in different forms and sizes and have different ‘names’. Apart from the well-known ‘ethical code’ and the ‘code of conduct’ they are also called codes of practice, corporate philosophies, statements of corporate business principles, credo and statements of values. There are also different types of codes. Murray (1997 :

102,103), for instance, refers to professional codes, Industry or Sector codes, Single-issue codes and codes for National and International Bodies.

For the purposes of this study the difference between the organisational code and the professional code will be briefly pointed out. Last-mentioned declares the moral obligations of members of a particular profession, whilst organisational codes set out those of employees of organisations, companies and institutions. Sinclair's (1997 : 89) definition of 'organisation' is notable for this point. It denotes "an agency or body employing individuals within an identifiable structure."

Organisational codes apply to employees, professional and non-professional, and have immediacy (Ibid. : 90; Reeck 1989 : 94). They have grown in popularity and brought with it some tension with members of professions.

Whatever the names put forward, the contents of an definition offered by Rossouw²(320) for a code of ethics will be, to a large extent, used as a *raison d'être* when codes become relevant in the following discussions. For the purposes of this discussion, then, the term 'code' pertains to a document containing standards and/or guidelines for the interaction of members of an organisation with each other and with the stakeholders of the organisation (Ibid.).

2. THE NATURE OF CODES

Primarily it seems then, that codes have to do with the core activities of a corporation, an organisation, an ordinary business or a specific group. It concerns their testimony, motivation, attitude, commitment and style. Indeed, it is the written expression of that group's identity whose code it is. This identity is the embodiment of group's(business or organisational) values, those principles which are valued above all else.

Some codes look like rule books while others express only aspects concerning the core business. Whatever the case, codes intend commitments to mediate the formal relations between the providers of goods and services and their public recipients (Kleinig : 235). Codes are, however, also internal documents in which a set of "morally binding conventions" intends to regulate and guide members of a profession in the "pursuit of their professional activities" (Ibid.:236). With regard to corporate or organisational codes, they are considered as tools of management for effecting and shaping change through explicit statements of desired behaviour (Stevens 1994 : 64). In the professional context codes play a similar shaping role along with the internal and external statement of aspiring to responsible service. Gavin's point (33) is important; codes should contain both principles and rules thus providing meaning and shared purpose as well as guidance to deal with specific issues and how to behave.

Although codes of ethics or conduct are most typically among those groups we call 'professions', it has become more or less a modern trend of different groupings to adopt some sort of code (Murray : 24). For meritorious reasons one must conclude that no one ought to be discouraged to do this, especially because groups have, through their code, "explicitly avowed certain obligations" (Ibid.). Professional codes

express “the goals and beliefs for groups of professionals by which individual practitioners can be guided (and) frequently require higher standards than are legally mandated” (Stevens : 64). Three types can be differentiated, namely regulatory, aspirational and educational (Ibid. ; Vinten 1991 : 10). The first type is prescriptive through a detailed set of rules and regulations, whilst the second provides ideals or standards one can aspire rarely succeeding in being fully compliant with the third enriches understanding through commentary and guidance. Vinten (10,11) believes that this type appeals to the conscience of the professional rather than collective decision. Its aim is to promote enlightened discussion of the issues by matured professionals (Ibid.).

Codes are perceived to be dynamic documents inviting discussion on the stated values and principles. After the adoption of a code the impression should never be given that further discussion is not necessary anymore. The “evolving concerns” of all stakeholders should receive attention in on-going discussions and be reflected in the code.

Although a code with no enforcement possibilities is really not strong enough to elicit desired behaviour, a code instilling fear in members and forcing compliance through excessive supervision will not win enduring support (Gavin : 34). An organisational culture and spirit encouraging compliance and a shared feeling of “let’s live the code” will breed enthusiasm for supporting the code.

3. THE PURPOSE OF CODES.

There have already been referred to the wider context in which the phenomenon of codes of ethics and conduct has emerged. The diversity and the typical aporetic environment in which members of professions and certain occupations have to make responsible decisions, call for some form of guidance. A major danger participants in the public or business world encounter in a growing sense today is that of conflict of interest. Accidental or wilful mismanagement of this factor has contributed to one of the world’s biggest contemporary problems, namely corruption.

Concerning this phenomenon of corruption and the corresponding aspect of the overelaboration of self-interest seemingly endemic to most, if not all, parts of the world, codes are intended to alter people’s behaviour. It is believed, and apparently established that codes increases “the probability that people will behave in some ways rather than ,others” (Lichtenberg 1996 : 15).

Not many will disagree with the view that most people fall short of our ideal of a good person. Lichtenberg (17,18) correctly points out that whilst “bad people will not be moved to comply except by implausibly harsh ...sanctions...people are often not brought to the explicit consciousness of the character of what they are doing or not doing.” In this instance a code has, according to him (Ibid.), an important purpose in that it enhances the possibility of people not only changing their behaviour, but also how they view it. It establishes “baseline behaviour” for individuals within an organisation (Mathews 1988 : 24).

What is needed to promote this is some form of discussion. I agree with Fullenwider (1996 : 49) that legislation or pseudo-legislation such as codes will not bring about important virtues of the professions. A commitment to ethical action and a “willingness to participate in moral deliberation” is, however, more essential. That no code will be sufficiently comprehensive to provide the moral answer to all situations, makes discussions on moral issues all the more necessary. Fullenwider (51) is of opinion that moral deliberation should be “both personal and communal”. A code, according to him (73), supports moral understanding by connecting a profession to a moral purpose; helping professionals to see their practices as ‘performance for public good’.

The purpose of having a code is being constantly reminded that the connection of the organisation or profession with its vision, entails the well-being of the client, consumer, citizen and the environment. With this conscious identification, codes demonstrate an endeavour for showing concern for issues of social responsibility (Mathews : 24). Codes’ reminder, then, is that the bottomline is not profit or performance above all, but also being prepared to be held accountable for services rendered to the customer or to the public at large and the respect shown for the environment in which it was done.

4. LEGITIMISING OF A CODE.

Fullenwider (1996 : 83) makes the point that a professional code “tells practitioners who and what they are” and that it “helps create the community of users”. Once unified and functioning as a body of practitioners they will not be automatically accepted as being legitimate. In the sphere of service-rendering legitimacy has to do with the justification of an individual, group or institution of its existence with both the practitioners and the intended beneficiaries accepting its existence as justifiable. One of the important values mentioned in the discussion thus far, namely *trust* or *faith*, is fundamental to any legitimisation attempt. The adoption of a code seeks to address the fundamentals of legitimisation.

It is common knowledge that public functionaries are really trustees as they have the public’s interest and general welfare at heart (Schwella 1991: 52). Growing “public cynicism about public institutions” increased “public demands for decision-making” (Himelfarb 1996 : 24) had made the question of the legitimacy of the public official or business rendering service a very crucial one.

The professions, organisations and the corporate business world, however, should certainly take a very serious look at their relation to the public, or sector of it, they serve. This relation is frequently described as one of paternalism with the professional, public official or businessman in the superior position. Reeck (1982 : 62) poses the question on whose authority the so-called codes are drawn up. “Who is to ensure that the legitimate interests of the clientele or consumers are represented in the writing and adoption of the code?”, he asks (Ibid.) and also brings the interests of the broader society into reckoning. There really seems to be a necessity for the profession, organisation, corporation or public institution to engage in some sort of interaction with society; especially at local level. Otherwise a code can be perceived

as a one-sided affair and will postpone the respect of society or clientele for the code as an expression of professional's or institution's mission..

Surveys conducted in South Africa have demonstrated the negative perceptions still held in this country towards public institutions such as the SAPS. This factor underlines the necessity not to ignore society's view on the manner in which officials ought to be treated. Codes alone will not legitimise an institution's or its members' existence and actions.

Legitimacy is, however, also an internal matter. One must take note of an increasing disaffection towards the workplace which results in employee distrust and doubt (Piper : 1). Respect for and a feeling of benevolence towards management and commanders cannot be taken for granted. On the contrary, it has been found that resentment has deepened and "cynical tendencies have grown into a world view" (Ibid.).

As has been referred to previously, a code is a manifestation of the identity of professions, occupations or organisations. An important aspect of this identity is that people for whom a code is intended, should be involved in the development and institutionalising thereof (Kleinig : 236). As the code expresses public promises, vows or commitments members should take part in the formulation of and agreement to them. An honourable commitment (Ibid. : 238) which the profession or occupation requires is usually conveyed through the code and members' ownership thereof is cardinal. The articulation of responsibility is usually implicitly or explicitly stated along with a commitment to honour or excellence. Without the cooperation of the members the commitments and promises will be empty. It is the expectation that the values, standards and principles which is expressed in a promissory manner in the code, will foster trust amongst the recipients of it.

The involvement of members throughout the process of developing codes seems, then, to be crucial for the legitimising of a code. The King Report (1994 : 25) emphasises this aspect saying that a code should be developed "in such a way as to involve all employees from union management down so that the ethical culture is infused into the organisation." It should not be the product of one committee finalising it after only one meeting. The process entails a discussion and re-discussion of the issues and values expressed in the code. Moral deliberation, as one of the objectives of a code, will contribute to the ethical sensibility of members and help them to make the connection between the code and the moral purpose it conveys.

5. RELEVANT CONCEPTS

In the discussion on codes and relevant themes many concepts are used. Frequently, it seems, as if some of them are also used interchangeably. To curb confusion over the concepts which will be used in this dissertation most of them will be discussed here.

The following concepts are relevant and need to be clarified: values, virtues, rules, standards, norms, principles, moral(s) and ethics. One must remember that in this discussion human behaviour is at issue and all these concepts pertain to something

people do or fail to do. In essence this behaviour has also to do with exemplary behaviour in which something of an acceptable or of a higher order is attained or aspired to.

5.1 Ethics and Morality

‘Ethics’ has become a buzz-word of our time. Although there may be overall consensus on the importance of ethics, there does not seem to be unanimity on its meaning. Definitions usually reflect the context in which they are used; e.g. organisationally or interpersonally; or the motive of the person using the concept. Definitions vary from one extreme, viewing ethics as a set of high moral principles to another viewing it as a set of specific behaviours whose only function is to keep one out of jail (Karp *et al* 1992 : 37). The main problem the authors (Ibid.) identified is that there is “no universal definition (for ethics), no clear objectives and no agreement on appropriate behaviours”.

Newman (1996 : 20) refers to three primary definitions of ethics: “as the principles of morality, particularly those dealing with the right or wrong of an action; as the rules of conduct for members of a particular profession; and as the science of the study of ideal human behaviour, the concepts of good behaviour.” She (Ibid.) correctly points out that when dealing with professional ethics any improper emphasis on any of the three at the cost of the other meanings may bring misunderstanding or possible misapplication.

Ethics and morality are in many instances used interchangeably. Morality stems from the Latin word *mor* (Reader’s Digest Universal Dictionary) which pertains to customs or habits of conduct. When used as a synonym for ethics it points to behaviour or customs which are specifically regarded as acceptable or unacceptable. Correspondingly the word *moral* is also used interchangeably with the word *ethical*. Newman (20) points out that if a distinction is to be made ethics refers to the “science of rules and standards of conduct and practice”, whereas morality “refers to right practice”. According to Reeck (1982 : 22) *morality* entails “socially approved” patterns and norms associated with proper conduct. When systematic reflection begins to occur, “it shades over into ethics”(Ibid.). In this dissertation I will follow Newman’s choice (Ibid.) of the terms ‘ethics’ and ‘ethical’ with firstmentioned pertaining to the study of right and wrong behaviour and ethical to the right practice.

The simplest way of looking at ethics is just as a matter of ‘doing the right thing’ (Karp *et al* : 38). It is a practice-constituted phenomenon operating in business and management which are thoroughly and undeniably oriented towards practice and action. An ethics which tries to be appropriate to the changing world cannot be confined to the declaration of principles. It should surely work its way into processes and decisions tended to be regarded as basically ‘technical’ or ‘instrumental’ (Lozano 1996 : 233). Although the contest between an emphasis on analysis and an emphasis on rules and regulations has not been settled (Ibid.), the appeal to be able to apply the principles in practice and in crises has been persistent.

Ethics provides “the structure to convert values into actions”; transcribing them into “effective and appropriate behaviours that respond to the realities of day-to-day life.”

(Karp : 38). The bottom line of promoting an ethic, is not to violate a value, but to protect it as well as the integrity of the individual or organisation espousing the value (Ibid.).

5.2 Values

The concept “value” is known in general conversation as “the worth of a thing” or that which is “thought to be good, or desired” by a person or a community (Edwards 1967 : 229,230). In the nineteenth century a conception of Plato to discuss questions under the headings of the good, the end, the right, virtue, moral judgement, aesthetic judgement, the beautiful, truth and validity was “reborn”. In essence all these questions are of the same family because they relate to value or what ought to be, not with fact or what is, was, or will be. It was not only helpful to group these questions, but they are also better managed if they are thought of as part of a general theory of value and valuation.

The use of this concept as an abstract noun in a narrower sense concerned only that to which such terms as “good”, “desirable (and) important” (Reader’s Digest Universal Dictionary), or “worthwhile” are properly applied. In a wider sense it was meant to cover, in addition, all kinds of rightness, obligation, virtue, truth and holiness (Edwards : 229).

The important fact of valuation by man of things, experiences and actions is that it “provide(s) him with guidance for his behaviour.” (Roubiczek 1969 : 219). For some it is even the expression of an individual’s or group’s identity and purpose in life (Karp : 38). We hold values as “critically important” (Ibid.) for ourselves and they are “what you value above all else” (Murray : 130). It implies something of an ownership of valuations regarded by us as necessary for our existence.

There seems to be something which MacIntyre (1981 : 204) called a ‘disposition’ to be present, for it is not only our judgement which makes something valuable or desirable. We are reminded that both the subjective and objective elements have to be taken into consideration as all values are not a matter of taste (Roubiczek : 220). “...(I)it is the saving of the life which is good and not our judgment of the act which makes it so; and beauty does not lie entirely in the eye of the beholder, but resides in the object as well” (Ibid.).

To be valued values ought to be “embodied” (Ibid. : 221), as goodness or honesty cannot be experienced in the abstract. They must be acted upon (Karp : 38) as refraining from doing this can severely damage to the credibility of a declaration of intent. It is also through their application that we become aware of certain qualities in the action (Ibid.) or experience. Roubiczek also includes things or objects as values, but perhaps their significance becomes only relevant in the way we experience and appropriate them.

Values play a decisive role in that they “define who you are” and a system of values defines the purpose of the existence of a person or an organisation (Karp : 38). They



act as a lighthouse maintaining a central or clear position of visibility and directing ships to safety (Ibid.). In the same vein they fulfil the role of road signs or, in time of turbulence or danger, as seat belts, keeping travellers on track or free from bumps.

J. Rousseau wrote in *The Social Contract*: “Men always love what is good or what they find good; it is in judging what is good that they go wrong.” (As quoted by Wellman 1988 : p 77).

5.3 Virtues

Virtues are sometimes used in the same vein as values. Some commentators do not want to make a difference anymore as the meaning which virtue once had “has acquired misleading overtones...” (Roubiczek : 222). More so than with values, the qualities of a value-judgement of an action acknowledged to belong to the “doer’s character” (Ibid.) can be regarded as a virtuous disposition of the doer. It is MacIntyre (204) who highlighted ‘disposition’ as an aspect of the moral agent’s approach to specific actions. According to him (178) a virtue is “an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods.” They are “dispositions which will also sustain us in the relevant kind of quest for the good, by enabling us to overcome the harms, dangers, temptations and distractions which we encounter, and which will furnish us with increasing self-knowledge and increasing knowledge of the good” (204). For him (175), morality should be understood in terms of a life embodying the virtues defined in relation to the ‘practices’ in which they exist. ‘Practices’ refers to the moral and “primary context for learning and exhibiting the virtues” (Camerer : 14) with its historical (MacIntyre : 181) and “co-operative human activity”-dimension (Ibid. : 175).

The Reader’s Digest Universal Dictionary refers to virtues as a “specific type of moral excellence or other exemplary quality considered meritorious; a worthy practice or ideal.” Like values these dispositions have to be embodied to be experienced.

5.4 Norms

According to the Reader’s Digest Universal Dictionary a *norm* pertains to “a standard, model, or pattern regarded as typical for a specific group”. Originally the concept comes from the Latin word *norma*, which means a carpenter’s square or rule. The instrument both “exhibits and guides ‘squareness’” (Rudnick 1979 : 45). In this sense a norm indicates and asserts moral

Axelrod (1997 : 45) makes an, perhaps obvious, observation that norms “still govern much of our political and social lives.” He (Ibid.) points to a phenomenon amongst individuals and nations which exhibits a coordination of behaviour in order to regulate conflict. When this coordination takes place without the facilitation of a central authority to govern the behaviour, he says one tends to ascribe it to the existence of norms.

An important feature of norms which Axelrod (46) highlights is the fact that their authority can change in a surprisingly short time. Whilst norms are in the day-to-day routine not usually so prominent in our thoughts, we become intensely aware of them when they are challenged (Ibid.). Some challenges succeed in bringing about new norms and some fail to do so.

5.5 Standards

In general, 'standard' is used synonymously with a 'rule', although it may also suggest model behaviour (Newman : 21). The dictionary meaning highlights it as "an acknowledged measure of comparison for quantitative or qualitative value..." (Reader's Digest Universal Dictionary). Standards are also considered as criteria and norms (Ibid.); a model to abide by or aspire to. Participating in a sport does not only entail 'going through the motions', but certainly consist of concerted effort to play the sport correctly and to improve performance constantly. Being successful at a tertiary institution is not brought about by adhering to entrance requirements, but surely by meeting the ongoing requirements and attach some "qualitative value" to one's study. Likewise, might it be not enough to say you respect the rules of the game or of a relationship, but you do not create an atmosphere in which respect can flourish. It seems that standards encourage one to stay aware of the state and level of one's involvement in an action.

5.6 Principles

Principles(ethical) are seen to be broader than rules or codes and provide guidance for making decisions (Newman : 22) or shaping conduct. In dicta such as "do no harm" and in the case of the Golden Rule people find guidance for making ethical decisions and setting standards. They can serve as a basis for handling disputes and insecurity when rules conflict, standards are changing and no specific guidelines are found in codes and rules concerning contemporary ethical concerns.

In the postmodern world, however, it is not very easy to identify principles as something permanent and authoritative for all situations. Some, like the Golden Rule, have come a long way and may still be consulted in the future. With the endangerment of the environment and species; man included; and the phenomenon of a people-centred approach to problems and dilemmas, a new valuation is given to a principle-centred approach. In trying to find answers one may find that principles may conflict, but applying them "will be extremely useful for guiding the resolution process" (Ibid. : 50).

6. CORRUPTION AND CODES.

In a report on corruption the World Bank (1997 : 4) concludes that the phenomenon is a "global problem". World-wide reports in the media confirms this. The causes are found to be complex and are rooted in weak institutions, developing and transition settings, poor control measures and informal organisational rules overriding the formal rules (Ibid. : 12,13). Contemporary South Africa has not escaped these developments. The most alarming of all changes, however, was the aberration of crime and violence in our country. Apparently a huge loss of respect for people,

property, customs, traditions and beliefs has surfaced. An increase in corruption and maladministration and the emergence of an atmosphere of distrust towards public institutions were not surprising. Against the background of disrespect and volatility corruption can certainly be seen as a slice of the macro problem.

In order to understand what is meant by corruption when the issue is debated, it is important to know that the concept entails more than just the law's definition. The socio-political debate usually involves categories like bribery, fraud, stealing, extortion, robbery, swindle, embezzlement, nepotism and maladministration to constitute the concept of corruption.

If one only uses the legal definition the complete picture of the alleged decadency of our society will be lost. South Africa's legal definition states that anyone who "gives or offers to give any benefit" not "legally due" to any person who is commissioned "by virtue of any employment" to purposefully influence or reward the person to "commit or omit to do any act in relation to such power or duty"(commission) is guilty of corruption (Republic of South Africa 1992: 2-3). In the same vein someone is guilty when he/she with such a "duty or power" by virtue of employment and "receives or attempts to receive" a benefit for committing or omitting to do any act in relation to such power or duty. According to this definition at least two parties' participation is necessary, namely a corrupter and a corruptee, as well as an illegal exchange of some reward in return for preferential treatment resulting from the performance of a public official's duties or powers. This definition, however, rules out any action where an official commits a dishonest deed with no 'corrupter' involved. Also in turning a blind eye to a friend or family member's offence and in the protection of a colleague in an investigation against him, "no identifiable exchange takes place" (Syed 1997 : 3). Despite falling outside the parameters of the legal definition many regard these offences as corrupting in nature.

The broader definition of corruption is employed by the socio-political approach. Syed (Ibid.) is of opinion that the definition of the Collins English Dictionary, namely "moral perversion; depravity ... an act lacking in integrity" can be relevant. Although this definition is in turn very vague, it can serve as a "useful check" of any formal definition or explanation seeking only clarity and some measure of objectivity. Last mentioned description is in danger of undervaluing important ethical principles and values and thus becoming irrelevant (Ibid.). The inability to find a precise definition illustrates the complexity of the phenomenon of corruption. The Council of Europe (as quoted by the World Bank report : 20) could find no such definition which applies to all forms, types and degrees of corruption or which would be unanimously accepted as covering also those acts which are considered in every jurisdiction as contributing to corruption. In an attempt to find one that could include most forms the World Bank in its report (8) settled for a concise definition - "(corruption is) the abuse of public office for private gain."

In reports and discussions on curbing corruption the necessity of a code of ethics or conduct has cropped up everywhere. Codes are seen to be instruments to combat the breakdown of integrity and the erosion of values. For example, the World Bank (31) expresses its support for a proposition that bidders under aid-financed contracts be screened in terms of whether they have established corporate codes and compliance

procedures which discourages bribery. In the case of the SAPS the code of conduct was also seen as a measure of rescuing the Service from an image of corruption and unprofessionalism. The acting chief executive officer of the Service referred to the code as the police official's new "Bible" (Huisgenoot : January, 29 : 1998 : 12).

7. CONCLUSION

The significant role which codes played over many decades this century accentuates the value they have in conveying a clear message from the creator thereof to the recipient and to the client. In the endeavour to establish identity and relationships codes have become the vehicle to build trust and have thus also become a symbol of hope. It suffices to say that the interaction between the relevant role players calls for sound communication. In the following chapter the importance of open and transparent communication will be discussed in the developing and institutionalising a code of ethics or conduct.

II THE DEVELOPMENT AND THE INSTITUTIONALISATION OF CODES.

Whilst efforts are made to place values and desired behaviour in the context of a larger purpose or *telos*, there is always the possibility to commit teleopathy (Goodpaster 1991 : 94), literally the ‘illness of purpose’. In an organisational context it means the “unbalanced pursuit of goals and purposes” (Ibid.) in which the long-run consequences of acts are overlooked.

Protagonists of codes have to be realistic in their presentation of codes as the inspiration of acceptable and respected behaviour. Although they might believe in the all-round value of codes, they should bear in mind that the creation and imposition of codes ought not be a one-sided affair. People’s resistance to rules and regulations, their insistence on involvement and the importance of transparency emphasise the involvement of all parties. Not even the honourable motives of compilers of codes or their expert analysis of the problem will be enough to overcome apathy or resistance to a one-sided imposition. The development and the institutionalisation of a code is a comprehensive and sensitive process and should be treated as such. The following elaboration will try to explain an understanding of this complexity.

1. THE DEVELOPMENT OF A CODE OF ETHICS OR CONDUCT

The important thing to understand when a code for an organisation is envisaged, is the current condition of the organisation and the probable response to the launch of the initiative (Murray : 130). Several key points have to be considered when a code is developed (Ibid. : 105), namely

- a clear *purpose* - you must be sure what you want to attain.
- a *process* steering the development involving people who will be affected by the code.
- a comprehension of *predecessor* codes or statements of principles/values and the role they played as well as the manner in which members submitted to them.
- a family of *vital values* or *principles* on which the code will be based will be needed.
- an arrangement of the contents which is *practical* and relevant to the members of the organisation.
- a two-way *promotional* process to aid the communication and implementation of the code as well as obtaining feedback to help review and update it.

1.1 Clarity of purpose

With regard to the objective of developing a code, the answer to the question on why the initiative became necessary, has to be clear. A crisis concerning the credibility or legitimacy of the organisation might have triggered the project. It might also mean that the organisation wants to readjust its strategy on rendering service. All in all the purpose might be to convey the message that the organisation or company is seriously committed to ethics and will be using the code to recover some agreement on values

(Ibid.). Through this effort a “social integration” (Rossouw² : 321) promoting shared organisational conduct is not only achieved, but it can also have dividends for the external relations.

Although results of a survey published in 1988 showed that only 7% of the codes emphasised reputation and 46% mentioned the need to maintain the corporation’s good reputation (Mathews : 65) the pressure is surely on corporations, organisations and institutions to protect their image. This has become essential not only for economic survival, but also for socio-political reasons. People demand today to be treated humanely and that business, along with government, fulfil their social responsibility. Codes have, therefore, also been developed to appease or impress the external stakeholders (Rossouw²: 321). It has also been found that codes have been adopted to curb government intervention as well as to reduce the risk of being sued (Ibid.).

These documents have also been seen as the products of a new world culture, namely that of postmodernism (Ibid.). In this era the locus of control has shifted from standard procedures and processes to open and adaptive networks and project teams. Control within an organisation is perceived not to come from the top or from outside, but replaced by an internal locus of authority. In a postmodern perspective codes are seen to be instruments which foster a common commitment to values among employees (Ibid.).

1.2 The Process of Development

In many instances codes have been developed at the top level of organisations and then issued to members. Despite the fact that the development might have been characterised by the compilers’ wisdom and skilful communication, such a development is less likely to produce best results in terms of commitment by employees. Generally it is then experienced that the code is imposed upon them. Murray (106) emphasises several key factors necessary for a successful process and are forthwithly discussed with some added remarks of Rossouw².

- In the first instance *creating an awareness* of the need for a measure such as a code of conduct has to be done.
- Closely related to making members aware of the role a code could play, is the *identification of issues* affecting members and/or stakeholders. Through research; including questionnaires, interviews and group discussions; the creation of an awareness as well as the discovery of the relevant concerns can be brought about. (Rossouw² : 323) agrees that the process is primarily one of research.
- *Involving* as many people at all levels in the formulation and the process is of cardinal importance. During the development consultation ought be undertaken as an essential ingredient of the process. This is also necessary for the sake of legitimisation of the code, internally and externally (Rossouw² : 324). The consultation should also have a broad consensus on values in mind to ensure ownership thereof (Ibid.). A process of value clarification ought to be part of this phase (Karp : 41).
- People must be found representative of all areas and levels of the organisation who will act as *champions* and advocates of the code. They ought to be part of the discussion on the drafting of the code.

- *Alternative styles* have to be considered in order to decide on the contents of general principles or explicit regulations dealing with actual problems or dilemmas facing employees.

2. FACTORS INFLUENCING THE INSTITUTIONALISATION OF A CODE

2.1 Organisational or corporate Culture

Organisational or corporate culture is a crucial aspect in the successful institutionalising of a code. The culture must be conducive to open discussion where participants experience that their opinions are valued.

“Outstanding corporations cannot be created in a sea of distrust.” (Piper : 3). It has been pointed out that businesses fail to fulfil their obligations not from shortcomings in tools, techniques and theory, but “from an absence of vision, a failure of leadership, an inconsistency or insufficiency of values that saps all sense of individual or organisational purpose and responsibility” (Ibid.). An enthusiastic effort of members to achieve the organisation’s goals is brought about when people believe in something larger than themselves (Badaracco 1989 : 80). One agrees with the author when he accentuates that “the first and most fundamental component of a company’s strategy (is)... (a) sense of purpose” and “motivating people and forging a consensus...” (Ibid. : 75).

The big influence of organisational or corporate culture cannot be underestimated as many argue that “ethical behaviour stems from an ethical corporate culture” (Chen *et al* 1997 : 857). It has also been equated with an identity and a distinctive way of life (Gavin : 32.33). Pratt (1989 : 10) refers to ‘corporate culture’ as a “system of shared values” and that it exhibits features of anthropological culture such as the “habitual and traditional ways of thinking, feeling and reacting that are characteristic of the ways a particular society meets its problems.” The definition of Reidenbach and Robin (as quoted by Chen *et al* : 857) concerning the organisational context is notable for this discussion: “(Corporate culture) ...is the shared values and beliefs of organisational members, specifically beliefs about what works within an organisation, and values about preferred end states and the ... approaches used to reach them.” Not only the existing values, beliefs or customs are important, but also those which do not yet exist or are not appropriately emphasised.

The culture of corporations or organisations is then regarded to be based upon customs, attitudes, beliefs and values of the members of the it. Mathews (34) points out that in many cases the unit of focus in the corporation is the individual and the small group. It is worthwhile for the discussion to bear in mind that the constraints upon or promotion of action and behaviour are strongly influenced by the norms and values, not only within the corporation or organisation, but in the small group too (Ibid.). Chen *et al* (858) emphasises that the common values and norms affecting ethical behaviour are more likely to be found in subgroups within an organisation

than in the organisation as a whole. This happens, for example, through the reinforcement of behaviour caused by the praise or damnation of the peer group, individual colleagues, supervisors or bosses. Within the context of the culture of the organisation the very sensitive factor of cultural diversity or pluralism must also be taken seriously during the process of institutionalisation.

As the corporate culture is found to be the “vehicle for delivering and communicating that common set of values” (Chen *et al* : 858) the introduction of a code of ethics or conduct into a culture should consider this context very seriously.

2.2 Organisational Culture and Leadership

In a world-wide survey of 232 companies by an American associate group, Development Dimensions International, the competencies of employees necessary for making a business successful in the new millennium were identified. According to a consultant competencies are understood as anything which one ought to be able to do to be effective in a job, role, function, assignment or duty (Sake Burger : 14/8/1998). Of the ten most important competencies identified, service to clients was on the top of the list. Of equally importance was, however, that competencies involving leadership made up 50% of the list, namely strategic leadership, visionary leadership, team work, development of organisational competency and individual leadership. Apart from this, innovation is regarded as the second most important competency. Even this competency with its inherent daunting challenge will call for some form of leadership. The change in the view of companies on which competencies will make them successful in the future, is significant. On the old list showing the competencies needed for this century, innovation is only eighth and strategic and visionary leadership did not even make the list. Individual leadership and organisational competency also replaced quality control/attention to detail and analysis. The growing attention of companies and organisations to their social responsibility confirms the high ranking given to client service. This factor and the emphasis on leadership calls for a continual awareness of an important dimension of organisational and personal behaviour getting its fair share of attention. In the following discussion on leadership this will be elaborated on.

It has been noted that leadership is an important factor in the building and support of an organisation's culture (Gottlieb *et al* 1996 : 1277). In an attempt to discuss the role of leadership in creating a culture conducive to the successful incorporation of a code of conduct or ethics a warning of James MacGregor Burns (as quoted by Gini 1997 : 323) should be kept in mind. He was of opinion that “leadership is one of the ... least understood phenomena on earth.” Keeping this in mind, the focus will rather be on a specific activity called by Gottlieb *et al* (1277) the “symbolic activity” of leadership.

Gini (324) refers to a fallacy which equates “Good Leadership” with “Good Management”. He agrees with other writers that it should also not be confused with status, power, position, rank or title. Leadership entails more than holding an office, enjoying prestige and authority or having to make decisions. He (Ibid) defines it as “a delicate combination of the *process*, the specific techniques of leadership , the

person, the specific talents and traits of a/the leader, and the general requirements of the job itself.” With regard to the process of leadership he (Ibid.) points to the very important “power and value laden relationship between leaders and followers/constituents who intend real change(s) that reflect their mutual purposes and goal(s)”. The role he sees for power in this process is in the sense of “stewardship” (325) with the intention to guide followers in the attainment of a purpose or common goals.

With the element of power present in the process of leadership there is always endeavours to “establish guidelines...(to) set the tone and (to) control the manners and morals of the constituency...” (Ibid.). This orchestration and direction puts leadership squarely into a consideration on values. Gini (Ibid.) states categorically that “(A)all leadership is value laden. All leadership, whether good or bad, is moral leadership.” The role of the symbolic activity of leadership in this process cannot be underestimated as an attempt to legitimise and rationalise organisational activity (Gottlieb *et al* : 1278). There is concurrence amongst writers that the leadership role also comprises those symbolic actions concerning ethics and ethical behaviour. Surveys supported the expectations that organisational leaders ought to be the people who state and portray ethical standards, policies and examples of ethical management (Ibid.). Goodpaster (1991 : 97) states the importance of principles touching practice in the heart and mind of the corporate leader.

It is Piper’s conviction (121) that outstanding leaders should be emphasised as part of the “guiding program beliefs” of an organisation. With the current emphasis on centrality of values in the guiding program beliefs of organisations, it is therefore quite expecting to find that leaders should be experts in the promotion and protection of values (Seleznick as quoted by Badaracco : 66) or the furtherance of an ethical culture. In a very comprehensive book on leadership and integrity, *Leadership and the Quest for Integrity*, Badaracco (Ibid.) concludes that the main task of leaders are to energise followers to act in support of higher corporate purposes. It is the value-driven leadership that makes it not only possible to transcend self-interest, but also transform personal and corporate behaviour (Ibid.). More writers, such as Gottlieb *et al* (1278), emphasise the importance of transformational leadership in distinction of transactional leadership. Whereas lastmentioned is concerned with maintaining the current order in an organisation(Ibid.) and the exchange of money, power, status and ‘perks’ by leaders for the response they want from subordinates (Burns, 1978, in Badaracco : 67), transformational leadership concerns leaders who guide and initiate change (Ibid.; Gini : 326). After all, Burns (as quoted by Gini, Ibid.) said that the leadership process is the “...carrying through from decision-making stages to the point of concrete changes in people’s lives, attitudes, behaviours (and) institutions...”

Transformational leadership encourages cooperation and involvement (Badaracco : 67; Gottlieb *et al* : 1278). By making followers conscious of the strength of their needs or altering them, and motivating them to new and higher levels of organisational performance, the focus are on group effort rather than on individual effort. Bass, as quoted by Gottlieb *et al* (Ibid.), believes that the level of awareness about the value of outcomes are raised by the leader articulating and showing followers ways of reaching them. Burns concurs with his statement that “[Transforming] leadership occurs when one or more persons engage with others in

such a way that leaders and followers raise one another to higher levels of motivation and morality.” (as quoted by Badaracco : 67). This involvement leads to the fusing of their purposes which may initially may have been separate (Ibid.) and a “...shared vision of a desired future state...” (Gottlieb *et al* : 1278).

This style of leadership are seen to have the ability to influence ethical norms and decision-making in organisations by leading by example, by putting organisational events in an ethical context and their potential to move ethical issues from an individual to a group level (Ibid.). Its ethicality lies in the fact that it raises the level of human conduct and ethical aspirations of leader and follower, transforming both. Despite the notion that the “compact” (see Gini : 326) between leader and follower is inherently asymmetrical, transformational leadership works towards the linking of power bases not as counterweights but as mutual support for common purpose (Burns in Badaracco : 67).

The central requirement of a leadership process which comprises a dynamic relationship between leader and follower is for leaders evoking consensus in their constituencies (Gini : 326). Transformational leadership succeeds in evoking common ground and creating a sense of teamwork and enjoys the benefit of group process and new norm setting at that level (Gottlieb *et al* : 1278). Subordinates are empowered and made “collaborators” (Gini : 326) and will increasingly act reciprocally with organisational leaders (Gottlieb *et al* : 1283). What is important to note in this respect is the changing of the role of the leader from director and manager to “coach or facilitator of dialogue” (Ibid.). Leaders are confronted with the challenge to counter the emphasis today on individualisation, apathy, anomie and alienation. To promote an atmosphere of discussion and dialogue in such off-setting circumstances can be demoralising.

In answering the statement “What is needed” for the creation of ethical norms and assumptions within organisations and having a broadened focus on ethical issues that ‘ultimately’ direct an organisation’s decisions and eventual actions, Gottlieb *et al* (1280) highlights three dimensions. They are: (1) leaders with integrity and social conscience; (2) organisational cultures that foster dialogue and dissent; and, (3) organisations that are willing to reflect on and learn from their actions. Only the first dimension will be forthwithly discussed.

2.3 Leaders with integrity and social conscience

Leadership in organisations should endeavour “to integrate a concern for others into the basic cultural assumptions of the organisation.” (Ibid. : 1281). Decisions could then be regarded largely as ethical when the interests of all who may be affected are considered (Ibid.). An awareness of interdependence in a constituency going beyond owners, executives or employees to the public, other stakeholders or others who may be affected by the activities of the organisation (Ibid.) are encouraged by leaders who have integrity. Integrity is then seen to be the integration of self and environment (Ibid.).

While some people are sceptical about virtuous dispositions such as integrity and ethical awareness, referring to integrity as “a Boy Scout trait” (Badaracco : 98) and

calling *Ethics and Business* “the shortest book in the world” (Nash 1990 : 80) they are catching the attention of more and more people. It is the conviction of many commentators that integrity or character is at the core of an understanding of leadership (Gini : 326; Badaracco : 98). People have become disillusioned by the pervading sense of dishonour and infidelity displayed towards fellow man and are searching for some form of healing.

Many believe that a new commitment to integrity and character-building will encourage correction. The search for meaning in its most comprehensive dimensions “embraces all that is ultimate and intimate” (Piper : 20). It entails a process of seeking order, pattern, significance and an activity of “faith” strongly connected to people’s longing for “ultimate trust and value” (Ibid.). It is believed that the patterns and contents of this activity forms the foundation of ethical(moral) choice (Ibid.). Although an opting for integrity and character may be idealistic, it is an act of faith by many.

The aspect of ‘integration’ and incorporating the interests of all concerned in making decisions, really derives from the core meaning of the concept. Integrity comes from the Latin word *integritas* which means “completeness, purity” and has come to suggest *inter alia* “a strict adherence to a code of moral values; complete sincerity or honesty” (Reader’s Digest Universal Dictionary). It comprises also the meaning of “the state of being unimpaired; soundness; completeness; unity” (Ibid.). From this range of meanings it becomes clear that the search for making sense of the unwholesome situation people find themselves in, brought this concept into reckoning. Whether it is in their personal life or organisational life; the concept seems to be appropriate for this endeavour.

If the concept has attracted the meaning of ‘integration’, it certainly entails an integration of principles into a person’s life as well. This is shown by identifying commitments which “provide continuity and unity through the course of life” and the conduct which “reflects the espoused principles” (Freeman : 76). This embodies a sense of “wholeness” or of “being together” (Ibid.; Delattre 1989 : 12). Delattre underlines the aspect of being “one thing through and through” as the process of homogenisation of milk suggests (Ibid.). In this regard he quotes the dictum of Kierkegaard: “Purity of heart is to will one thing”(Ibid.). The aspiration to be the same person in public and private life and making certain kinds of excellence integral to the whole life (Ibid.) will contribute to a state of wholesomeness.

The story of Plato of the Magical ring of Gyges illustrates a tendency of man to behave incongruently with what is accepted to be the norm. In this story the wearer of the ring becomes invisible when wearing it, though the person could still affect the material world as visible people could do. On account of the fact that the wearer of the ring could go undetected there was no fear being caught or of reprisal. It is not unexpected then that a certain servant when given the ring misappropriates it to the deadly detriment of even the protector of all other people’s interests, namely the king. The question “How would you behave differently; if you could behave differently; if you could make yourself invisible?” (Ibid. : 13) brings the challenge to integrity to the fore. It has been said that if we possessed the ring of Gyges there would be no reason for doing the good (Vicchio : 1998). The issue of congruency or

consistency in behaviour as well as a will to promote the good seem really to be at the heart of this challenge.

Badaracco (99) points out that interviews with seven leaders revealed that they aspired to a consistency and a coherence among what they believed, how they managed, and the kinds of organisations they wanted to build. It is this consistency “of personal beliefs and values, daily working behaviour, and organisational aims”; which he calls integrity (Ibid.). He regards behaviour which bonds certain values and aims as a critical element of leadership (Ibid. : 206).

In conclusion, Vicchio modestly attempted to identify some virtues appropriate for the profession of a public official such as a police officer. Along with some primary aspects quoted by Gottlieb *et al* (1281), the accents of Badaracco above and Smit’s (Die Burger 16/09/1998) discussion on one virtue, the following core predispositions of integrity are presented:

- prudence - practical wisdom or *phronesis*, the virtue of deliberation, discernment and sound judgement. It is the capability to disentangle apparent conflicts between virtues and to decide what is appropriate for the situation.
- a willingness to learn or *docilitas* - this willingness to learn also entails a willingness to listen, to be told (Smit : Ibid.). It assumes the possibility to be taught. Vicchio refers to it as “intellectual honesty” when you are able to acknowledge that you do not know something and are humble enough to admit your ignorance.
- effacement of self-interest - this virtue enables a person to subordinate her/his own interest. It is a sure measure against the exploitation of people or citizens in the case of public officials.
- courage - Vicchio refers to Aristotle’s description of courage as the golden mean between two extremes: cowardice and foolhardiness. Moral courage is the ability not only to know the right thing, but also to act upon it. Anton Rupert (Class notes 1998) referred to it as a commitment to press steadily ahead even though you may be aware of everything that stands in the way.
- justice - it is the ability not only to give an individual her/his due, but to adjust it in an effort to give what is owed to particular citizen in a particular situation.
- cognisant of other alternatives to take - a person of integrity do not attempt to evade responsibility by supplying excuses for poor performances, bad judgement or incomplete jobs. She/he is willing and cognisant of the possibilities to address problems.

The story of the ring of Gyges also confronts us with the question Why be moral? In the section on ethics education this question will be addressed also.

2.4 Ethics Education and Training

Mary Midgley’s statement (as quoted by Goodpaster : 97) is perhaps many people’s approach in answering the question ‘Why be moral?’. She states that “(M)moral

judgment is not a luxury, not a perverse indulgence of the self-righteous. It is a necessity...Morally as well as physically, there is only one world, and we all have to live in it." We are reminded (Derry 1991 : 121) that the above question, as a question on ethical motivation, overlaps with the larger one on motivation in general. In trying to address this issue we must bear in mind that value-neutral education is not attainable as "education-in-action conveys ethical content, by omission or commission" (Ibid.).

Is it not so that self-interest is the premiss for many of our endeavours to act good? Can we then ask along with Derry (Ibid.) why it is then in my self-interest to act ethically? His proposition is a concept of the self as "intrinsically collaborative" (123) as a necessary requirement for institutionalisation of ethics. It will also show characteristics which go beyond self-interest. The collaborative self thrives on the motivation to promote mutual growth and work towards combining efforts to achieve shared goals. In the endeavour to attain moral ends, self-interest is not disregarded. It is, however, adapted to some form called an "enlightened self-interest" in which the reality is reflected that we are in a society or organisation in which the health and the wealth of the individual are dependent on the health and the wealth of the whole (Ibid. : 124). Chen *et al* (858) also makes the point that organisational settings characterised by a more impressive, cooperative management in which people involve each other spontaneously in shaping their culture is more conducive to furthering ethical awareness and behaviour.

Simple self-interest seems to be less useful as an ethical motivation. The basis for our understanding of institutionalising ethics in an organisation ought to be our interrelatedness (Ibid. : 138) where we accept the interest of others and of the organisation. The accent on integrating the needs and purposes of both the organisation and its members discussed earlier seems to be critical for an understanding of ethics education as well. Piper (51) also stresses the increasing need currently for collaborative decision-making. In his vision for training young adults in ethics, he (63) believes that they must be given "images of interdependence, collaboration and cooperation". It is within this collaboration that the reflection on ethical issues can take place.

In general, people do not nowadays take kindly to be prescribed to or to be approached as ethically unintelligible. Accusations of arrogance and an holier-than-thou attitude will always be levelled at missions to promote character development (Freeman : 70). If we take Midgley's dictum seriously and considers Plato's point, namely "We should therefore examine whether we should act in this way or not, as not only now, but at all times", the issue of ethics education or character development cannot be taken as a "luxury".

If we accept everyone's autonomy and right to decide for her- or himself, the purpose of ethics education ought not to force someone to be moral. Any ethical guidance or training "assist only people who already want to do so." (Delattre : 33). In the same vein Freeman (70,71) asserts that only someone who cares to use the (ethical)tools, who recognises when they are appropriate, and who wants perform what they recommend, will benefit from careful guidance on how to use them. People tend to be willing to utilise these tools when they are aware of the need for and the purpose of

using them. Surely, “excellent habits and excellent reasoning do not arise in a vacuum” (Delattre : 148). The need for them and their execution is contextual. Ethics education do not want to force anyone, but endeavours to “make people worthy to bear the public trust.” (Ibid.).

Character is a pattern of qualities, attitudes and dispositions which a person exhibits rather consistently over time and is likened to “...a process that unfolds.” (G. Eliot as quoted by Freeman : 73) This view holds that ethics education can be regarded as dynamic. It rests upon a conception of character that recognises change and permits judgements of degree (Ibid. : 72; Delattre : 5).

To the question “Can ethics/integrity be taught?” most researchers give a qualified “yes”. Through habitual activity which is continually learnt and reinforced, conducive environments, rewards and incentives and the willingness of the moral agent the education of ethics may well be promoted.

Delattre (145) highlights the role of habit in character which accentuates the importance of learning by experience. For him (Ibid.) the objective of “all education is to make habitual as early as possible as many useful actions as we can, and guard against the growing into ways that are likely to be disadvantageous to us.” Freeman (78) reiterates this notion in his view on ethics education. He sees it as the strengthening and deepening of those qualities identified with the idea of integrity. At the very least its purpose should be to prevent the erosion of those qualities (Ibid.).

In ethics education the emphasis should be on pro-action. An action of integrity or ethics is not constituted by avoiding wrong behaviour, but actively pursuing it in heart, mind and deed. The essence of pro-action is the ability to “imagine and to make ethical judgements” (Piper : 59). It is the preparedness and awareness for appropriating the right action to right circumstances. This is a disposition which has to be supported and exercised. Repeated practice to establish the right habits in all activities ought to, then, be encouraged (Delattre :145). Qualities of character can grow deeper or more secure when we become more self-aware and confident of their importance. Character development can, consequently, boil down to a re-affirmation or a re-ordering of values (Freeman : 74).

Accents of a practical program for ethics education should be on strengthening four capacities of managers which Freeman (78) regards as the backbone of character. They are the capacities for ethical sensibility, for ethical reasoning, for ethical conduct and the capacity for ethical leadership.

Ethical sensibility is the aptitude to identify aspects of a situation that have ethical importance. It enables a person to act like a connoisseur, picking out intuitively the presence of ethical considerations. In order to do this a rich vocabulary of ethical categories and concepts is a prerequisite. Of equally importance is the experience in using them to describe one’s world. The aim of building the capacity of ethical sensibility should be to develop a working knowledge. Therefore, it has to be cultivated, refined and enriched. Ethical order in situations could be restored and unethical conduct avoided through the working of this capacity. Consequently, it can also strengthen integrity by bringing greater consistency to the use of ethical concepts.

It is not to be equated with the application of general rules to particular cases (Ibid.). This capacity or competency has also been referred to as “moral imagination and moral identification and ordering” (Powers 1996 : 1359).

Ethical sensibility is necessary for guidance, but on its own not able to justify intuitions of ethical categories. It must be complemented by ethical reasoning. Ethical reasoning is the capacity to determine precisely which ethical categories and concepts are appropriate. An impartial perspective for placing competing principles of action in the broader picture and considering the rights and interests of various affected parties is secured through this aptitude. By examining the typical patterns and fallacies in arguments and through practice in formulating and defending arguments from various positions, it can be strengthened. Integrity is enhanced by generating better decisions in complex cases, by giving a firm foundation for intuitively held ethical principles and by contributing towards a consistency between ethical principles and practice (Ibid. : 79).

The task of ethics education is to reinforce the capacity for ethical conduct. Case studies seem to be helpful in this strengthening. Reflection on the people who had succumbed to pressures, as well as a reflection on those who were able to overcome them, inform on the nature of conduct. The reflection will promote an understanding of the heart and mind of the unethical actor; a necessary condition for ethical sensibility. Case studies is, however, restricted in conveying the intensity the feelings and emotions involved. On account of his belief in stories as an aid in education, Freeman (81) suggests using novels, biographies and testimonies to communicate the essence of the issues at stake. See also Delattre (147) on using “seasoned officers” and their stories and testimonies in ethics training. Alerting people to the warning signs which challenge integrity can contribute to their determination and help them to withstand the pressures they will encounter. An awareness of the ability to identify the pitfalls will help to manage the ethical climate of the organisation in which they serve.

The capacity for ethical leadership is associated with the highest level of integrity. This level of integrity is displayed in a strong sense of responsibility and a willingness to be held accountable for the more distant, as well as the immediate, effects of a person’s choices and actions (Ibid. : 76). With superior persons having the power and responsibility not only to exercise their own ethical capacities, but to influence the exercise of those capacities in others too, they might find themselves accountable not only for their own integrity, but also for the integrity of subordinates (Ibid. : 82).

This understanding of an interrelatedness emphasises the role of a “mentoring authority” (Piper : 49) in the lives of young adults or employees working in seductive environments. Young adults or new recruits may exhibit a vulnerability in that they are dependent upon a guiding authority. A mentoring community is a group which welcomes and affirms the competence and promise of young adult(or new recruits’) lives, while presenting a vision on behalf of a larger possibility and an experience of acting together in concert with that vision (Ibid.). The ethics education of the inexperienced may be best served by a “team of mentors who collectively accept responsibility for the character and quality of the mentoring environment they inevitably mediate.” (Ibid. : 64).

Ethics education as an aspect of the institutionalisation of ethics in organisations, corporations and institutions has a purpose at heart towards which the individual and the whole are guided. This assumes the maintenance of the purpose of professional service, namely “finding and responding to unmet needs” (Freeman : 138). In striving to attain it with the aid of “guiding program beliefs”, ethics is found to be as much an attitude as it is a set of skills and knowledge (Piper : 121). The interaction of all three components is necessary as ethics education functions in a business and management environment which is thoroughly and undeniably oriented towards practice and action (Ibid. : 122).

2.5 Discussion and Dialogue

It is this dissertation’s assumption that the institutionalisation of a code and its corresponding value system can be enhanced by some sort of interaction between members of an organisation and the many references to the aspect of discussion emphasise its importance. Peter Senge (1990 : 240) in his prominent book, *The Fifth Discipline*, points out that there are two primary types of discourse, namely *discussion* and *dialogue* (my italicisation). Both types are regarded as important for an organisation capable of generating a culture of learning. The distinction made between them seems, however, too deliberate in order to highlight the significant role of an interaction coined by Bohm (Ibid.) as *dialogue*.

The purpose of this type of discourse is to “reveal the incoherence of our thought” (Ibid.: 241). What it wants to achieve is an understanding beyond any one of the individuals making up a group. If this is realised individuals gain insights which they simply would not arrived at on their own. Dialogue is not perceived then as mere interaction, but as participation of individuals in “this pool of common meaning” (Ibid.).

In order to let this type of discourse take shape members of the group must be prepared to suspend their assumptions, but, at the same time, also state them as a basis of discussion. “This free exploration...brings the full depth of people’s experiences and thoughts to the fore” (Ibid.). Doing this individuals may be able to move beyond their own views. What the proponents of this discourse wants to bring about is becoming observers of their own thinking (Ibid. : 242). Whilst doing this they also want to accentuate the collectivity of our thought. The point is made that most of our assumptions are gained from “the pool of culturally acceptable assumptions” (Ibid.). We may, therefore, bluff ourselves thinking that our thoughts are our own inventions.

Dialogue, it has been proposed, makes the participators “sensitive” (Ibid.) for what is really communicated. It is regarded as “a fine net” (Ibid.) gathering the subtle meanings in the flow of our thinking. This reminds of what Rossouw¹ (1994 : 64) proposes in his approach to deal with a moral dissensus. His is a “rational interaction with a more modest aim than consensus” (Ibid.). Whilst not distinguishing between dialogue or discussion, he states that this moderate aim is a “moral sensitivity for the practical and other implications of one’s own moral persuasion” (Ibid. : 65). The acceptance that opposing moral stances are possible on all grounds; rational and

emotional; sensitises moral agents for the valid contributions others can make to a discussion. Bohm (as quoted by Senge : 242,243) believes that the cognisance of the incoherence of people's thoughts will help collective thought to become increasingly coherent("to be connected" or "hanging together"). Whilst coherence is not meant to be shaped as an abstract ideal of cohering, participants in the discourse must work together to be "sensitive for all possible forms of incoherence" (Ibid. : 243).

Reportedly "suspending assumptions" (Ibid.) and reformulating one's own position in the light of criticism expressed by group members on the practical and other implications of a moral stance taken, will pave the way for open dialogue.

Dialogue or discussion, to my mind, is not always necessitated by incoherence of thought or on account of opposing moral stances. It is also necessitated by ignorance; consequently with the purpose to inform or to make aware. In the case of moral numbness the purpose might be to revive a moral stance. A call by a group member, your client or your organisation to make a moral adjustment in your conduct may be the motivation behind some form of a dialogue. In the interaction that may follow an awareness can be created for the relevant moral issues with something like a consensus or a shared view which can be aspired to, as a result. Discussions of this nature are also called moral deliberations. Delattre (183) points out that in moral/ethical deliberation we deal with principles, such as honesty, not only with consequences.

If, however, consensus is seen to be the "lowest-common-denominator" (Reeck 1982 : 160) or the deliberate evasion of moral dissensus, such a form of consensus will not serve the purpose of a postmodern discourse. Different moral persuasions should be utilised creatively in order to elicit the best from all perspectives (Ibid.). If something more is to be gained, something more than a moral sensitivity, it could be a "moral consensus...a shared judgement among goodwilled and reasonable people about the moral qualities of a situation that moves each party toward deeper insight rather than one that he or she would have attained individually." (Ibid.). The appeal in the new era seems to be "much more skilled in the creative use of ethical pluralism...and to raise accustomed morality to the level of critical ethics" (Ibid.).

2.6 Ethics Programs

A code of ethics or conduct should never function in isolation or presented as a panacea. Some regard the writing of a code as an "important first step" (Hoffman *et al* 1995 : 628) backed up by "support structures". Commentators seem unanimous that codes alone cannot create an ethical and legal environment (Mathews : 11). They appear to make sense as part of an organisation's overall program for ethics. The discussion earlier on the legitimisation of a code emphasised that the opinion of all stakeholders is important. Not only contingencies related to the formal aspects of the process are cardinal, but also the people affected by a code and an ethics program. Murray's (125) emphasis is clear; the way you deal with people is an ethical issue.

Ethics programs comprise the values, policies and activities which influence the propriety of organisational behaviour (Brennar 1992 :393). Two components are identifiable, namely the explicit and the implicit components. The explicit side

includes such things as codes of ethics, policy manuals, employee training material, employee orientation programs, ethics workshops, management speeches, management ethics decisions, top management decisions and committee activities. The implicit side refers to the organisational culture, incentive systems, valued behaviours, promotion policies, performance measurement systems and management behaviour (Ibid.).

At the 1989 conference of the American Society for Public Administration those present were requested to rank the importance of different approaches to institutionalise ethics in government. Their selection were then ordered into three categories (Brumback 1991 : 357,358) of relative importance. The categories are as follow:

Most Important

- Moral Leadership
- Make ethics a qualification requirement
- Conduct ethics training
- Establish, monitor, and enforce a code of ethics
- Factor ethics into performance management process
- Spot and control vulnerabilities to wrongdoing
- Eliminate PAC's and honoraria

Moderately Important

- Have ethics counsellors available
- Regularly communicate on ethics
- Establish hotline
- Require financial disclosures
- Survey employees' opinions about ethics
- Narrow personal immunity law

Least Important

- Lengthen budget cycle and elected terms of office
- Require certification of adherence to code
- Use a table of penalties
- Require approval of outside activities
- Reward whistleblowers for valid disclosures
- Pay higher salaries

Those responsible for institutionalising a code of ethics/conduct or an ethics program should give serious consideration to the top two categories. The second category had not been found to be unimportant and should not be ignored. With this ranking those who had struggled in practice with the process of institutionalisation gave clear direction on how to go about it and which activities were important.

There are general concurrence amongst commentators on the different aspects of an ethics program. Some key aspects, especially some rated in the two quoted categories will be elaborated upon.

* *Communication* (Murray : 118): the importance of this factor is emphasised by Rossouw² (328) too. The success of the adoption of a code of ethics or conduct as part of an ethics program is dependent upon the communication in all the

dimensions of developing and institutionalising of it. It should include creating an awareness in the pre-launch phase, after which it can be followed up by a publication of the code and a separate statement of core values. Using an organisational newsletter or existing briefing groups will serve to complement the process of communication (Murray : 119). Communication can also be indirect through the discussion of dilemmas or case studies in publications or training sessions (Rossouw² : Ibid.). A critical factor for this exercise is understanding the current condition of the organisation and the likely reaction to the launch or relaunch of the code (Murray : 130).

- * Arrange for a *relaunch* after a time: refreshing members' commitment and personal vision will be important. Making sure, however, that the code is in regular use will delay this proposition.
- * The ethics factor in *recruitment*: The acceptable view of "First, hire the right people. Employees who are included to be ethical are the best insurance you can have" (as quoted by Brumback : 358) is, however, not so easy to implement. Some of the written tests are ineffective and covert screening are regarded to be unethical. Not doing any screening, however, is dangerous and could be found to be negligent. Especially in the case of public institutions and organisations rendering services of a potentially dangerous nature some sort of ethical evaluation and/or commitment is called for. Brumback (Ibid.) is of opinion that no screening "seems to call for too much unguarded trust." He suggests the perpetuation of ethical screening by
 - a) reviewing background investigation policies and procedures to determine if they are ethical, can be improved and are applied to the right ethically vulnerable jobs.
 - b) amplifying the organisation's reputation for integrity by instilling applicable approaches in category two. Make new recruits aware of it and emphasise its importance. Mathews (65), on account of her survey, comes to the conclusion that "corporations that discuss the importance of the corporations reputation in the codes will be less likely to have violations." Whether the corporation's or organisation's reputation is stated in a code or suggested by a ethical questionnaire, as in the case of Texas Instruments, it must be underscored by the ethical climate and the attitude of seasoned employees. The impression on the new recruit must be lasting.
 - c) requiring new recruits to make a pledge of commitment to ethics when taking the oath of office.
- * *Moral leadership* is one of the key aspects for the process of institutionalising ethics and a written code. Freeman (78) emphasises certain personal capacities of managers that are critical for instilling an ethical climate in an organisation. These capacities form the backbone of the leader's character and they are:
 - a) the aptitude for ethical sensibility
 - b) the aptitude for ethical reasoning
 - c) the aptitude for ethical conduct
 - d) the aptitude for ethical leadership

These capacities flourish in environments which encourage their exercise. On the other hand, atrophy sets in where they are not appropriated (Ibid.). Note must be taken of the ethical climate created by the style of the organisation's conduct and that of the employees. The role of senior management, however, in setting the "legal and illegal tone" (Mathews : 78) in the organisation cannot be underestimated. They are role models and their verbalisations and behaviour patterns will make an impact (Ibid.). Their role in a program for institutionalisation must be emphasised. In the section on ethics training it became clear that top management or the senior leaders play a major role in the introduction and the legitimisation of a code and a program of institutionalisation of ethics. Their involvement in discussions and considerations on ethics and the code at all levels is crucial for the process. Murray (106) also mentions the role of **champions** in the drafting and developing stage of a code. They could act as "enthusiastic and convincing advocates" of the project. To my mind champions should also be active throughout the whole program for institutionalising ethics in an organisation. Coming from all levels of the organisation they should be equipped to promote a climate of compliance throughout it. This could be done through facilitating briefings and/or discussions on relevant ethical issues.

- * The ethics factor in *appraising performance*: Brumback (359) is convinced that managing performance is the only certain way to get desired results. By factoring ethics into the process of managing performance the "best way to ensure that work objectives are achieved in an ethical manner" (Ibid.) is attained. Through this, members are made aware of the valuing and the encouraging of ethical behaviour as well as the unavoidable acceptance of accountability. By stating it in clear language no misguided expectations could follow. This will be part of the organisation's role in sustaining and encouraging ethical behaviour. It ought to consist of *inter alia* removing most, if not, all disincentives and, conversely, providing positive incentives and rewards (Freeman : 130,131). Rewards are not always material, nor personal. It may also be a visible change in the system after the pointing out of inherent problems by members. Disincentives imply the rewarding of quantity over quality; profits or results at any cost; open-door policies but closed door practices; punishing reports of violations and an uncertainty about the ethical stance of the organisation (Ibid. : 132). Brumback (359) proposes a simple, but complete performance appraisal which will leave no room for dishonest ratings. His suggestion would be largely "self-made", epitomising a guiding principle in which they believe: "in the performer we trust". He (Ibid. : 360) warns, however, that in preconditions conducive to unethical behaviour, the trust ought to be guarded. In that case, closer monitoring and review would not be out of step. By making the code of ethics/conduct part of the performance management process the code will be kept visible and be taken note of. The appraisal exercise should also bear in mind that the successful performance of a task or the completion of a project should not necessarily be attributed to a single individual. The interdependence of people in organisations should be recognised in order to focus on the sharing of accountability too (Murray : 140).
- * *Ethics training*: training is one of the useful ways of reinforcing the message of a code or the institutionalisation of an ethics program. This could be done powerfully by ensuring that the new principles of conduct are incorporated in

every aspect of training. **Induction training** and **interviews** of applicants for senior positions should include a familiarisation with and a discussion of the code and the espoused values (Ibid. : 121). Methods to do it on a continual basis can include an **explanation by one of the leading figures** of the organisation on how to apply the code and the underlying values to the work (Ibid. : 122), the use of the discussion of **case studies**, small groups in which behaviours are role played and the Critical Incident Technique(CIT). It might be sensible, certainly, recommendable, to include all levels of the organisation in the ethics workshops(Hoffman : 632). The workshops should **mix the different levels** “to promote better understanding and communication among all members of the corporation relating to the ethical commitment of the organisation.”(Ibid.). **Role play** is regarded as an “effective teaching method” (Brown 1994 : 105) for furthering ethics education by stimulating critical thinking in decision making. As role play is capable of changing attitudes and providing portrayals of generalised social problems, it can certainly be used in consideration of ethical issues. The **Critical Incident Technique** is described as a “power approach” (Dean 1992 :287) and has been used to detect vital job competencies. Unlike the case study approach, the CIT does not work with predetermined scenarios. The participants actually induce information to improve decision making. Basically, the technique comprises the meeting of professionals familiar enough with the job area under study to share actual examples from both competent and incompetent job performance (Ibid.). It is also applicable to an exercise in ethical and unethical decision making. Brumback’s (360) warning on case studies should, however, be taken seriously when he wonders whether ethics training is not frequently overdone. What must be understood is that most of the preconditions for unethical behaviour are situational, not personal (Ibid.). A trained person going back to the wrong situation is a very vulnerable solution. Case studies ought not be overused. They are suitable for increasing job knowledge, problem solving and planning skills. Ultimately, people ought to be told what the preconditions and the threats of unethical behaviour are, what the bottom line of ethics is and what the organisation and the member can do to make ethics a work habit (Ibid. : 361).

- * *Monitoring and auditing the program:* an ethics program, especially those of government, needs to be audited periodically to see if the strategy and/or purpose are still intact. The audit may include a survey of members’ views and perceptions of the program and the organisation’s ethical climate. Besides giving a diagnosis of the current tone or mood, the survey is also another from of communicating the importance of ethics (Ibid.). It analyses the organisation’s or firm’s activities and performance in several ethically sensitive areas. The results of the audit of different departments and the organisation as a whole ought to be announced to the departments and the organisation (Brumback :362). In the case of a government department, public institution or corporation rendering service of a sensitive nature the results should be made public. A review group (Murray : 127), representative of all people throughout the organisation, could be the initiator of surveys and discussions on what has been learned from the presence of a code, a program and the results of an audit. The outcome of the discussions might be utilised to alter or fine-tune the program.

2.7 Role of Religion

Personal religiousness affords a background against which the ethical nature of behaviour is interpreted (Clark *et al* 1996 : 361). Managers may find that religious persons are less willing to question corporate policies and goals which do not clearly violate individual moral principles (Ibid. : 369). Their background of religiousness or religious worldview can be described as a framework of thinking which expresses their view on what reality fundamentally and actually is about (Reeck : 24). A religious worldview provides ethical guidance and religiously minded people derive their basic orientation for their professional ethics from their faith (Ibid.). They might have, however, not exhaustively thought through the application of that religious ethics.

In this postmodern society one might suspect that there is no place for religion or faith in business or organisational ethics. Postmodern thinking do allow, however, this accent, but not in the traditional way. Statements like “To honor God in all we do” is not an anachronism. It is, for example, inscribed in the wall of a contemporary building in Chicago and the current chairman regards it as “the most *including* statement we could make. It leads every man and woman, employee or customer, as an individual of profound personal worth, made by the image of God.” (as quoted by Murray : 199,200). Faith seems to provide a basis for value statements or codes of conduct/ethics. Murray (203) believes that if such statements do not contain in its core “such basics of moral integrity” as honesty, justice, respect and concern for others it is not worth the paper it is written on. On reflecting on biblical Christian thought he identifies seven core principles as “expressions of a desire for human dignity and wholeness in the workplace” and set in “modern language” he made them easily accessible by people not sharing the same faith (204,205). These virtues/values which should “humanise” (Ibid.) the workplace and its processes are

- stewardship - our ‘possessions’ are not our own and are only temporary in our care. What will we leave for our successors and for generations to come?
- service - true leadership is service. How do we helpfully serve our colleagues and how effectively do we help our clients? How do we treat our subordinates and do we provide them with a setting to use their abilities? Fullenwider (49) expresses this virtue as a “genuine concern for the client...”
- truth - is a universal requirement. It is the ability to trust others and ourselves to keep to our word; to honour our signatures to the very best of our abilities.
- interdependence - do we recognise that our organisation is like a body with interdependent parts? Are we prepared to render a service of high quality to our internal ‘customers’?
- justice - it is vital for society and organisations if they are to continue to renew their ‘licence to operate’ to stay fair in dealing with all those affected by the conduct of professional service or business. How fair is our employment practices? How fair is our reward of performance? Does justice triumph in our negotiations with weaker parties?
- creativity - do we stimulate initiative and creativity or do we insist on blind obedience in our management?

- consideration - to what degree do we take in consideration the interests and concerns of others? Do we recognise the full range of people who have a stake in our organisation or business?

Murray (210,211) believes that church leaders can play a role and meet a need in the demanding world of business and organisational management of today. Only by being involved in the corporate and organisational world of management will church leaders really make a difference. These leaders who meet together sharing experiences, to study and to reinforce one another striving to be 'islands of integrity in a sea of corruption' will help giving guidance to managers. His conviction (222) that faith will continually pressure for ethical improvement lies in the fact that people are searching for "wholeness and internal consistency in their living."

3. CONCLUSION

Through this discussion it has become apparent that the successful development and institutionalisation of a code of ethics or conduct cannot be an individual effort and implies the involvement of all members of the organisation, group or institution. The context in which this is done and the enabling role which the organisation and leaders can play, have also pointed to a form of collaboration and consultation. Fundamental to any approach to achieve this, is the embodying of the values/virtues mentioned in the organisational context. Both sound planning, but also a genuine portrayal of the proclaimed values and norms of the organisation and its members will be essential for the introduction and acceptance of any code.

III THE CODE OF CONDUCT OF THE SOUTH AFRICAN POLICE SERVICE - A CASE STUDY



This code was not only conceived in the crisis of credibility and legitimacy, but it was also caught up in the process of transition. After the transition the pressures of the transformation process made the adoption of a code for the new South African Police Service (SAPS) a matter of urgency. It seems as if some shortcomings have arisen because of this situation. However, the document surfaced at the dawn of a new era for the Police Service in the new South Africa. With this new beginning new challenges and a chance to forge a new identity came to the fore. The code of conduct can be seen as an effort to embody the new value system of the SAPS in the new dispensation.

1. HISTORY OF THE ADOPTION PROCESS

In a telephonic interview with the head of Project for Professional Conduct, Dir. A Jacobs, it became clear that the process of the development of the code of conduct was not documented. He gave a personal account of how it was done. Initially the process was under the auspices of Change Management. According to him codes of other police services and the code of conduct of the South African Civil Service were considered when a code for the SAPS were discussed. During the negotiation preceding the process of transition it was reportedly accepted by all parties that a code of conduct should be drafted for the police of the new South Africa. Eventually the concept of a code of conduct was also incorporated in the new law on the SAPS, 68 of 1995. It was to be regarded as part and parcel of the process of transformation, ensuring that a sound value system for the new SAPS can be generated. After a code of conduct was drafted by the Management Committee of the South African Police Services and other role players such as the Head of Legal Services and academics, it was distributed to the Provincial Management Committees and the National Negotiation Forum, comprising the staff unions, for commentary and recommendations. The idea was that the draft be discussed and that consultation be made as widely as possible. The president of the South African Police Union also made the point in an interview that they had to consider the code along with other urgent issues. Apart from a recommendation on one of the items in the code no other attention was given to the code. The union also has no indication of what the program of the institutionalisation of the code entails. It was indeed not clear if a program for the institutionalisation was in place. Although instructions were issued periodically after the code was introduced, it seemed to have been made on an *ad hoc*-basis. The training staff of the detective courses at the South African Police Service Training College in Paarl, for example, received a letter, dated 1998-07-01, instructing them to incorporate the “new” value system in their curriculum.

Enquiries made with the provinces produced responses from the Western Cape and Free State. It was not clear from the correspondence of firstmentioned whether they had a chance to evaluate the draft code, but the Free State mentioned that they did not peruse it beforehand. It seemed that every provincial commissioner left it to the area commissioners to follow their own program of introducing and instilling the code of conduct in their respective areas. The Free State also had their copies printed with their local logo and the commissioner even visited most isolated border posts to hand

over the code. They initiated a campaign as well to have the code printed in pocket book size for all members of the SAPS. Most area commissioners, in turn, left it over to station commissioners to instil the code at their stations with the order to do it in a fitting manner. The **apparent lack of a national program** surely did not help them in their effort.

The **manner in which the code was introduced and communicated** was both laudable and questionable. The media were used extensively to present the concept of a Police Service committed to a code of conduct as well as to report on the actual adoption ceremony. Ceremonies were held at all major centres. During October 1997 the National Commissioner, Commissioner George Fivaz, and Mr Meyer Kahn, chief executive officer of the SAPS, received the code of conduct at a public ceremony at the Police Training College in Pretoria. It was done at a parade where parachutists 'jetted' in with the code of conduct. Comm. Fivaz and Mr. Kahn were the first to sign their copies of the code. In a circular dated 1998-02-06 from the national head of human resources management it was stated that at 1998-02-28 all members should have signed the code. On account of a delay in the printing of the document it appeared to be unattainable. In an article in the Saturday Argus of 25/25 April 1998 it was envisaged that all members would have signed the code at the end of April. In the September-Bulletin(1998) issued with salary advices it was reported that 80% of the members in Johannesburg has signed the document.

Provincial commissioners were informed in a circular from the office of the Divisional Commissioner, National Management Services(dated 1998-01-23) that the contents and significance of the code are explained in the Ubunye work-shops to be presented at local level in all provinces. A telephonic interview with a member of the team presenting Ubunye in the Western Cape and their booklet revealed that this workshop was utilised to motivate members to achieve the Policing Priorities and Objectives. Ubunye, which means "oneness"(Workbook) has the motto "It's not I, not they, but we." It envisages to familiarise members with the values expressed in the code of conduct.

Enquiries done in the Western Cape and elsewhere revealed that those present at the adoption ceremonies in the provinces comprised the members of the Provincial Management Team. In the case of the Western Cape the provincial chaplain read the code of conduct out aloud after which the Provincial Commissioner signed his copy. He then handed over copies to the Area Commissioners, Provincial Heads and other senior managers for them to sign. The nature and the range of the code of conduct were afterwards explained in a provincial circular and followed up by the handing over of copies to middle and junior managers(e.g. station commissioners). This was done at the routine meeting of the Area Management Team with station commissioners where the code was also read out aloud, in some instances by the Area Commissioner himself, formally handed over and then signed. The station commissioners were then instructed to have the code of conduct signed in an appropriate manner. A certificate was to be forwarded to the Area Commissioner's office that all members had signed and copies had to be kept in members' personal files. Apart from the media, there was at most, if not all, ceremonies no representative of the public at large present.

Following an internal memo(dated 98-08-19) to the Area Commissioner of the Boland from the office of the chaplain a discussion was held with him regarding the purpose, legitimisation and the successful institutionalisation of the code at local level. The Area Commissioner then conveyed to the station commissioners that the document will be discussed at local level. The local chaplain and a senior officer of the inspectorate were instructed to aid the commissioners in the process. During September 1998 the process started to involve all station commissioners, commanding officers of the reactive policing components and/or heads of components of the Boland Area to discuss the code and instilling it at their stations(see appendix B for the contents of the discussions). At that gatherings it was proposed that members of their communities will be invited to be present at the adoption ceremony of their station. Preferably, the handing over ceremony was to be preceded by a discussion of the code's purpose and contents by the commander and his members. The members' commitment to service of high quality to their community is thus done publicly, but in an informed manner.

An enormous effort was made to communicate the **Policing Priorities and Objectives(PPO)** for 1998/99 for the SAPS. The PPO is the philosophical and practical atmosphere in which the code of conduct is implemented. A booklet of high quality was distributed to all members during the month of May in their salary advice envelopes. In this publication the SAPS's strategic approach, its model for policing and its view on professional conduct are spelt out. It also included a copy of the code of conduct. In an accompanying letter the National Commissioner appealed to every member to "familiarise yourselves with the contents of the document and, secondly, to motivate your colleagues to do the same in order for all the employees of the SAPS to cooperate in realising the ideals as set out in the document." This, *inter alia*, illustrates the commitment of the SAPS's management committee to illicit support for this program from members. The aim of the policing model stressed by the PPO-publication "is to develop 'pockets of excellence' in geographical areas as well as in core functional areas" (Dept. of Safety and Security,1998,11). These 'pockets of excellence' are regarded by the compilers as "building blocks for a policing model (and) shining examples to the rest of the country and ... colleagues" (Ibid.). This was followed up by articles in the monthly *SAPS Bulletin* which are distributed along with salary advices. In the July 1998-issue (2) the practical implications of the Policing Priorities and Objectives(PPO's) were discussed. Reportedly the PPO-document has to be read with the "Implementation Guidelines" and the "Monitoring Guidelines". The latter two documents are regarded as management tools for Divisional and Provincial Commissioners abetting the development of implementation plans and the measurement of performance. A National Project Centre visited all provinces to ensure the "integration between police planning and management processes ..." In accordance with the PPO a model of policing was launched in selected areas, such as Johannesburg and the Eastern Metropole of Cape Town. Apart from other core functional areas such as the improvement of investigating services and the optimisation of service delivery through the appropriation of all available policing resources, the focus is also on the promotion of professional conduct. The concentration on these core functional areas is likely to generate the "pockets of excellence" sought by the Police Management.

The **intention of this policing model** is to produce “numerous best practices” in which the “targets for the achievement of locally determined priorities” are attained (*SAPS Bulletin*, July 1998). This is reiterated in the August-issue of the *SAPS Bulletin*. With reference to the PPO it is stated that *professional conduct* has been identified as one the accents in the Service and Delivery Improvement Program aimed at “intense development and improvement”. Professional conduct could then be seen as the umbrella term for the “numerous best practices” to be achieved.

It is recognised by the Management Committee of the SAPS (PPO : 12) that some of the factors standing in the way of a achievement of “pockets of excellence” or “best practices” nationally, are **low morale, cynicism and alienation** among members. This phenomena are closely related to the way the Police are perceived by a society. It is also related to the view that the Police are to be seen as a “slice” of the society at large. There is a reciprocal effect at work when the appeal for professional service are made by the public in a society wrought with distrust, deception and decadence.

Professional conduct refers, according to the August-issue of the *SAPS Bulletin*, “both to the degree to which the behaviour and conduct of police members subscribe to set police values and the extent to which community needs and expectations are satisfied.” The **code of conduct** is regarded as the “best known example” (PPO,12) of measures which were introduced to improve professional conduct. Every member was under obligation to identify with the code, sign it and integrate it into their lives (Ibid.). In the August-issue of the *SAPS Bulletin* it is taken for granted that at the time of its distribution all members would have signed the code of conduct. The conclusion is suggested that in such a case members would have familiarised them with the code’s clear values and will interpret their obligations according to those guidelines. The fact of the matter is that in the Boland Area and perhaps in other areas as well, many members have not signed the code at that point in time. Many have only heard about it and had not even read it. Even those who have signed it appeared to have forgotten the contents.

Some members attending courses at the police training college in Paarl informed me that the way in which the code of conduct was introduced to them and their consequential compulsory signing was not received well. During the process of the introduction of the code in the Eastern Metropole of the Western Cape concern was expressed by members of the staff unions regarding the manner in which the code was distributed and the “nonchalant way” in which the document was signed (Circular : 1998.02.02). It became apparent that members who had come under the impression of the code’s significance did not take kindly to commanders or peers who undervalued it. Xhosa-speaking members of Khayalitsha also refused to sign the code if they did not receive copies in their mother language. Afrikaans speaking members protested against the translation they had to sign and a suggestion was eventually sent through to the National Commissioner to improve the Afrikaans translation.

It was made clear from the start that transgressions of the code of conduct will lead to disciplinary action. The PPO (13) suggests employees who render professional service will be rewarded, whilst those transgressing the code of conduct will “invite disciplinary actions against them”. Transgressions of this kind seem to be regarded as similar to transgressions of disciplinary regulations (Ibid.). From informal contacts

with members it became apparent that they did not take particularly kindly to this new sword of Damocles over their heads.

The fact that the dimension of the *satisfaction of the community* was accentuated in the definition of professional conduct in the August-issue of *SAPS Bulletin* makes the task of the police official dynamic, but very daunting. The macro and micro contexts in which the SAPS functions have severe effects on members' perspective on professional conduct and the expectations of contemporary society in South Africa. With the birth of Community-Police-Forums, however, the distance has been closed satisfactorily. Community leaders are in close liaison with the station commanders now and the interests of both parties are presently taken into consideration.

2. OTHER RELEVANT HISTORICAL FACTS.

2.1 Forerunners of the code of conduct

Predecessors of the new code of conduct were present, but not really prevalent in the culture of the SAP, the forerunner of the SAPS, or during the time of transition. Three formal documents expressed the purpose of the erstwhile Force and conveyed the essence of its value system. They are the *South African Police Creed*, the *South African Police Code of Honour* and the *South African Police code of conduct* (see appendix C,D,E). Last mentioned is a more recent one and became particularly relevant in the time preceding the transition phase. In this very sensitive phase in which the conduct of the police was heavily scrutinised the prescriptions in the code were helpful to the police official. On the other hand, it was also a clear message to the community at large that the police was trying its utmost best. The other two documents were part and parcel of the organisational culture of the SAP and was displayed in an impressive manner in public offices and those of commanders. Some, in tasteful framing, are still today displayed in some offices. Characteristically of the Creed and the Code of Honour is their religious and patriotic points of departure. This fitted in well with the national policy of a Christian National Foundation of public service and education. Apart from this theological and philosophical basis for police service and the public display of the documents, the Creed and the Code of Honour were to a large extent absent in the day-to-day activities of the police official. In my experience as a young policeman doing uniform and detective duties in the late seventies, I was never confronted with the reality of these documents. The principles and the values, though, were very much present in the doings of police officials of my time and was derived from the purpose which we aspired to, specific cases, examples of commanders or fellow officers and the threat against the sovereignty of the our country. The motivations for a good work ethic was, however, done very selectively. Professional when the situation called for; otherwise a very casual approach towards values. According to my experience the connection with the said documents were not made. The ethicality of certain actions was never really discussed, nor debated.

In the September 1986-issue (16) of the Police magazine, *Servamus*, a police officer, Lt.Col. Jan Potgieter reminds his colleagues of the SAP's code of ethics. After emphasising the bad effects of unprofessional conduct he presents an Afrikaans translation of the International Association of Chiefs of Police's code of ethics as a something which can rectify the bad situation. Although it can be disputed that this

edition was part of the official value statements of the SAP the article made officials aware again of their attitude and style. Other efforts included a national campaign in the late eighties to rekindle the member's personal dedication. A concise credo, printed on pocket book-covers, was distributed to all members(see appendix F). This declaration, again, highlights the member's patriotism and loyalty to the erstwhile Force and accentuates the responsible and proud service to be rendered.

2.2 History of ethics in the SAPS

The subject of police ethics was developed during the late eighties and during 1990 the SAP launched its first fully fledged course in Police Ethics at the training college in Pretoria. Later all in-service training of sergeants and warrant-officers also incorporated an ethics course and eventually a course for management training as well as a course for detectives were developed. These courses were drafted and presented from a Christian point of view to trainees who were primarily Christian of belief. The first ethics course for basic training addressed the subject in the vein of all the relationally contexts in which the police finds themselves (Botma¹ 1990 : 8). In 1993 this course, with its largely theological/philosophical basis, was complemented by a practical study guide. Its point of departure was the same. The Socratic method was chosen as a means to promote ethical reasoning (Botma² 1993). Whilst chaplains were involved in the development of the courses many other police officials became involved in the lecturing the subject. Eventually, ethics departments were created conducting the subject in a more permanent manner. With the transition, however, and the eventual adoption of a new constitution for our country a new approach towards establishing a new culture became clear.

There was no place to be found for a police ethics department anymore. The ethics course with its Christian point of departure became unacceptable and was withdrawn from courses. After some time in which there was a void in the ethics training of members lectures were presented on "professional etiquette" derived from the book of Stephen Covey, *Seven habits of highly successful people*. It was also stated by members of the training staff that the concept 'ethics' was tarnished and that, perhaps, another word must be used. With the beginning of a new Police Service and the eventual adoption of the code of conduct a new approach to the problems in the SAPS arose. With the attempt to improve service delivery and curb corruption the importance of the code of conduct and the underlying values were stressed. Management instructed training colleges to include discussions on the "new value system" in the curricula of the different courses. A new ethics courses for applicants undergoing basic training was launched and currently a course in ethics are planned for detective training and possibly also management training. For the development and presentation of these courses chaplains of the SAPS were again invited to participate in this endeavour.

2.3 Resources

According to Divisional Commissioner Eloff (Saturday Argus : April 25/26 1998), head of the SAPS management services, “the debate about increasing the numbers of the police officers was premature... with 80% of the police budget already going to personnel costs...” The focus is to utilise our existing police officers better (Ibid.). Meanwhile, many members are complaining of the pressure under which they have to operate in order to fulfil their obligations to the public. Apparently resources, such as manpower and equipment, are not yet adequately distributed to all areas and are not efficiently utilised. The demand from the South African society to curb crime and violence in this country has become overwhelming. Have economic, political and financial pressures made it nearly impossible for provincial and the national governments to alleviate the pressures by increasing the number of police officials in the SAPS? Or is the comment of a Swedish police officer, detective superintendent Jan Ake Kjellberg, seconded to the Truth and Reconciliation Commission, quoted in Die Burger (13/10/1998), not a very appropriate reminder? He is of opinion that investing money into crime prevention is a very sound investment. After all, “What does crime cost this country?” he asks.

2.4 Recruitment

Recruitment could be seen as part and parcel of transformation and the professionalisation of a police service. This is apparently the case in the process of transformation in the SAPS. With the accent on building an organisation with strong values it could have been expected that recruiting requirements included some sort of test of values or character. Especially if the recruitment drive was launched at a stage when South Africa is described as corrupt, crime-ridden and reputed for its professional misconduct.

With due respect to the large amount of applications, namely 450 000 of which 3 000 were selected, only ability tests were conducted. Other requirements were academic, namely a minimum standard of a matriculation certificate; a driver's licence and an age provision of younger than 25 years. It is not clear, apart from a course in ethics during basic training, whether an education on the new value system of the SAPS takes place. At a conference on *Police officials as victims of trauma and crises* earlier this year it was also recommended that higher minimum standards for recruitment into the SAPS regarding tolerance, internal locus of control, interpersonal efficiency, etc. be established (Engelbrecht 1998 : 19). The current recruiting drive do not take these aspects into consideration either. The goal of the recommendations of the conference was to be pro-active as the organisation struggles with low morale, a lack of job satisfaction and low self-esteem with the corresponding phenomena of low productivity, lack of discipline, disrespect for life and values and, lastly, corruption (Ibid.). The debate on this aspect of recruitment has to be continued.

Kjellberg (Die Burger 13/10/1998) also expressed his amazement at the short period of training new recruits have to undergo in South Africa. He is of opinion that the big responsibilities which a police official has to bear calls for thorough training.

2.5 Field training officers

The last two years saw the emergence of the role of the Field Training Officers(FTO's). In a very comprehensive course specially chosen members, officers and non-commissioned officers, are equipped to induct new applicants into their new work environment. Efforts to get in contact with the course leader to find out to what extent the code of conduct, ethics and the new value system are dealt with in the course, proved futile. The contents of the course material of a member of the Boland Area revealed very little though. There were only an insignificant reference to police ethics. It seems, then, that very little attention has been given to equipping the FTO's to make the recruits more ethical vulnerable.

2.6 Staff unions

The new dispensation brought with it the existence of police unions of which the South African Police Union and the Police and Prisons and Civil Rights Union are the major ones. With the new democratisation and the recognition of the rights of the employee in the workplace, the style of liaising on labour issues and dealing with internal conflict changed dramatically. In some places disagreement with station commissioners or other officers led to sit-ins and/or the besieging of the commander's office. The community was in some instances mobilised to take part and gave their support to the union action. It even developed into the total rejection of officers and their eventual transfer was the logical next step to alleviate the problem. Marches, slow-go's and other forms of strike action became part of the public image of the police. Fierce bargaining for employee benefits and protection brought the role of the unions very clearly to the cognisance of colleagues, management and the public. The pressures of these new relations brought discipline(self- and organisational), mutual trust and the police's public image into disrepute. Whilst acknowledging that it might be the case, all the parties usually accuse each other of being responsible for the dilemmas. The unions and management should endeavour to fix the divides or breakdown of trust.

Some of the initiatives of the unions include input in the discussions on the new value system of the Police Service. In an interview with the president of the SAPU, Superintendent Arnold Nel(dated 1998-06-18) I was informed that this union has its own anti-corruption campaign. They also took part in the consideration of the draft of the code of conduct. They were requested to make recommendations if needed. The issue of the code, however, was under consideration along with other issues and was treated as no matter of high priority. After a recommendation was offered the unions were not part of the process again until the code of conduct was introduced. Superintendent Nel was adamant that his union can play a part in curbing corruption in the South African Police Service. He agrees that the code of conduct is a vehicle which can be utilised in their campaign of anti-corruption. As a union they are already promoting the values expressed in the code of conduct and is actively promoting the service delivery improvement programme.

3. ANALYTICAL SECTION: SPECIFIC ISSUES

The preceding chapters and sections highlighted specific issues regarding codes, factors influencing their development and institutionalisation and the actual process of adopting a code of conduct in the SAPS. Some of these issues will be singled out as crucial for the evaluation of this code of conduct and the process of implementation in the Police Service. This evaluation is done to look for even more ways to promote the code, because of the huge potential code have; specifically for the Police Service as an institution rendering public service. The code of conduct might be a useful instrument, not only to enhance the public image of a troubled institution, but also to provoke leadership and collaboration amongst colleagues.

3.1 The Process of Development

Despite the huge effort of communicating the necessity and the contents of the code of conduct and the clear purpose, there were major shortcomings in the development of the SAPS's code. Perhaps it started right up front with an apparent lack of preparation and appraisal of the situation in which the code would have been born into. The discussion on organisational culture emphasised the importance of the context in which a code functions. Although most will grant the motivation for establishing a new value system and culture, the urgency to implement this to, *inter alia*, satisfy the transformational demand, ignored the psychological atmosphere amongst officers and members. The restructuring and the *en masse*-process saw many experienced members leaving the Police Service. Many of those who stayed were uncertain, disillusioned or bitter. Many who were encouraged by the appointments they received were found to be ill-equipped to handle the new dispensation and its demands. This was also brought about by the democratisation of, not only the country, but also institutions. New labour law and regulations, a freedom to voice protest and the militancy of labour unions made huge demands on discipline in the SAPS and its leadership. The lack of resources and manpower, as well as the escalation of crime made the pressure on officers and members in some places nearly unbearable to handle. Murray's warning that the analysis of the situation in which a code will function in order to establish likely reactions to its introduction is imperative, has to be heeded. No indications could be found that preparations were made to handle reactions to the introduction of the code of conduct of the SAPS. With regard to creating an awareness the Ubunye workshops apparently made a meaningful contribution in the places in which it was presented. A comprehensive campaign of creating an awareness was, however, not present. It seemed that the emphasis was rather upon establishing a code for the new era and getting all members to receive and sign it as soon as possible. As has been pointed out, the mass signing of a code, however, does not entail the mass acceptance of it.

In order to illicit acceptance, a program to support and sustain the purpose and the espoused values of the code is imperative. Institutionalisation, as part of the process of development, has the integration of the code and its objectives into all levels of an organisation as its aim. For it to be successful members have to internalise the values, norms and standards the code represents. A launch of a code needs a back-up program which has to be in place before the campaign is started. Unfortunately,

there had not been any evidence of such a program present to fulfil this function when the code of conduct of the Police Service was launched.

3.2 Legitimacy

As one of the key aims of the introduction of the code of conduct, it was envisaged to repair the breakdown of trust of the community in the Police Service. The discussion in chapter I pointed out that the legitimacy factor is one of the most crucial for the acceptance of a code of ethics or conduct. Although the introduction of a code for the new SAPS was opportune, the climate in the country and in the organisation was not, in most respects, conducive for the enthusiastic reception of it. An opportunity was wasted to involve the community at large or locally in the launch of the code as no or few occasions were held where the community was present at the handing over ceremonies. If it was not for the initiative of individual commanders and other officials, such as the chaplaincy, this symbolic message would have been wholly absent. With the aberration of crime and the instability of many areas in South Africa a fact, the community places a huge amount of trust in the Police Service to fulfil its duty. This trust is not only an academic issue anymore, but has become an existential one for many people today.

A Study Group on Ethics in the Public Service(1978) in South Africa emphasised the view that public functionaries are trustees as they have the public's interest and general welfare at heart (Schwella : 52). The principle Cicero propagated in his work *De Officiis* still seems relevant today: *Those who mean to take charge of the affairs of government should not fail to remember two of Plato's rules - firstly to keep the good of the people clearly in view that regardless of their own interest they will make their every action conform to that; secondly, to care for the welfare of the whole body politic and not in serving the interests of some one party to betray the rest. For the administration of the government, like the office of a trustee, must be conducted for the benefit of those entrusted to one's care, not of those to whom it is entrusted.* Delattre (70) reiterates this position when he refers to the "station of trust" which public officials occupy. This comprises, according to him, nothing but incorruptibility.

Vicchio (Ibid.) makes the point that because police officers in his country are frequently the bearers of the ring of Gyges there will never be enough supervisors to "keep bad cops from doing bad things." One of the major consequences of the inclination to do bad when operating undetected which Vicchio identified and the lack of supervision to curb this, is the "erosion of public confidence in public officials and their institutions" (Ibid.). There seems to be unanimity on this point amongst commentators. It is interesting to note the finding of a survey conducted in the America in 1980 and in 1995 (Ibid.) which illustrates this development. A group of people were asked to rank their moral confidence or trust in 12 professionals with position 1 as the most trusted and position 12 the least trusted profession. The results revealed that police officers recorded the largest drop, namely 5 positions, from 1980 to 1995. Alarming, the study also revealed that amongst blacks the profession of police officer dropped from the ninth position in 1980 to the eleventh. A study (Schnetler 1998 : 13) conducted in South Africa from 1994 to 1996 showed even more disturbing facts. In 1996, two years after the transition to a new democratic

dispensation started, 10% of those questioned felt that attacks on police officials are “completely justified”, whilst 12% saw it as “justified” with another 9% which could not make a choice between “justified” and “unjustified”. A study (Ibid.) on the “feelings of safety” of people revealed that blacks’ secure feeling decreased from 83% in 1994 to 62% in 1996, after a big decline of 35 percentage points just before the 1994 elections. Amongst the whites the decline in their “feelings of safety” was alarmingly. It decreased from 50% in 1994 to 10% in 1997. Negative reports on police corruption, their lack of equipment and shortage of manpower as well as the violence on farms may have been responsible for this view. Schnetler (Ibid.) emphasises that the saying that “it is one of the most enduring features of the human condition that perceptions/attitudes are sometimes more important - and in many cases more lasting - than facts” will prevail over any explanation that be given for the current situation.

The problem boils down to distrust in an institution whose word one could, in more ideal circumstances, go by. People, however willing, do not believe the police’s word today and compounds their integrity problem. Police officials should recognise that they ought to work continually to rebuild the embodiment of their professional integrity. In the context of police work integrity amounts to the sum of the virtues/values required to connect the profession with its general purpose of protection and service to the public (Vicchio : Ibid.). These values communicate the reason for the existence of the profession. Professional integrity could then be understood as “integrated collection of virtues that brings about the goals of the profession” (Ibid.).

The relevant virtues/values conveying information regarding the purpose of the profession had been outlined in chapter II, section 2.3. To recap, and with the addition of one or two others they are:

- prudence or fronesis
- trust
- effacement of self-interest
- courage
- intellectual honesty
- preparedness to employ alternatives
- willingness to learn or docilitas
- transparency

Despite police officials’ objections, the conviction that the “profession should require more from its members than we expect from the general population” is alive and well. It is said that when you wear a uniform you are a cut above your environment (Delattre : 156). A comment by an American police officer (as quoted by Delattre : Ibid.) wants to steer clear of this conviction: “Holding to a higher standard for police comes more difficult each year as our nation has changed into one dealing with self-gratification, recreational use of drugs deterioration of home, family and church associations. Continually, when it is necessary to discipline somebody for an infraction of rules you do not find the support of the local government or the State Labor Board who hear grievances concerning these matters. More and more we are

being told by others that a police officer is no longer different from any other worker.”

Mention is also made that the police officer's world is “spawned of degradation, corruption and insecurity. He sees himself as ill-willed, exploitative, mean and dirty; himself a victim of injustice, misunderstood and defiled. He tends to meet those portions of the public which are acting contrary to the law or using the law to further their own ends. He is exposed to public immorality. He becomes cynical. His is a society emphasising the crooked, the weak and the unscrupulous. Accordingly, his morality is one of expediency, and his self-conception one of a martyr” (Ibid. : 74). This context leads to social phenomena which are called *anomie* and *alienation* (Ibid.; Schwella : 58). Emile Durkheim defined *anomie* as “a pathological condition of alienation from society and its constraining influences of law and morality.” (as quoted by Delattre : 75). It entails an absence of solidarity with the collective sentiments and positive norms of society. Niederhoffer commented that *cynicism* is the typical adaptation to *anomie* (as quoted by Delattre : Ibid.). Cynicism is described by him as a state of mind in which the *anomie* of a police organisation is reflected in the individual police officer. Delattre (76) points out, however, that accepting the fact that the mutual influence in groups such as the police is reality, it is not confirmed that the police is universally cynical. One cannot disagree with the fact that many officers are not anomic. There are still a significant number of disappointed and disillusioned officers who do not partake in disruption or corruption. He (Ibid.) makes a valid and profound point: “...to become corrupt, police officers must give up on themselves, not just on others.”

The results of the questionnaire on the code of conduct seem to confirm this. Despite all the negative circumstances and reservations towards the code of conduct respondents overwhelmingly indicated that they are, not only prepared to make a difference, but are also willing to declare their commitment to the code publicly. This points to the fact that many members still believe in the purpose of their profession. The demotivating factors which the discussions with the sector commanders in the Boland Area also reaffirmed should be taken seriously and be addressed. Legitimacy is, after all, not only an external matter, but certainly also an internal one. Members do complain that the community is taken more seriously than themselves. In a certain town in the Boland members refused to sign the code of conduct on account of the fact that they felt they were left in the lurch. They said that their resources were scarce and in a poor state and that management did not take their problems seriously. This state of mind is surely not conducive for the resolution of the credibility and legitimacy problem internally or externally. In a recent (June/July 1998) questionnaire done by the police's Career Management team of the Western Cape the response to the question “Do you believe the Police Service values you as an employee?” can point to *anomie* and *alienation* amongst members. In the representative survey 55% answered that they do not feel valued as an employee, as against 42% who responded positively. Reasons put forward for the negative response were: no promotion, low salary, poor working conditions, unfair salary grading system and insufficient training and equipment. This group also said that management is not in touch with them and make empty promises. They feel they do not receive recognition and are seen as “just a number” (Dowd in Grapevine, August

1998). These perceptions can really undermine the efficacy of any code of conduct/ethics.

3.3 Code of Conduct

Many may pose the question whether it is really necessary to have such a declaration of a list of prescriptions which the police officer has to abide by and enforce as a public official. Is it not an overelaboration of issues already addressed in law, regulation and policy? Matters such as discretion, the use of force, bribery and corruption, as well as some aspects of officers' personal lives are covered in these documents directing the conduct of officers. What must also be accepted is that no code will be able to cover all the eventualities of the professional life of a police officer.

Ethics, the subject which codes address, cannot solely be left to the everyone's conscience (Brumback : 353). Ethical consideration becomes necessary because the possibility that temptation and pressures may overcome conscience is very real as well as the fact that unethical behaviour affects other people (Ibid.). It follows, then, that ethics ought to be both the organisation's and the individual's responsibility. An official code serves an important symbolic function as an organisation's expression of commitment to ethical standards (Himelfarb : 24). It is presented as a trustworthy general guideline conveying the spirit of fidelity to the trust the public puts in the profession (Delattre : 32). It also helps to delineate the identity (Fullinwider : 83) and the calling of the professional. In an article on Professional Codes and Moral Understanding in the book *Codes of Ethics and the Profession* he (72) quotes Humphrey Bogart on the question 'What's a profession'. According to Bogart "(a) profession is a performance for public good." Miller (20) is of opinion that the "ultimate justification for the existence" of institutions where professionals operate "is their provision of some moral or ethical good or goods to the community." The code of conduct connects the police official with the purpose of her/his profession. The terms in which it is proclaimed encourages "broader public discussion of the profession and its practices, privileges and duties" (Ibid.) and promotes transparency. In communities where credibility problems and suspicion are realities, such as currently in South Africa, the mutual willingness to discuss and partake will help to break down prejudices.

A code certainly creates a vocabulary (Ibid.) and an atmosphere in which ethical commitments are understood and accepted as highly important (Himelfarb, 24). Clearly, the SAPS's top management; specifically the CEO, Mr Meyer Kahn; cannot be faulted for their effort to address the problem of credibility and an apparent lack of ethical awareness in the Police Service. The adoption of the code of conduct was also portrayed as a symbolic gesture to the South African public at large and the members themselves. It conveys the message of a new commitment to the moral understanding of the profession.

The significance of the code will vary by the extent to which it is effectively communicated and actualised by review, renewal and exemplification by members and commanders (Himelfarb : Ibid.). The top management of the SAPS has gone to

great lengths to introduce the new code of conduct as a document of importance. As has been referred to elsewhere, the CEO, Mr Kahn, likens the role of the code to that of the Bible. He finds its importance in the fact that “for the first time we have determined the rules of the game about what we expect from SAPS members” (Saturday Argus : April 25/26 1998). The code’s publication as a colour centrefold in the police magazine, *Servamus*, accentuates this point and was enhanced by the distribution of the code in the publication of the Policing Priorities and Objectives to all members. In this manner, as well as through media coverage of the first adoption and signing ceremony in the all national and police media, such as Pol-TV, it was ensured that most, if not all members of the SAPS was informed of this project. Supported by the Ubunye-project with its purpose to acquaint members with the vision and mission of the SAPS, as well as the values promoted by the code, it appeared that everything had been done to illicit the ownership of members. Essentially “the code commits members to care for their country, their community, their assets, their colleagues and their reputations” (Ibid.). Members’ commitment was sought through their signing of the document and receiving the original, whilst a copy of the signed document was to be filed in their personal files. Despite all this it is not clear how the code will be “reviewed” or “exemplified” and until this is done the process of introducing a code will be incomplete. The **aim of the adoption of the code** and the signing of it was, according to Director André Jacobs, Professional Conduct Project-head, to make members of the SAPS aware of what unlawful behaviour is and eradicate the culture that it does not really matter what you do because you can get away with it (Ibid.). Sentiments expressed in circulars bear out this conviction. In a circular to all station commissioners in the Eastern Metropole of Cape Town (dated 98-02-02) regarding the “nonchalant way” the signing of the code of conduct was done, it was asserted that the document “will lay the philosophical basis of our approach to discipline.” An appeal was made that every members of the SAPS must make this code part of their ‘code of life’ (Ibid.). Unfortunately, as has been noted earlier, it was not possible to achieve the deadline set by management to have the code signed by all members at the end of February 1998 (circular from the Divisional Commissioner: Human Resources Management, dated 98-02-06). It was also reported (Saturday Argus : April 25/26 1998) that this objective would have been achieved by the end of April, whilst recently it was envisaged that it would have been completed by the end of August. Questionnaires completed as recently as October 1998 revealed many members whom have not yet signed the document. The process of the handing over of the code and its signing seems very much still under way. Whilst this is still under way one might reasonably expect that the process of informing members on the issue and instilling the code locally still have to be addressed to its full extent.

Although the launching and introduction of the SAPS’s code of conduct could be regarded as extensive and costly, **shortcomings** on the institutionalising thereof became apparent. Despite the appeal that all possible measures ought to be taken to institutionalise the code (Proposed National Directive on Disciplinary Procedures dated 98-02-16), the way it should be done was not clear. It was also unclear who would be involved in this phase of the adoption of the code. The instruction from The National Head, Detectives (dated 98-07-01) to the training institutions to incorporate a discussion on the new value system in training programmes seems to be a rather late decision to make training part of the process of institutionalising the

code. Furthermore, to instruct three training institutions to ensure the incorporation of the new value system in the curriculum, would not lead to uniformity. A subject so important to be presented at institutions where the culture of the organisation is instilled, calls for a national and uniform approach. Chaplains whom have been requested by the training institutions to present the discussions have apparently also been approached to write the section on the code of conduct and the new value system for the curriculum. This, however, has not been confirmed. What this illustrates, is that there had been insufficient preparation for guiding the institutionalisation phase. Were anybody, the so-called 'champions', identified to carry the process? Are there any plans to integrate the code and the corresponding value system in the work environment of the ethical vulnerable units, for example?

As has been pointed out earlier, the significance of a code depends also on the way it has been reviewed, localised and individualised. Lastmentioned are emphasised in an article on professional conduct in the August edition of the *SAPS Bulletin*, but there are really no guidelines as to how to do this. In the discussions held with commanding officers of the Area Boland the point was made that the code and a local vision for policing have to be reconciled. If it had not been for the initiative of a Area commissioner, station commissioners and the author no discussions on how to localise and individualise the code would have taken place. The lack of communication on this aspect of the adoption of a code of conduct could really hamper the acceptance of it by members. Rossouw² (328) emphasises that the communication of the finalised code to all internal stakeholders ought not be a once off occasion, but must be continual. He (Ibid.) refers to a warning that the mass signing of the document by all members of an organisation does not equal the mass acceptance of it. New members need to be inducted and acculturated and this must be complemented by a code which is made visible in all aspects of organisational life. The familiarisation is not a once off thing.

Rossouw² (Ibid.) aptly points out that communication need not be direct always. It can also be done indirectly through the discussion of moral dilemmas or case studies in training sessions or, to my mind, amongst members of a specific department or unit. Discussions held with the sector commanders, referred to earlier, and members undergoing training in investigation prowess included the analysis of a case study and the connection with the values affected by the scenario. The discovery by the participants in the discussions of the relevant values and role which they played in dealing with the issue, brought an awareness which direct communication is not usually able to portray.

A code takes its full meaning, however, only when it is fully incorporated into the policies and practices of the organisation. Consensus reigns amongst commentators that the code must be a living document. Although guidelines are useful, codes alone do not motivate people to behave well. While it serves as a reminder to members of a profession, it certainly assists those "who really want to" behave well (Delattre : 33). Public office holders have to sincerely want to serve the public and strive to become good at their work (Ibid.). "The Code is made of words; to truly follow the Code, the officer must live the Code" (Hansen 1973 : 12). This living of the code entails the weighing of the demands of the ideals of the code with the wisdom of experience and judgement (Delattre : 31). Public officials need to know how to appropriate the code

and its ideals in their private and professional life. No code can take the place of personal ethical reasoning and judgement. Up to this point it is unclear whether the code of conduct of the SAPS has been integrated into policies and decision making up to grass roots level. It is no use having it stated so publicly in the organisation's documents, but there is no real implementation at all levels. The code is thus reduced to a platitude.

Fullenwider (83) adds to this by stating that the code not only supplies the vocabulary, but also helps to create the body of users. Regular abiding by the code works towards creating the profession. Without the actualising of the code in daily conduct and mechanisms to enforce it, the already cynically inclined people of today will see the code as merely "window-dressing" (Ibid., 86). The results of discussions held with sector commanders in the Areas Boland recently confirms this. The important symbolic function of the code which Himelfarb stressed, must also be complemented by a declaration of intent. By enforcing the rules, the profession makes clear their commitment to the service ideal they promote.

Enforcement may especially be necessary in organisations or groups where a regular obedience to the code and intra-professional dialogue on it does not already exist (Ibid. : 87). I do not think the SAPS can boast with a culture of spontaneous obedience to something such as the code of conduct. If Himelfarb's (24) opinion that at first an atmosphere must be created in which ethical commitments are understood and are accepted to have high priority, the code of ethics will certainly promote this. Regular discussions conducted by informed commanders or other facilitators will enhance this climate. Positive attitude and moral action exhibited by members and codes of ethics or conduct must be sustained by departmental policies and acceptable conduct of command personnel (Delattre : 33). The point is well made (Ibid.) that even virtuous people conducting themselves with high standards of conscience, benefit from responsible supervision and instruction. Control and monitoring done in a responsible and understanding way is designed to help them to become even better. If leadership and experienced personnel give the impression that they do not take ethics seriously, their codes and coaching will be treated as worthless clichés (Ibid.).

3.3.1 Questionnaire on the code of conduct

An informal survey conducted mostly in the Western Cape (see appendix G) emphasises a few important aspects regarding the code of conduct. Those relevant for the discussion are presented as here as illustrative of points already raised.

Members who gave their opinion came from police stations such as Cape Town, Vredendal and Parow, whilst four groups undergoing training at the Police Training College in Paarl were also tested. Two of the groups were representative of areas such as Gauteng and elsewhere in the country. The purpose of the survey was to establish members' thoughts on and attitudes towards the code.

On the question *Do you believe that the code of conduct will make a difference in the professional conduct of your colleagues?* more members indicated that they believe so. Approximately 56% of the 'yes'-category indicated that they were 'unsure' or felt 'no' respectively. Counted together, however, more members were undecided and

negative towards the potential of the code to make a difference in the professional conduct of their colleagues. Some of the reasons put forward for this view are “the morale is too low”, “uncertainty”, “too many members are negative”, “undisciplined conduct are too strong(currently)”, “manpower shortage”, “(organisational) climate is not conducive...” and “the code alone cannot bring about change”. These reasons seem to be very important for the successful institutionalisation of the code of conduct and ought to be born in mind. The positive response of a substantial portion of members cannot, however, be overlooked.

On the question *Do you personally still want to make a difference and portray a positive image of the SAPS?* an overwhelming positive answer was given. More than 90% of respondents indicated their willingness to make a difference. With responses such as “by knowing, selling and believing in my product”, “by setting an example”, “by motivating my colleagues”, “despite being treated unfairly, I am still positive” and “by committing myself to the code” respondents indicated their conviction.

On the question on how members can be *familiarised* with the code of conduct most respondents felt that the commander must explain the code to members, whilst substantial support was also expressed for regular periodic group discussions on the code. Many also indicated that the code ought to be displayed on the notice board. At this question respondents could mark more than one option.

On the question on how *transgressions* of the code be treated, respondents could also indicate more than one option. The majority of the support was for a “station committee which will encourage the transgressor to respect the code of conduct” and for simultaneous “disciplinary action”. Although it might be said that respondents could not have known what such a committee could entail, their wish to have such a forum for discussing transgressions is significant.

In times of *uncertainty* respondents indicated clearly whom they will *consult*. The “immediate commander” emerged as the most likely person who will be consulted. Respondents could also indicate other options and the “chaplain/spiritual leader” and the “staff union representative” were indicated as well. It is significant to note that the groups whom the chaplain met in discussions on values and the code of conduct were the respondents who indicated the chaplain/spiritual leader as one who will be consulted.

On the question of a *committee... within your area which can be consulted if certain actions are in accordance with the code of conduct?* overwhelming support was expressed for such a committee. Again it could be said that the respondents could not have been aware what they were choosing for. However, the need to have some guidance for value or ethical issues is clear.

In conclusion, respondents indicated overwhelmingly that they were prepared to express their *commitment to the code of conduct publicly to the Community Police forum*. This is *per se* a significant sign of members of a profession whom are willing to achieve the purpose of their public service.

3.4 Ethics Training

If Piper (122) believes that management and business is “thoroughly and undeniably oriented towards practice and action”, it certainly is also applicable to ethics in general, and police ethics in particular. Ideals, taught at academies and training colleges, should be integrated into the “realities of the streets and the kinds of cases officers routinely encounter” (Delattre : 189). To be able to do this efficiently the training institutions need instructors or lecturers with rich police experience. Discussions should not be the mere exchange of tales of the streets, otherwise practical and critical reasoning will not come to bear. Police officials should be able to identify an ethical issue, analyse it and interpret it in a specific context. Sherman (as quoted by Delattre : 148) emphasised this by saying that every police education program should incorporate into its required curriculum a thorough consideration of value choices and ethical dilemmas. Five goals of ethics training are highlighted, namely

- (a) stimulating ethical imagination
- (b) recognising an ethical issue
- (c) developing analytical skills
- (d) eliciting a sense of ethical obligation and personal responsibility
- (e) tolerating and resisting disagreement and ambiguity.

Aspects added by Sherman (Ibid.) are

- (a) understanding the morality of coercion
- (b) integrating technical and ethical competence
- (c) becoming familiar to the full range of ethical issues specific to criminology and criminal justice.

The shortcomings of this focus in training is that it may help the weak-willed to avoid rationalisations and self-deceit and be useful to “those already decent enough to care what is good and right...” (Ibid. : 149). Habits of right action, however, help to achieve good character too (Ibid. : 147). That is why certain police training has to be done by drills.

Whilst investigating the code of conduct and the process of creating ethical awareness amongst employees, I approached the Criminal Investigations Department at the Police Training College in Paarl to get the views of the students receiving intra-occupational training. The head of that department complied with the request and I was given a contact session in which the attitude of the members towards the code of conduct and specific values could be discussed. This contact session was followed up by others. The intention was to enlarge the frame of reference on the subject. Aspects dealt with in the contact sessions included,

- professionalism
- changing circumstances
- values, norms and standards
- professional autonomy
- supervision, corruption
- discretion
- accountability

- code of conduct
- discussions and an assignment on case studies

To obtain an impression of the students' views on some core concepts of their working milieu, they initially completed an informal questionnaire (see appendix I for an example). Their ability to formulate their knowledge of the philosophical foundation of their profession was also addressed. Despite the fact that the majority of the students had more than five years of service they did not, generally speaking, succeed in formulating it aptly. Those who succeeded or came close in doing this, seemed to be expressing the popular rhetoric of the theme. Despite the efforts over the past few years to convey the vision and mission of the SAPS, only a few seemed able to formulate it in an informed manner. What is clear, though, is that the officials do know what to do in practice. Their responses to the question pertaining to their contribution to community policing, as well as the class discussions, confirmed this. They had no difficulty to express their contribution to assist the community.

The impression that most of the students have no sufficient vocabulary, nor an able ability to reason ethically, remained after the class discussions on police moral issues. An assignment on a case study revealed that the majority of the students got stuck with the legal or departmental view. They sufficed with that rhetoric and showed an inability to phrase an appropriate approach in their own words. An ethical evaluation of the case study and an identification of the values at stake did not emerge in most cases. Although the evaluation by the students of the contact sessions revealed that they have learned more about the subject, their ability to reason ethically have to be enhanced in practice on a continual basis. This inability might just be ascribed to the little or no time allocated for discussing ethical issues in the workplace. There certainly were individuals in the classes whom were arguing very aptly on the ethical aspects of their work.

3.5 Recruitment

With respect to all the professional planning and sincere efforts which were launched as part of the professionalisation of the SAPS the author cannot agree with the recruiting strategies. The high expectation of the incorruptibility of the members of the Police Service and service of quality, is irreconcilable with the fact that no ethical aptitude test or probe was undertaken. Despite the pressure of transformation and the public's appeal for more police officials the process was still lengthy. An ethical examination of some sort would not have postponed the process substantially longer. The necessity of such a screening is emphasised by commentators (see Brumback : 357). Delattre's (76) warning regarding the rotten-apple hypothesis must be noted also. He mentions that poor recruitment was one of the factors a Chicago Crime Commission had pointed out which allowed many men to enter the department who were not suited for law enforcement work. The example of the Miami Police of the early eighties seems to confirm this. A war between cocaine smugglers, overcrowded Cuban neighbourhoods and a race riot all led to a recruitment campaign to double the size of Miami's Police Department. Large scale corruption and criminality followed. A comment was made that "few, if any of these police was corrupted by more experienced police..." (Ibid. : 77). Supervision and role-modelling by experienced and loyal officers was virtually non-existent. The

frenzy of indiscriminate hiring, inadequate training and poor supervision undermined personnel standards of the department until even illiteracy was no disqualification. Delattre(Ibid.) is of opinion that such betrayals of standards would have the same effects on any police department, irrespective of the ethnic background. No community can be satisfied by such an outcome.

4. NORMATIVE SECTION: CONCLUSIONS AND RECOMMENDATIONS

From the above historical overview and analysis a certain picture emerged regarding the status and function of the code of conduct. The above background will be used to suggest certain actions and recommendations for the enhancing and protection of its status and role.

Enquiries made with the Western Cape Anti-corruption Unit and with the liaison officer of Western Cape SAPS during 1997 revealed that information based on current statistics will give no true account of the state of affairs on corruption in the SAPS in this province. It might just as well be the case nationally. The narrow legal definition of the phenomenon certainly curtails the forming of the complete picture of dishonest conduct with the aim to gain personally at the cost of others and principles. Syed's warning, referred to earlier, should be kept in mind. A definition simply seeking clarity and some form of objectivity may be in danger of side-stepping important ethical principles and values and thereby becomes irrelevant. Calls for a clear definition seems not to be unfounded. With such a definition no allegations can be levelled at the Police Service that they are evading the issue. Commentators stress the importance of defining corruption and its various forms unambiguously (Delattre : 94). If framed in platitudes or if it is vague it cannot be effective. When the extent and level of corruption are identified, manuals of procedure and guidelines for internal affairs investigation should be developed under the banner of an anti-corruption policy that is realistic, manageable and continually enforced (Ibid.). The possibility of an ethics committee to oversee the implementation of a program and give comments and/or recommendations to the commanding officer should also be considered. With levels of confidence and trust tumbling and the cost involved with the abounding of the phenomenon of corruption enormous, it has become an urgent matter to address. The SAPS accepts that it is one of the prominent role players in establishing an environment where trust in the police as agents for peace keeping, protection of civil rights and the prevention crime can be restored. In achieving this its image must be above reproach and accompanied by clear indications that the Police Service is willing and able to keep up its standards. The adoption of a code of conduct reaffirms this.

Recommendation:

- (a) in the light of large scale suspicion and allegations on corruption but with little or no evidence to substantiate it; the many illicit and improper deeds of a dishonest essence under investigation leading to suspensions, discharges, resignations and criminal and departmental convictions it is recommended *that the activities of the Anti-corruption Unit, the Internal Investigation Unit and the Independent Complaints Directorate should be co-ordinated. An overall anti-corruption policy should be compiled to guide the co-ordination. In this policy the broad definition of corruption,*

suggested by Syed, should seriously be considered so that a complete picture of the phenomenon can be addressed.

- (b) with little or no consolidated statistics on the broad phenomenon of corruption and related deeds, it is recommended *that statistics be compiled which reflect the current state of affairs on corruption and related deeds(re. acts involving the abuse of occupational and organisational powers for personal gain).*
- (c) the overall anti-corruption policy should be backed up by a *task team or an ethics committee* which will evaluate the state of affairs, make recommendations with regard to general pro-active measures and action in the case of minor offences specifically (Delattre, 95).

The launching of a campaign introducing a new code of conduct for the SAPS and the eventual adoption of it late last year(1997) is certainly a declaration of intent by the organisation to reform and come to grips with the problem of credibility and legitimacy. Reform is never easy, though. Whilst institutional habits are seen to run deep, the resistance to change is strengthened by the presence of anomie and alienation within rank and file. The pressure on a code of conduct/ethics as an important symbolic function expressing the Police Service's commitment to ethical standards, becomes enormous when the community itself is cynical about the police's ability to fulfil its calling and duties. One must accept that the new code will not be welcomed with open arms by officers or the public. Generally speaking, the distrust and suspicion amongst both partners are too high. This, however, should not stop any action to achieve reform and mutual trust.

I concur with commentators (Delattre : 88) that reform "depends on the initiative and commitment at command level". The way commanding officers treat them is of more importance to junior members, so it seems, than public opinion. Good, sincere and credible treatment of people and issues will do a lot to break down anomie and alienation in a department. Commanders should take note that researchers on anti-corruption revealed that "the level of misconduct or corruption is generally related to the quality and style of management ...and the chief's commitment to eliminating such conduct" (Ibid.). In times of uncertainty and little leadership initiative, the police needs *strong leadership*, especially at the top. (See appendix I).

The shortage of manpower, other resources and logistics will lead to mounting pressure on an already demoralised police community. Overloads of work and the frustration caused by budget restraints and lack of essential equipment will make anomie and alienation a real problem. Discussions in the Boland Area with commanders in various sectors and talks with members of all ranks in that area confirmed that this is a major issue currently. If we take in consideration that some members and even one small station have indicated that they are not prepared to sign the code of conduct as they are not in a position to fulfil the obligations and that they do not receive moral support to do it either, one can imagine what the ramifications might be for the acceptance of the code. Top management and the political leadership have to take this into account when dealing with matters influencing the acceptance of the code and the loyalty and motivation of members. After all, as Murray (125) indicated correctly, the way you treat people is an ethical issue. The current uncertainty and disappointment caused by the process of transformation and

restructuring cannot be underestimated. For a new code of conduct to be successful the support of all supervising officers is absolutely essential. At this moment the disillusionment of officers caused by this process has broken down loyalty to and trust in top management, the political leadership and the system. Whilst the organisation is still struggling to place all officers in the *en masse*-process, the position of non-commissioned officers in station commanding posts have become uncertain too. Up till now no permanent appointments could be made, leaving many members in a caretaking position. This situation, coupled with many officers not yet placed, have an influence on whole stations and units, and in some cases, also larger areas. Months after the *en masse*-process should have been finalised the unsatisfactory situation still prevails of appointed station commissioners having to manage with the previous station commander still at the station doing work on an *ad hoc*-basis. All levels of management must be on the look-out for disincentives in the system and in the appraisal of performances and make concrete efforts to remove them. Not only good work with regard to enforcing the law must be rewarded, but certainly also ethical behaviour demonstrated by members in their daily routine. The appraisal should also focus on behaviour which is more fundamental than the mere avoidance of wrong behaviour (Vicchio).

There should also be guarded against 'quick-fix' solutions. Recruiting people at a large scale to alleviate the shortage of manpower will only help to some extent. Recruitment considering only the psychological, physical and academical abilities of applicants, however, will not be adequate. In a time characterised by dishonesty, self interest and unprofessionalism applicants need also be screened for their moral and altruistic dispositions. If this cannot be done for some or other reason, the basic and in-service training should be utilised extensively to condition new members for an ethical work climate. There are many examples of children of police officials who have the background for serving in the Police Service and have proven their worth and commitment as reservists, but still had not been approved as new recruits. Many others serving as reservists for months; some for more than a year; also failed in their applications. Political changes and transformation in society might predict certain preconditions for recruitment, but the moral and the social aptitude of potential members cannot be disregarded in the trying times in which police officials have to conduct themselves.

Recommendations:

- (a) the *process of restructuring* should be finalised with sensitivity, consultation and sound communication. Everything possible should be done to cause the smallest degree of disruption for the families of members. People are, after all, the most valuable resource the Police Service has.
- (b) top management (the provincial commissioner and his team) should *meet as many officers* as possible and find concurrence for the symbolic function of the code of conduct. [Research has pointed out that where police leadership has established conversations among all ranks about problems and has done something about it, police performance is noticeably improved and corruption minimised (Delattre : 90). The *need for contact* between management and junior managers is very high at the moment. This has become necessary to obtain internal legitimacy for the code of conduct. I believe that the SAPS has a crisis with regard to this.]

- (c) top management should, however, stand firm in their belief in the necessity of such a declaration of intent. *Meetings* with commanding officers should also *declare management's determination to enforce* the code and protect all members honouring it.
- (d) an ethics appraisal system ought to be developed and applied against the background of the code of conduct.(see, for example, Brumback (357) and Vredendal's proposed method)
- (e) the *task team* or ethics committee can also be utilised to *train senior officers* to continually visit junior managers and facilitate ongoing discussions on issues of standards, norms and ethical principles with these officers. Other *champions* with an authoritative standing amongst members must also be identified and utilised as facilitators in this process. (Specific members of HRM and, especially, chaplains are examples of possible facilitators. Lastmentioned works daily with values and are ideally equipped to serve this purpose. Field Training Officers are also ideal candidates. The introduction of the *code* of conduct should not be a once off thing. It is something that should be *marketed* and *monitored* on a continual basis. Facilitators can help in this regard.)
- (f) *junior managers*(like station commissioners, unit commanders and heads of components) should, in turn, *discuss the code with its members*. As has been pointed out, accountability rests on adequate information. Field Training Officers giving guidance to probation officers can also be involved in this endeavour.
- (g) this discussion emphasises the importance of *localising* the code and its values. Through this 'training' members, components or units are equipped to localise the code for themselves (Murray : 123)
- (h) *members' signing of the code* as their expression of a commitment to it, should be performed as a *public gesture*. The ceremony should be a proud one shared with members of the community whom they serve.
- (i) this will also entail that *discussions* will have to be conducted *with the community* represented by the Community Police Forum to clarify a police station's commitment to the principles and undertakings of the code. In this way the central notion of accountability and partnership is also promoted.
- (j) a report of the way the code of conduct was institutionalised in a Province and its Areas ought to be compiled and forwarded to the National Project for Professionalism in the SAPS to illicit internal dialogue.

The aspect of **leadership** has come strongly into focus in the abovementioned analysis. In an effort to minimise and suppress corruption, leadership seems to be one of the major aspects of the fight against it. One can have a strong code of conduct and a strong set of disciplinary rules, but if one does not have committed and confident people to enforce it, it is not worth the paper it is written on. To improve the ethical climate in the SAPS as an organisation serious attention has to be given to disincentives present in the organisation. Examples of current disincentives concerning managers such as station commissioners are the taking away of certain allowances(e.g. danger) for working in an office; no extra pay for acting as a commander whilst colleagues of the same rank receive the same pay without carrying the responsibility and the shortage of manpower. In order to have confident leaders

the demotivating factors have to be replaced by incentives. Commanders surely have to receive recognition; certainly also financial reward for carrying the burden of responsibility and accountability. Results of the questionnaire on the question who will be consulted in the case of uncertainty regarding the code, respondents overwhelmingly indicated that they will consult their commander. The question arises whether commanding officers have the knowledge and the prowess to advise on the code, the espoused values and ethical issues. Whatever the case may be now, commanders have to be in a position where they can confidently deal with this kind of leadership. Everything possible must be done to identify and involve all commanders(junior managers) and bring them together for equipping and enriching them to do just that. Matters such as how they dealt with temptations and their own vulnerability can be discussed, as well as how the code of conduct is institutionalised at their station. The Critical Incident Technique can be utilised to good effect to further this aim. All members studying subjects on leadership at tertiary institutions should be identified with the intention to involve them in the abovementioned discussions. “No person working alone...can generate durable reform” (Ibid.). Therefore, the *principle of involving and equipping others* to help market the code and its principles should be accepted. The staff unions are the other partners in these conversations, especially after they declared their intention to combat corruption. Interestingly, many members also indicated through the questionnaire that they will consult their union representative in the case of uncertainty on issues related to the code of conduct. It is also, however, an open question whether union representatives are ready to give advice on values and ethics. Whatever the case, the interest shown by staff unions in contributing to professionalism must be changed into involvement.

The other side of the coin is that not all members will be inspired by motivational talk and principle-centred leadership. Strong leadership in the sense of *supervision*, determined *disciplinary action* and ethical discussions will therefore be necessary. These actions should be aimed at promoting professionalism and reducing corruption. This can be attained by continually identifying and reducing the opportunities by, for example, holding group discussions within a station or unit and, as a last resort in highly sensitive areas, reassignment and rotation. In areas where widespread corruption occur these measures may be very successful. Detection and deterrence are other mechanisms to achieve accountability (Miller : 35). This can be attained by unroutinely inspections and/or audits, complaints investigations, surveillance, use of informants and testing. If the situation has deteriorated to such an extent where corruption is uncontrollable and the community disillusioned, “a system more extensive than may be necessary in other professions” (Ibid.) may be employed. The “most formidable barrier to eliminating corruption: the blue curtain - the conspiracy to silence among the police” (Delattre : 95) may necessitate the involvement of intelligence agencies from within the police or from the National Intelligence Agency. Offenders or potential offenders should also be deterred by a strong disciplinary code and the proven determination of a task team or local officers to bring them to book. The co-operation of the unions must be sought in this regard.

Recommendation:

- (a) *identify problem areas* regarding the types of corruption as well as the places where they occur with the help of the statistics and introduce preventative measure to reduce opportunities for corruption.

(b) the task team co-ordinating the anti-corruption program should liaise with internal and external *intelligence agencies* to compile as much information as possible.

© members working and living in areas where standards are low for keeping an anti-corruption environment intact and confronted by community attitudes rejecting the department's policy and/or national values, should be 'debriefed' and encouraged by the task team.(at station level).

(d) members working in environments conducive to corruption(e.g. units like SANAB and Organised Crime) should likewise be 'debriefed' to discuss the ethically correct nature of their actions.

(e) discussions by members across unit borders ought also be considered to bring them in contact with the ethical dangers colleagues of other units are confronted with.

(f) units and stations identified by the task team's investigation as seriously morally vulnerable, reassignments within ranks or, in extreme circumstances, rotation ought to be considered.

(g) the task team should identify and train members in the facilitation of discussions or 'debriefing' within ranks or in conjunction with other units. (Experienced members and/or members showing complete solidarity with the police officers should be considered. Members whom are skilled in debriefing and group dynamics such as psychologists, social workers and chaplains can also be involved. Members nominated by the unions can also fit in here. Credibility and genuineness is of great importance to members of special units and any facilitator should encourage these qualities).

(h) apart from merit promotion(with a high standard) other methods of reward and motivation should be found to encourage integrity, loyalty, honesty and job satisfaction.

(i) in an attempt to reduce corruption, management should seriously reconsider recruitment and the guidance probation officers receive. In a context where the moral vulnerability of the Police Service is under suspicion the quality of its members must be above reproach.

(j) the task team's anti-corruption program should also include protection plans for 'whistle-blowers' so that offenders, complainants and witnesses know that corruption will not be tolerated. Commanding officers must make sure that every allegation is reported to the task team for investigation.

(k) a 'rehabilitation' program for minor offenders should be designed by members of the helping professions(as an extension of the task team) to reinforce those officer's inclination towards their code of conduct. (members selected from the discussion group on 'leadership' may also be involved in this 'rehabilitation'.)

"Fear alone cannot motivate all people"(Ibid.) but the motivation to do what is right should be reinforced. Commentators agree that the abovementioned ongoing discussions as well as **training** can play a vital role in reinforcing officer's moral vulnerability. These discussions have to be part of the task team's program and should slot in with the Police Service's initial training programs, intra-occupational training and perhaps also extra-occupational training. Miller (39) is of opinion that ethical discussion and deliberation should have a central place in policing whilst Delattre (93) states that "annual in-service training should be required for every patrol

and command officer”(with a special focus on the temptations of vice and narcotics assignments). Himelfarb’s (25) conviction is that training in ethics(both in the code and its application) is critical for the internalisation of an organisation’s ethics by its members. The point of importance with regard to training he makes, is that his organisation, the Royal Canadian Mounted Police, has been integrating ethical training as a dimension of all police training. They follow a problem-solving approach aiding officers to find solutions for ethical dilemmas conveyed through reality-based scenarios. By applying this approach, they believe, the organisation and its members are learning not only the importance of ethical standards but the significant challenge the members encounter in applying these guidelines in policing of today. The code of ethics or conduct helps to focus on ethics as “a matter of principle and decision-making...” (Ibid. : 24). Delattre (148) also refers to experts emphasising “thorough consideration of value choices and ethical dilemmas of police work” and the provision of “those concepts and analytical skills...” His point(149) is, however, valid that the process is pointless for someone who lacks the character to listen to reason or who is reckless. He is to be taken seriously when he proposes the valuable study of specific situations with seasoned officers “to learn how to bring one’s best habits wisely to bear.” Value clarification should bear the character of identifying what is worthy of our aspiration and respect and that true ethics is in part about justice and temperance (Ibid. : 150). Vicchio indeed also pointed out that to act with integrity does not entail to avoid wrong behaviour; there should be concrete involvement in morally important acts. Police officials should not get the impression that professional moral life is one hard decision after the other. They should, instead, also become aware that the purpose for developing professional ethical habits is to learn(and see) from experience that it is better to be courageous than to be reckless or cowardly (Delattre : 150).

In our perceived post-modern context Himelfarb’s point (24) is most valid when he states that in our time of extraordinary change and diversity, rules can never capture the range of situations and quandaries officers certainly will be confronted with. In order to let ethics triumph as moral reasoning, he (Ibid.) declares that “commitment to the principle is far more important than any adherence to any rule”. Understanding and internalising moral principles and an approach based on moral reasoning can help officers understand and apply rules in diverse circumstances.

Our time has also placed an accent on transparency of and participation in government or administration. Initial, but also in-service, training should equip officers to understand the ‘world’ and subjective experiences of the communities they serve. With communities becoming evidently more pluralistic and diverse, training will have to supply officers with problem-solving skills which emphasise the importance of an internal understanding of the community (Ibid.).

The current position of ethics at training colleges of the SAPS is one of a humble reappearance. Apart from an ethics course introduced at the new basic training course, no ethics course is part of the curricula elsewhere. Lectures in ethics, the code of conduct and its espoused values at other training venues are being done on an *ad hoc*-basis. A national coordination of all these lectures are called for now in order to establish a new ethics course at the training institutions of the SAPS.

Aids in ethics training such as case studies, role play and the Critical Incident Technique (CIT) have been proved useful in the enhancing of ethical knowledge and skill. Whilst the value of case studies as increasing job knowledge and problem-solving skills is known, role play can create situations which expose and challenge numerous aspects of a decision, compelling participants to expand their perceptions from within themselves (Brown : 106). It is likened to ethical inquiry intended to lead to confrontation with underlying issues faced by organisations or individuals asking them (Castro, as quoted by Brown : Ibid.). The power of this enquiry is its ability to elicit such a confrontation and, through it, achieve self-understanding. Marrying ethics with role-play as a method of teaching can be a useful exercise. It has the “advantages of creating low risk conditions for (the) expression of extreme opinions...” (Ibid. : 105). For the creation of a role-play the situation and character set must be rich in potential conflict, identifiable to most participants and interesting enough to provoke participation.

Through the CIT particular behaviours are identified that are vital for the achievement of desired job results. These behaviours provide information based on performance which can be utilised for creating job expectations, objective performance appraisals, establishing training needs or conducting a needs assessment (Dean : 287). The potential for assessing the ethicality of a manager/leader or an employee is clear. Dean (Ibid.) explains that the CIT evolves around the citing and discussing of critical incidents which provide the data for the development of a continuum which will serve as a model for decision making. To achieve this end the incidents have to be valid and specific. The persons sharing their experience are selected on account of their acquaintance with the issues under discussion, as well as their ability to differentiate between effective and average or ineffective behaviours. By orienting these persons to a clearly defined goal it is possible to increase the validity, the quality and the usefulness of the incidents. The principles of a code of ethics/conduct and the context in which they are applied would serve to focus the experts. These persons should be nothing else as experts or a mentoring authority as their status will contribute to the authority of the incidents cited. A concrete list of organisational related behaviours ranging from highly ethical to unethical, would serve as concrete model to follow in making ethical decisions. The CIT “facilitates the identification of those behaviours that distinguish really outstanding accomplishments, from those that achieve minimum standards only” (Ibid. : 288). It aids ethical decision making by equipping participants with the skill to identify and analyse issues, encourages independent thinking and set expectations for future decisions. The knowledge and skills will enable them to apply it in all situations. Using the code as a focal point this method will help to keep the code relevant.

Recommendations:

- (a) all those involved in lecturing or leading discussions on ethics, the code of conduct and the espoused values should meet to discuss and finalise an ethics course for management and detective training.
- (b) a problem-solving approach with moral reasoning as its basis and done with reality-based scenarios as background, role play and the Critical Incident Technique should be considered as part of the curricula.
- (c) seasoned and/or highly competent officials ought to be identified, selected and equipped to cite and discuss relevant issues and take part in the teaching methods mentioned above.

- (d) a study group comprising all police officials interested in police ethics, as well as ex-police officials and other interested members of the community should be created to encourage on-going discussions and research.
- (e) institutes like the Institute for Applied Ethics of the University of Stellenbosch and other similar institutions elsewhere in the country should be involved in the planning of curricula, training and the discussion groups of certain units confronted with complicated dilemmas.

The role of religion as a support for an ethical climate in the organisation cannot be underestimated. The vast majority of members indicate in their personal particulars that they belong to a Christian church, whilst still others mention that they belong to religions such as Hindu, Muslim and other faiths. Only a very small percentage indicate that they are atheistic or agnostic. As has been discussed earlier, religion provides sound and unselfish motivation for behaving well and to render service of high quality. It also serves to support members pastorally and thus building up the morale of individuals and the organisation. For the past ten years the chaplaincy of the SAPS was involved in orientation camps(so-called “contact” camps) for new recruits and spiritual empowerment camps for other members. The camps had a specific Christian character and endeavoured to guide, to build up and empower members with spiritual qualities to take on the challenges of their personal and professional life. Many returned refreshed and committed to their job. Funds were, however, very scarce and many of the projects could not be finalised. The national coordinator for these projects had also to rely on private support to achieve objectives. Combined with this campaign the Christian Police Association(CPA) presented members and non-members with many opportunities to be strengthened spiritually and emotionally with their many projects all over the country. The very successful annual conferences over the past four years, as well as many other leadership seminars and outreaches sent back many committed members to their stations and units. Unfortunately, however, the CPA is now considered as an unofficial association within the SAPS and may not make use of any official resources anymore. Members have to make alternative arrangements to meet and inspire each other for life and work.

Although the religious diversity in the SAPS and its secularity as an institution of the state make it near impossible to give official status to one religious grouping, management cannot ignore the uplifting role which the coordinated effort of an association such as the CPA can play. This association can be a powerful ally in the institutionalisation of an ethical climate in the workplace.

Recommendation:

- (a) management should investigate measures to involve the CPA in the same vein as the staff unions in the combined effort to institutionalise the code of conduct and the espoused values and combat corruption.

4.1 Concluding Remarks

From the start it became clear that codes have the potential to create a discursive interaction between provider and recipient. Their very nature as a declaration of intent conveys the relationship in which the relevant parties stand towards each other. Codes are, therefore, contextual and ought to be applicable to the parties concerned.

As they are also internal statements connecting users to the purpose of their profession or occupation, they possess the ability to promote ethical deliberation amongst own ranks. Their potential to establish relationships and build trust and cooperation make codes a worthwhile endeavour to adopt in order to curb teleopathy and self interest.

Codes' versatility lies also in the fact that they can be used as a basis for increasing the ethical sensibility, knowledge and conduct of all involved in their utilisation. Their wide ranging use by corporations, organisations, groups and institutions; especially the last two decades of this century; emphasised their status as an effective measure. All the literature stressed the point, however, that codes cannot be effective on its own. Its discursive nature has to be exploited through discussions in peer groups, discussions lead by managers or leaders, ethics workshops and ethics training. This accentuates the necessity to continually reinforce acceptable values, norms and standards and their embodiment in acceptable conduct. Codes serve as the point of departure as well as the basis to keep this exercise alive. It is this capability of codes and the corresponding activity of making people aware of their ethical responsibility which interested the author. The potential of codes to sensitise or resensitise people who have become ethically numb or apathetic is a challenge which can have enormous benefits for a policing institution. Ethical vulnerable units should surely be 'debriefed' and resensitised for purposes and values they try to protect. The role of discussion is fundamental to this exercise.

The author's belief that discussion can play a major role in the development and institutionalisation of a code has been confirmed by literature on this subject. Class discussions and meetings with officers on the code of conduct, its application and its institutionalisation confirmed the contribution which such an interaction can bring about. Methods such as role play and the CIT have still to be researched to make it applicable for ethical discussions. Its potential, especially lastmentioned, to enhance ethical understanding and decision making is worthwhile to explore. The discussions and meetings held with members of all ranks revealed, however, that negativity, anomie and alienation makes meaningful discussion a futile event. Questions on the legitimacy of a code and its compilers' mandate to impose it, undermines the uplifting role of deliberation. There are, however, still many members who "have not given up on themselves" and are willing to make a contribution to keep the organisation in contact with its purpose. These champions have to be identified and equipped to further a culture of learning and deliberating. I believe that leadership in the sense of taking ownership of the desired values, norms and standards and integrating it into the daily professional life of the organisation is crucial. Only someone who believes in the value of the desired behaviour and who has the confidence to promote it, can encourage others to follow suit. Dimensions of this commitment which Blanchard and Peale (1988 : 47,63) mentioned in their book *The Power of Ethics Management* which are applicable here, are "pride" or "self-esteem" and "persistence" (the unrelenting adherence to ethical principles). Otherwise one has to revert to measures to force compliance. The fear of sanctions cannot produce lasting reform or ethical commitment. It is rather the power of an example of ethical management or the embodiment of values in benevolent conduct which will convict someone to perform the desired behaviour.

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WORLD BANK REPORT ON CORRUPTION
September 1997



South African Police Service Code of Conduct

*I,
commit myself to the creation of a safe and secure environment for all the people in
South Africa by-*

*participating in endeavours to address the root causes of crime in the community;
preventing action which may threaten the safety or security of any community; and
investigating criminal conduct which has endangered the safety or security of the
community and bringing the perpetrators thereof to justice.*

In realization of the aforesaid commitment, I shall at all times -

uphold the Constitution and the law;

be guided by the needs of the community;

give full recognition to the needs of the South African Police Service as employer; and

*co-operate with the community, government at every level and all other related role-
players.*

*In order to achieve a safe and secure environment for all the people of South Africa I
undertake to -*

*with integrity, render a responsible and effective service of high quality which is
accessible to every person and continuously strive towards improving this service;*

*utilize all the available resources responsibly, efficiently and cost effectively to
maximize their use;*

*develop my own skills and participate in the development of my fellow members to
ensure equal opportunities for all;*

*contribute to the reconstruction and development of, and reconciliation in our
country;*

uphold and protect the fundamental rights of every person;

*act impartially, courteously, honestly, respectfully, transparently and in an
accountable manner;*

*exercise the powers conferred upon me in a responsible and controlled manner; and
work actively towards preventing any form of corruption and to bring the perpetrators
thereof to justice.*

APPENDIX-B

FORMAT OF DISCUSSION ON THE CODE OF CONDUCT WITH FIRST AND MIDDLE LEVEL MANAGERS IN THE SAPS.

1. The discussion is introduced with the question: Why did you become a police official? Or Why did you become an officer? This was to highlight the motivation to join the police service. Answers included sentiments such as: “I wanted to serve my community...”; “I wanted to fight crime and apprehend criminals...” and “I had a respect for the police and wanted to be part of such a respectable organisation...” and “I wanted to make a contribution...”. This certainly accentuated a personal vision which members had for their careers.
2. This was followed up by a video, *Even eagles need a push*, in which five qualities of empowered confident people, were highlighted. They were
 - self-appreciation
 - vision
 - purpose
 - commitment
 - contribution.
3. The question “WHY A CODE OF CONDUCT?” was then posed. The objective of this question was to focus on the circumstances which forced the issue a code of conduct wants to address. The following points were raised:
 - a crisis regarding the credibility of the SAPS
 - a crisis regarding the legitimacy of the SAPS
 - loss of trust in the SAPS by the community
 - service is not always and everywhere of a high standard
4. THE PURPOSE OF A CODE was then addressed in order to establish the role which it can play. The following points were raised:
 - to promote professionalisation within the SAPS
 - the code connects the profession with its purpose/vision and so enhances a moral understanding amongst all role players.
 - it is an instrument to make people aware of their calling
 - it is a declaration from members to colleagues.
 - it is a declaration of members to the community the serve.
 - it promotes a shared understanding of the values of the organisation.
5. FACTORS INFLUENCING THE ADOPTION OF A CODE were then discussed. The following points were raised:
 - cynicism was apparent amongst managers. A mistrust in top management was expressed and it was felt that promises are not kept.
 - it was the view that the code served as self-protection for top management safeguarding them against accusations of failing in their duty. The distance between the members present and top management is apparent.

- the main objection was that the scarcity on important resources and a shortage of manpower make it nearly impossible to realise some of the values addressed in the code of conduct. This situation brings the code into a crisis concerning its legitimacy and practicability.
- the managers expressed the view that they are unable to perform duties with confidence and resilience. “Can we sign something we know we cannot keep...?”, was another question.
- it became apparent that a big conflict exist between the interests of the individual members and that of the employer, represented by national, provincial or area commander. The so-called “top management”.
- the view was also held that people are regarded inferior to plans and objectives.
- it was certainly apparent that no shared vision existed with regard to a commitment to the ideals expressed in the code.
- some expressed, however, that the code is of significance to those who *wants* to use it as a guideline for their conduct.
- *leadership* seems to be one of the fundamental factors of the successful acceptance of a code. The managers whom had already started with the explaining the significance of the code of conduct to their members testifies of a positive attitude towards it.
- the code needs, however, also legitimisation externally as the community’s cooperation and respect still have to be attained.
- the involvement of other departments, NGO’s and churches are still to be elicited in order to launch a combined effort to address the root causes of crime.
- the trust of the community in the police are seen to be low. One manager is of the opinion that if police officers were paid by the local government the aspect of accountability will certainly be realised more.

6. THE INSTITUTIONALISATION OF THE CODE OF CONDUCT.

- the prospect to localise the code was then discussed. As all police stations have their own plans in conjunction with the national priorities and objectives it is surely attainable to create a local vision and purpose for the code. This exercise could then be cascaded down to all components or units of the police station to establish what are the core values for a specific shift or administrative component, for example.
- this localisation of the code entails questions such as “What does the core values of the code mean for our station or unit?” The establishment of the local values could be done through a value work shop where the value is identified along with the needs of all role players present and finding a “satisfier” as the guideline, e.g. if the value is “working with all levels of government and other role players to address the root causes of crime” the need may be to “establish who are the local partners in the relevant authorities”.

The 'satisfier' might be "the creation of a network of resources or an infra-structure to aid the police in addressing the root causes of crime locally".

- this can be modelled on the prospect of the national plan to create "pockets of excellence" inside a police station.
- the principle of the discussion of the contents of the code and its implications seem all important for the understanding and legitimising of it. Especially with regard to the possibility to use the code in disciplinary action, it is essential that it has been made clear. If this has been done an asymmetrical relationship in which the employer has an unjust advantage over the employee, will be avoided.
- case studies of actual events at the police station could be used to ascertain how the conduct in that specific instance promoted or broke down the applicable values. Commander can take part in these discussions as an equal participant conveying his own humanness in that way. The essence of it is not solely "to do the right things", but more so "to do the things right".
- the involvement of the commander and/or the supervisors in these ethical discussions will help to bridge the gap between the commanders and their subordinates and so integrating their concern for the code and their core values in their actions and their reflection on them. This involvement should also include the so-called 'top management' illustrating their commitment to the code continually and joining in the ethical discussions at grassroots level. This would be essential for the phase of introduction and initial institutionalisation of the code.
- reservations of members on the motives of senior commanders and their commitment to the code could be met by these discussions. If it is not possible to have these meetings the objections of members concerning the code must be forwarded in writing to the Project for Professionalism. The initiative for these discussions should come from both 'sides'.
- the status and the high regard for the code of conduct should be clear through the place the code takes in the plans and projects of the station. The values which will specifically be aspired to must be stated in the deliberations on the plans and outcomes. The visibility of the code could also be further enhanced by the posting of it at strategic places in the form of a colour enlargement.
- leadership will ultimately make the difference in the adoption process at local level. Leaders are seen to be the protectors and promoters of values. Managers or commander should identify members, apart from the obvious ones, such as the opinion-makers and make them champions of the code.
- managers/commanders should meet regularly with others who manage in similar circumstances to give moral support to each other as well as to discuss the difficulties of moral leadership.

Suid-Afrikaanse Polisie

APPENDIX - C

C r e d o

vir jou Suid-Afrika

In nederige erkentlikheid teenoor die Almagtige God,
Beskikker oor die lotgevalle van nasies en die geskiedenis van volkere;
Wat ons voorgeslagte uit baie lande byeenbring
en hulle hier in hul eie reg gevestig het;
Wat hul wee deur geslagte bepaal het;
Wat hulle so wonderbaarlik deur gebare gelei het;

Verklaar ons, as lede van die Suid-Afrikaanse Polisie,
dat aangesien ons -
bewus is van ons verantwoordelikheid voor God en ons medemens;
oortuig is van die noodsaaklikheid om verenigd op te tree,
om die onskendbaarheid en vryheid van ons land te beveilig;
om die wet en die orde daarin te handhaaf; en
om die geluk en die geestelike, sowel as die stoflike,
welvaart van almal te bevorder;

Ons bereid is om ons taak te aanvaar, gesamentlik met alle inwoners
van die Republiek van Suid-Afrika en die mense van
Suidelike Afrika, te help bou aan gesonde volkereverhoudinge,
gegrond op Christelike en religieuse beginsels ter
verwesentliking van die ideaal van breedsame naasbestaan; en

In die uitvoering van ons opdrag, sal ons nie huiwer nie, selfs al
sou dit die hoogste offer van ons vra, want

Ons Sal Lewe, Ons Sal Sterwe
Ons Vir Jou, Suid-Afrika!

Hierdie Credo is gegrond op die aanhef van die Grondwet van die
Republiek van Suid-Afrika

APPENDIX - D



Suid-Afrikaanse Polisie-erekode

Ek, as lid van die Suid-Afrikaanse Polisie, wat 'n volk met 'n Christelik-nasionale grondslag dien – 'n volk wat in sy hoogste vergaderinge die eer en heerskappy van God bo alles stel en daarom in 'n opregte en eerlike lewenswyse glo – verbind my onherroeplik aan die volgende erekode:

As POLISIEMAN sal ek die eed van getrouheid wat ek aan die Republiek van Suid-Afrika afgelê het, asook die taak wat deur die Polisiewet aan my opgedra is met onvermoeide ywer, volgehoue doelgerigtheid en toegewyde pligsbesef nakom, wetende –

Dat my ROEPING teenoor my volk is om:

My naaste onbaatsugtig te dien, lewe en eiendom te beskerm, die onskuldige en minderbevoorregte teen uitbuiting te beskerm,

die swakkere teen intimidasie en onderdrukking te beskerm en;

sonder vergelyking van watter aard ookal en met gesonde oordeel, meedoënloos die stryd teen misdaad en misdadigers aan te knoop en om daardeur die veilige en gelukkige voortbestaan van my land te verseker.

Om dit te kan doen sal ek in my persoonlike lewe:-

'n Navolgenswaardige voorbeeld vir almal stel;

my eie persoonlikheid ontwikkel en ook die geleentheid vir andere skep om dieselfde te doen;

my ondergeskiktes sowel as my meerderes op 'n menswaardige wyse behandel;

ongeag gevaar, belediging of verguising my plig getrou volvoer;

hetsy op of van diens selfbeheersing ontwikkel en eerlik in daad en gedagte bly;

voorbeeldig wees in die nakoming van die wette van die Land en die voorskrifte van die Mag; tement;

nooit teenoor die publiek, prisoniere, makkers of ondergeskiktes, bemoeisiek wees, of outokraties optree nie;

nie toelaat dat persoonlike gevoelens, vooroordele, vyandighede of vriendskappe my oordeel beïnvloed nie;

nie onnodige geweld of onbehoorlike dwang gebruik nie;

geen ongeoorloofde beloning of vergoeding ontvang nie;

en in die volvoering van hierdie roeping sal ek deur onbaatsugtige diens die vertroue van die publiek waardig bly, my geluk in diensvaardigheid soek en myself in diens van my God en my land wy.

SERVAMUS ET SERVIMUS – ONS BESKERM EN ONS DIEN

APPENDIX - E

GEDRAGSKODE VIR DIE SUID-AFRIKAANSE POLISIE

Ek, as lid van die Suid-Afrikaanse Polisie, verbind my onherroeplik tot die volgende gedragskode:

As POLISIEBEAMPTE sal ek die eed van getrouheid wat ek aan die Republiek van Suid-Afrika afgelê het, asook die taak wat deur die reg aan my opgedra is met onvermoeide ywer, volgehoue doelgerigtheid en toegewyde pligsbesef nakom, wetende dat ek myself tot die volgende beginsels verbind:

Om die fundamentele regte van die individu en grondwetlike aansprake by wyse van voorkomende optrede te beskerm of, as alternatief, om 'n skending van die orde deur middel van reaktiewe polisiering te herstel.

Die gesag en bevoegdhede wat aan die Polisie verleen is vir die handhawing van maatskaplike orde en die daaruit voortvloeiende maatreëls wat hulle aanwend, is afhanklik van en onderworpe aan die goedkeuring van die publiek, en die vermoë om die agting van die publiek te verkry en te behou.

Die verkryging en behoud van die agting en goedkeuring van die publiek sluit ook die samewerking van die publiek tot vrywillige regsnalewing in.

Enige oortreding of beweerde oortreding deur enige lid van die Suid-Afrikaanse Polisie van die gemenerereg of die wetterereg, met inbegrip van die Polisiwet en die regulasies daarvolgens uitgevaardig, sal behoorlik ondersoek word en waar 'n skending plaasgevind het, sal gepaste stappe gedoen word. So 'n oortreding of beweerde oortreding kan na gelang van die aard daarvan, by 'n Polisie-aanmeldingsbeampte (Police Reporting Officer) of die staande kommissie wat in terme van die Wet op Voorkoming van Geweld en Intimidasie, 1991, tot stand gebring is, of 'n kommissie wat spesifiek vir die doel aangestel mag word, aanhangig gemaak word. Alle moontlike hulp en samewerking sal aan so 'n kommissie en die Polisie-aanmeldingsbeampte (Police Reporting Officer) verleen word, en waar ondersoek deur die Polisie op versoek van die Kommissie of die Probleem-oplossingsbeampte gedoen moet word, sal 'n spesiale ondersoekspan vir hierdie doel gebruik word.

Die graad en kwaliteit van publieke samewerking verminder die noodsaaklikheid van regstellende optrede.

Die guns en goedkeuring van die publiek moet gewerf word deur -

wetstoepassing ferm en sensitief op onpartydige wyse te beoefen;

doeltreffende en vriendelike dienslewering aan elke individu, ongeag politieke- en geloofsoortuiging, ras, geslag of etniese oorsprong;

so gou as moontlik te reageer op versoek om hulp of dienslewering;

selfopoffering ter beskerming van lewens; en

polisie-gemeenskapsverhoudinge aan te moedig, en deelname deur die gemeenskap te bevorder.

Die minimum fisieke mag om die polisie-doelwit te verwesenlik is slegs geregverdig wanneer onderhandling, oorrëding, advies en waarskuwing faal om samewerking, regsnaleding en die herstel van orde te bewerkstellig.

Regtersreëls sal deur alle polisiebeamptes konsekwent toegepas word.

Polisiebeamptes moet getrou bly aan die uitvoerende funksies van polisieëring en hulle daarvan weerhou om vir hulself 'n regsprekende funksie toe te eien.

Alle polisiebeamptes in uniform sal 'n duidelike uitkenbare kenteken dra.

Die integriteit van polisieëring word bepaal deur die graad van persoonlike morele verantwoordelikheid en professionele offervaardigheid wat uit die gedrag en optrede van elke individuele lid spreek.

Die stabiliteit van die gemeenskap, en die lewenskragtigheid en behoud van demokratiese ideële is afhanklik van polisieëring wat:

voortdurend bedag is op die sensitiewe balans tussen individuele vryheid en kollektiewe veiligheid;

voortdurend bewus is van die gevare wat wederregtelike en immorele magshandelinge en metodes inhou; en

wat nooit swig voor die versoeking om beginsels op te offer deur van verwerplike middele gebruik te maak om welslae te behaal nie.

Die professionalisering van polisieëring is primêr afhanlik van intensiewe keuring, opleiding, beplanning en navorsing.

Die behoeftes van die gemeenskap sal in die Polisie se opleidingsprogram oorweeg word, en oorweging sal ook geskenk word aan bydraes gelewer deur gemeenskappe in die verband.

Elke lid behoort te streef na en hom te beywer vir individuele en instellingsprofessionaliteit deur selfopheffing en -studie.

Om hierdie beginsels te kan navolg, onderneem ek om -

in my persoonlike lewe 'n navolgingswaardige voorbeeld vir almal te stel;

my eie persoonlikheid te ontwikkel en ook die geleentheid vir andere te skep om dieselfde te doen;

my ondergeskiktes sowel as my meerderes op 'n menswaardige wyse te behandel;

ongeag gevaar, belediging of bedreiging my plig getrou te volvoer;

hetsy op of van diens selfbeheersing te ontwikkel en eerlik in optrede en gedagte te bly;

voorbeeldig te wees in die nakoming van die reg van die land en die voorskrifte van die Mag; maar

nie toe te laat dat persoonlike gevoelens, vooroordele, vyandighede of vriendskappe my oordeel beïnvloed nie;

geen ongeoorloofde beloning of vergoeding te ontvang nie; en

in die volvoering van hierdie roeping sal ek deur onbaatsugtige diens die vertroue van die publiek waardig bly, my geluk in diensvaardigheid soek en myself in diens van my God en my land wy.



Dit is my trots dat ek 'n lid van die Suid-Afrikaanse Polisie is.
My hoogste strewe is om my land te dien.
Ek sal altyd onvermoeid en met vasberadenheid die dienste aan
my opgedra, uitvoer.
Met verantwoordelikheid dra ek die gesag wat aan my toevertrou
word, en strewe daarna om in alle situasies met wysheid op te tree.
My lojaliteit is gegrond op my liefde vir die Mag en vind uitvloeisel
in die trots waarmee ek die uniform dra.
Steeds bly dit my voor oë om onvoorwaardelik te dien en te
beskerm.



SERVAMUS et SERVIMUS



I am proud to be a member of the South African Police force.
My highest aspiration is to serve my country.
I shall always endeavour to discharge those duties entrusted to
me with indefatigable zeal and determination.
I strive to exercise the authority vested in me with responsibility,
compassion and wisdom.
My loyalty to the South African Police force lies rooted in my love
for it and finds expression in the pride with which I wear the uniform.
My duty is to unconditionally serve and protect the community.

Commissioner Public Relations

APPENDIX-G

THANK YOU VERY MUCH THAT YOU ARE WILLING TO COMPLETE THIS QUESTIONNAIRE. YOUR RESPONSE WILL NOT ONLY HELP ME TO FINALISE A STUDY ON CODES OF CONDUCT, BUT IT WILL ALSO GIVE THE SAPS A RELIABLE OPINION ON OUR OWN CODE. REMEMBER, YOUR RESPONSE WILL BE TREATED CONFIDENTIALLY AND YOU NEED NOT GIVE YOUR NAME. PLEASE ANSWER THE QUESTIONS APPLICABLE TO YOU, THEREFORE, AS OPENLY AND HONESTLY POSSIBLE.

1. Have you read the code of conduct of the SAPS? (If not, a copy is attached to the back of the questionnaire.)

☐ YES

☐ NO

2. Have you signed the code of conduct?

☐ YES

☐ NO

3. What do you think the compilers of the code of conduct wanted to attain with it? (You may mark more than one option.)

- (a) to ensure a better professional service
- (b) to reduce corruption
- (c) to improve the trust the community and the SAPS
- (d) I do not see any purpose
- (e) any other reason?

.....

4. Do you believe that the code of conduct will make a difference in the professional conduct of your colleagues?

☐ YES

Go to Q4.1

☐ UNSURE

Go to Q4.2

☐ NO

Go to Q4.3

- 4.1 If you answered YES, why do you think so? (You may mark more than one option)

- (a) members are seriously trying to adhere to acceptable standards
- (b) members do not want to disappoint the expectations of the community
- (c) members do not want to disappoint the expectations of top management
- (d) members do not want to disappoint the expectations of political leaders
- (e) any other reason

.....

4.2 If you have been UNSURE, please give your view.

.....

.....

4.3 If you had chosen NO, why do you think so? (You may mark more than one option)

- (a) I think that many members are too negative to take the code of conduct seriously
- (b) undisciplined and criminal conduct are currently too strong in the SAPS
- (c) the commanders I know do not set a very good example
- (d) any other reason

.....

.....

5. Do you personally still want to make a difference and portray a positive image of the SAPS?

☐ YES
Go to Q5.1

☐ UNSURE
Go to Q5.2

☐ NO
Go to Q5.3

5.1 If you have answered YES, how will you do it?

.....

.....

5.2 If you have chosen UNSURE, please give your view.

.....

.....

5.3 If you have answered NO and are not interested to make a difference, why are you feeling like this? (You may mark more than one option)

- (a) I am not interested anymore, because I was treated unfairly with promotions
- (b) I am not interested anymore, because I was treated unfairly when appointments were made
- (c) I am not interested anymore, because I was treated unfairly when salary gradings were made
- (d) I have the impression that my commanders are interested in their own career and do not care for their members
- (e) intimidation of reckless members discourages me to conduct myself differently than them
- (f) I am leaving the Service shortly with pension, severance package or for medical reasons and are really disinterested in my work
- (g) any other reason

.....

.....

6. How do you think should the code of conduct be used to familiarise members with it. (You may mark more than one option)

- (a) the commander must explain the code of conduct to them so that the undertaking, commitment and values are understood
 - (b) the code of conduct must be on notice boards so that members are reminded of it
 - (c) members must have group discussions on the code of conduct regularly, on a monthly or quarterly basis
 - (d) any other reason
-
-

7. How do you think should transgressions of the code of conduct be treated? (You may mark more than one option)

- (a) every station/unit must have a committee which will encourage the transgressor to respect the code of conduct
 - (b) there must be no discussion; disciplinary action must be instituted immediately because of the seriousness of the transgressions
 - (c) the meeting with the transgressor and the disciplinary action must be conducted simultaneously
 - (d) transgressions of the code of conduct are not serious and no disciplinary action must be taken
 - (e) any other suggestion
-
-

8. If you are not certain if your conduct is in accordance with the code of conduct, who would you consult to get clarity? (You may mark more than one option)

- (a) immediate commander
 - (b) previous commander
 - (c) union representative
 - (d) lecturer at college
 - (e) chaplain/spiritual leader
 - (f) any other(specify)
-

9. Do you think a committee must be established within your area which can be consulted if certain actions are in accordance with the code of conduct?

YES

UNSURE

NO

10. Are you prepared to state your commitment to the code of conduct publicly to the Police Community Forum?

YES

UNSURE

NO

THANK YOU FOR YOUR TIME, I APPRECIATE IT. PLEASE HAND THE QUESTIONNAIRE TO THE PERSON WHO HANDED IT OUT.

APPENDIX - H

PLEASE ANSWER THE QUESTIONS AS THOROUGHLY AS POSSIBLE. THEY WILL BE USED IN A CLASS DISCUSSION LATER.

NAME: Auma Esther Kora

1. What is the vision of the SAPS?
To give professional service to all South Africans
2. What is the mission?
To serve & protect
3. Which values of the SAPS play a role in your policing?
accountability & responsibility
4. What use does the code of conduct have for members at your station and/or unit?
Bring discipline
5. What is professional service?
Service with respect of human dignity
6. What sort of situation placed you recently in a dilemma, so that you did not know what the best decision was to make?
7. Which aspect of community policing did you promote recently?
Protection of Children & Women's Rights

BEANTWOORD HIERDIE VRAE ASSEBLIEF SO GOED AS MOONTLIK. DIT SAL
LATER GEBRUIK WORD IN 'N KLASGESPREK.

NAAM:

1. Wat is die visie van die SAPD?
2. Wat is die missie?
3. Watter waardes van die SAPD speel 'n rol in jou polisieering?
4. Watter nut het die gedragskode vir die lede op jou stasie en/of eenheid?
5. Wat is professionele diens?
6. Watter gebeure het jou onlangs in 'n dilemma geplaas, sodat jy nie geweet het wat die beste besluit was om te neem nie?
7. Watter aspek van gemeenskapspolisering het jy onlangs bevorder?

APPENDIX-I

THE EXAMPLE OF THE ADOPTION AND INSTITUTIONALISATION OF THE CODE OF CONDUCT AT VREDENDAL POLICE STATION.

Initiative of the station commissioner

After two interviews with the station commander, Superintendent J. van der Hoven; most recently on the 9th October 1998; it became clear that this commanding officer had shown tremendous initiative in introducing and instilling the code of conduct at the Vredendal police station. Apart from statements from national circulars and proposed national directives such as “(A)all possible measures shall be undertaken to institutionalise the Code of conduct. All members must...be made aware that their behaviour will be measured in terms thereof...”(Fax from National Services Management : 1998-02-17) there were no explicit guidelines how commanding officers could go about doing this. The station commissioner had to rely on his own insights and experience and a discussion with the local chaplain. His explicit purpose was to promote an understanding of the code and to introduce it as a friendly document.

Discussion with members

At first he personally discussed the code with all his members under his command seeing them in small groups, such as the respective shifts which were at some stages joined by the detectives on shifts. The code was taken line by line and their significance for the member for their daily duties were discussed. It was done more or less on the basis of the question “What shall we do differently with the code now present in our working environment?”

The commander eventually also explained that the code was incorporated into the disciplinary regulations and that violations could necessitate disciplinary action. This was done, however, in an atmosphere of trust created by their commander aspiring to his objective of introducing the code as an ally. Copies of the code were then signed by all members and filed in their personal files.

Public handing over-ceremony

At a grand ceremony where members of the community were present, e.g. representatives of the local Community-Police-Forum and the Chamber of Commerce, the personal colourful copies of the code of conduct were handed over to the members present. As a sign of their commitment to the community the station commissioner, as the representative of the Vredendal police, read the code of conduct out aloud and signed it, after which the Area Commissioner, under which Vredendal resorts, handed over of the copies. Those members who could not be present on account of duty, leave or illness will receive theirs at a similar occasion. It is envisaged that it will coincide with the reward ceremony of the ‘Shift of the Month’. At the initial handing over-ceremony the station commissioner boasted about the unique initiative for Vredendal in that the local SAPS was perhaps the only organisation in the town with such a commitment to professionalism. He then

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summarily illustrated police officers' commitment with 'Catch of the Month' and identified the values they promoted by their conduct.

Rewarding good conduct

Vredendal's project to reward the outstanding shift of the month will be done by criteria which includes those pertaining to conduct and professionalism. In this way the commander ensures that the code is also relevant in the evaluation of performers. By not only rewarding officers for a good arrest, but also involving a small group such as the shift in recognising professional conduct, more people are focused on the shared vision.

Following national objectives and localising it, he will also utilise the code in the performance appraisal of members with regard to recommendations for salary incremental or rank promotions. In order to promote the monitoring of the conduct of members the commander requested his officers/supervisors to take initiative in the record -keeping of members' performances. Whilst it is still the responsibility of members themselves to keep the record of all their good work up to date, the commander felt that it will be encouraging for members to find that their supervisors are taking notice of their quality work. Through making his supervisors more vigilant in this respect, the commander involved them in a continual appraisal of the work of their subordinates.

Integration into station plan

At this stage the commander has already taken steps to integrate the code and the stated values in their new operating plan for the police station. Through this endeavour he will make all heads of components aware of the role of the code in the daily operation of their department or unit as well as the successful deployment of their action plans.

Role of religion

An interesting aspect of the commander's effort to institutionalise the code is the accent which he had put on members' religious affinity. He was of opinion that the personal value system of a person will help him/her to act ethically. With most of the members in Vredendal being Christians, the commander used this background to explain motivation for and the enacting of the values espoused by the code. It is his conviction that this enactment takes place within the worldview an individual holds.

Report back to community

The commander showed his awareness of the fact that the community's cooperation must be elicited by regular report back sessions. Apart from the open CPF-meetings, the commander has also a regular opportunity with the local Christian radio station which he will use to convey the local police's aspiration to render professional service. The administrators of the radio station invited him to do so.

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The issue of members not directly under the command of the station commissioner

A worrying aspect which the commander raised was the position of members of national or provincial units whom are stationed at his police station and perform their duties in and outside Vredendal using his facilities as a head quarters. He had questions concerning the handing over of their copies, where it will be done and by whom. Can they be incorporated in his overall campaign to raise the ethical awareness of the police officers and civil servants locally? He had not received any answers to his enquiries yet.

The issue of Public Service employees

The position of the employees working under the auspices of the Law on Civil Services came also to the fore. The same questions regarding their responsibility to abide by the code of conduct for members of the SAPS were put. There seems to be no clear guidelines on dealing with these employees. What is the role of the code of conduct for the Civil Servants and its relationship to the police's code? Which one is applicable to those people whom are not employed under the Police Act? These are questions the commander would like to receive some guidance on.

Transparency of the station commissioner

Apart from consulting his members as broadly as possible making decisions effecting them, the commander also have meetings with his subordinates where they have the opportunity to 'cross-question' him on certain matters. In this way he tries to close the gap between the manager and members operating in the community service centre(the old 'charge office') and those on the beat. It is his endeavour to curb wrong perceptions building up.