WHISTLE BLOWING AND MORAL DILEMMA IN NIGERIAN PUBLIC ADMINISTRATION

*AKINOLA, OLANREWAJU VICTOR AND **ADEPOJU, BANJI MARCELLINUS (PHD)

*Department of Philosophy, University of Ibadan **Department of Local Government and Development Studies, the Polytechnic, Ibadan

Introduction

In almost every country in the world, public administration has significantly expanded in the past century. With the expansion and the changing nature of the role of government, the number of complains about governmental performance has grown. As a result, governments around the world are experiencing a widening gulf between themselves and the people they serve. This is because the traditional institutions of checks and balances on power and accountability of public officials have become less effective due to the shifts.[i] This has become a moral issue in the development of ethical conduct in the public service. Morality is an integral part of public sector transformation in the twentieth century.

Abstract

The paper attempts a discourse on whistle blowing and moral dilemma and its relationship to public administration with a special focus on Nigerian public sector. The significance of ethical issues in public administration cannot be overemphasized seeing that violation and non-violations affect every level and activity of our daily lives which public administration cannot be exempted. In considering whistle blowing, one would be confronted by several moral issues; there is a claim that whistle blowing is a major measure to minimized or end some ethical issues in public administration. In this regard, person would have to decide if blowing the whistle is actually in the

*p*ublic interest. On the other hand, the potential whistle blower must weigh the responsibility to protect or enhance the interest of the public against the responsibility he has towards his colleagues or the organisation against which he or she is considering blowing the whistle. It is in the light of the above that this paper is taking delight in inquiring into various peril facing public administration and whistle blowers in Nigeria and to proffer philosophical prescription as an antidotes to the ethical issues in public administration in Nigeria. For methodological purpose, the paper shall employ critico-expository approach to examine the subject matter, since man is a product of his experience.

Whistle-blowing is a prosocial behavior in public organization, and an observer's decision to report a wrongdoing is based upon organizational, situational and personal factors. Since whistle-blowers (employees) release information deliberately, and employ unconventional methods to make the disclosure, they are at high risk such as being fired.[ii] Miceli suggest that individual traits such as positive and negative affectivity and proactive personality affect the evaluation of wrongdoing and whistle-blowing in public sectors.[iii] Besides, Near claimed that the type of wrongdoing affects whistle blower's intention to blow the whistle. They found that employees who observed wrongdoing related to mismanagement, sexual harassment, and legal violations were more likely to report it than were employees who observed waste, stealing or discrimination. In addition to the type of wrongdoing, employees' perceptions and moral reasoning are also associated with the decision-making process for blowing the whistle-blowing. It has also been argued that whistle-blowers are likely to be valued individuals because they feel constrained to report wrongdoing by their own sense of moral behavior.[iv] Moral reasoning requires the ability to recognize and correctly evaluate any ethical dilemma.

Besides, ethical issues in public administration has been given vast credence by the persistent maladies inherent in the public sector domain and the increased complexities under which modern public administrative machinery operates. These complexities are exacerbated by the financial constraints that rock most governments and the shrinking levels of public

service delivery. The need to streamline public policy management processes calls for a professional and responsive public service and adequate accountability mechanisms.[v] With a shift toward - new public government, increasing attention has been paid to governing according to collective values and a concomitant ethics code for public officials. As such, the challenge for public officials is to operate in a complex environment with shifting public expectations of performance while maintaining strict adherence to values of propriety. However, this research work was encouraged by the fact that the theoretical terrain of ethics in public administration and management posits that, despite the existence of moral norms that regulates the conduct in the public sphere, the ethics in practice and various moral dilemma accrue to it in public organisation.

Discourse on the Idea of Whistle-Blowing

According to Calland, "whistle-blowing is about basic issues which lie at the heart of human activity. It covers loyalty and the question of dubious practices. It concerns communication and silence. It is about practicing what one preaches and about leadership. It focuses on responsibility toward others and the accountability of those in charge. It is where public and private interests meet".[vi]

Whistle-blowing is also a distinct form of dissent, particularly where issues of public health, safety, fraud, or abuse of office are involved.[vii] Whistle-blowing is also seen as the disclosure by current or former members of an organisation of immoral, illegitimate or illegal practices under the control of the employers, to organisations or persons that might be able to effect action.[viii]

Whistle-blowing is "the disclosure by an employee of confidential information relating to some danger, fraud or other illegal or unethical conduct connected with the workplace, be that of the employer or of his fellow employees".[ix] In general, whistle-blowing involves calling attention to wrongful acts, usually in order to stay away from harm — although there may be other reasons that people may wish to speak out.[x] Whistle-blowing is the act of disclosing organisational wrongdoing by reporting it to authorities who are in positions to rectify the situation.

In 2000, the Organisation of Economic Co-operation and Development (OECD) provided the following explanations of the term: "[a] Bringing an

activity to a sharp conclusion as if by the blast of a whistle (Oxford English Dictionary); [b] Raising a concern about malpractice within an organisation or through an independent structure associated with it (UK Committee on Standards in Public Life); [c] Giving information (usually to the authorities) about illegal or underhand practices (Chambers Dictionary); [d] Exposing to the press a malpractice or cover-up in a business or government office (US, Chambers Dictionary); [e] (origins) Police officer summoning public help to apprehend a criminal; referee stopping play after a foul in football".[xi]

Whistle-blowing is when organisational wrongdoing is brought to the attention of persons in positions of authorities (complaint recipients) who are able to do something about the situation. Because whistle-blowing is in the interest of an organisation or a society, some theorists regard it as prosocial conduct,[xii] since the "actions of whistle blowers can protect the health, safety, or security of the general public" or those within an organisation, i.e. whistle-blowing is "an act that benefits others"[xiii] and can therefore be considered as altruistic behaviour for the public good.[xiv]

Prosocial behaviour can be defined as positive social behaviour with the intention of benefiting others, even though prosocial actors can also intend to gain rewards for themselves. Various authors have suggested that whistle-blowing can be considered as a type of prosocial behaviour as whistle blowers call attention to organisational wrongdoing.[xv]

In an organisation, prosocial behaviour usually takes the form of organisational citizenship, i.e. an "informal form of behaviour in which people go beyond the call of duty to contribute to the well-being of their organisation and those in it".[xvi]

Nevertheless, whistle-blowing is not necessarily consistent with organisational citizenship because it is prosocial conduct. It happens when employees recognise that there are certain wrongdoings in the organization and decide to expose such wrongdoings to someone who is able to do something about it.[xvii]

As stated before, whistle blowers can come from all the levels of an organisation and even from outside the organisation, although some countries do not protect so-called outside whistle blowers. Whistle blowers may expose sexually harassment, fraud, corner-cutting with regard to health or safety, and many other acts that are not in the interest of the organisation or of the public. According to Bromley[xviii] a whistle blower may start by

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talking to representatives of an external regulatory unit, which could cause controversy in terms of the motivation and character of the whistle blower and may create questions about the information the whistle blower may want to divulge.

From the above, one can deduce three aspects about whistle-blowing[xix]:

- The perceptions of an employee in the organisation of morally incorrect behaviour.
- The communication of such perceptions to parties outside of the organisation.
- The perception of those in authority that this particular communication should not have taken place.

Hunt focuses on the contextual issues that represent an act of disclosure. This involves knowing what is disclosed, by whom, and to whom. Only when organisational wrongdoing is disclosed, moral, ethical and public interests are at stake.[xx] Alford argues that "it is admirable, but it is not whistle-blowing, to complain of sexual harassment or racial prejudice against oneself."[xxi] In addition, most employees would not consider it whistle-blowing to complain of an act if sexual harassment if it was part of a pattern that was ignored by management.

The focus on public interest should on the other hand not be restricted "to issues in which an overriding societal value is at stake",[xxii] such as where people's lives are in danger. Any disclosure exposing something that is "not for the public good" can be seen as whistle-blowing.

Petersen and Farrell stress the special form of dispute that characterises whistle-blowing: "Whistle-blowing is a special form of dissent in which a member or former member of an organisation goes outside the organisation or outside normal organisational channels to reveal organisational wrongdoing, illegality, or accusations that threaten the public."[xxiii]

Petersen and Farrell add to their definition by indicating how the dissent is in the interest of the public.[xxiv] One has to remember that whistle-blowing is in the public interest, although not necessarily for public knowledge. For instance, if an organisational wrongdoing has occurred within a state department and a public sector reports it to the director general to disclose the wrongdoing, that public sector has blown the whistle, because it is in the public interest. The problem will only become worse if the director general

cannot put it right and the issue of public knowledge comes into action, but because the act is still in the domain of the public interest it shows that the individual is not acting for selfish reasons. Yet the action from the individual creates a reaction, and the person may be seen as a dissenter trying to divide the organisation and create friction in a normal working environment. The primary question then is what motivates the whistle blower to finally blow the whistle.

As already stated, over many years, whistle blowers have unfairly acquired a bad reputation as busy-bodies, disloyal employees and troublemakers.[xxv] A major cause of this negative perception in Nigeria is the fact that whistle blowers are seen as impimpis – apartheid-era informants who betrayed their comrades. This historical framework has unfortunately allowed the stigmatisation of whistle-blowing as an activity to be despised rather than encouraged.[xxvi] Regrettably, the truth is often that, when responsible workers or law-abiding organisations blow the whistle on corruption, it seems the best they can hope for is isolation and disapproval.

The effect (although unintentional) is that someone who informs on corruption in which he or she has participated, like the collaborators mentioned above, will receive more protection and assistance from the authorities than innocent colleagues or competitors who blow the whistle on actions in which they had no part.[xxvii]

Vickers states that whistle blowers are perceived as being either watchdogs or protestors. They are there to "discover and then expose wrongdoing in order to avoid safety or financial disasters" or "raise more general concerns about the effects of their employers' activities".[xxviii] These two views describe the types of whistle blowers that exist in the literature, where four types are identified. The heroes are loyal employees, who report concerns in order to ensure that organisational faults are rectified. The idealists speak out because there is a mismatch between their expectations and organisational realities. The defensive whistle blower is the calculating employee who, in anticipation of disciplinary proceedings for poor performance, reports a concern with a view to establishing that the true reason for disciplinary action was victimisation for speaking out. Finally, the vengeful whistle blower is a former employee who reveals an employer's wrongdoing as a form of retribution for perceived maltreatment.

People do not automatically blow the whistle if they become aware of misbehaviour in their organisation. Therefore, there has to be an issue that is larger, that affects more than only the people within the organisation. Furthermore, Miethe identified four types of responses to organizational wrongdoing in a survey attempting to analyse the age, gender, educational level, occupational position, and years of employment within a company as well as psychological beliefs and general attitudes of the whistle blower. Miethe distinguishes four types of responses:

- non-observers of misconduct;
- silent observers – those who see misconduct but remain silent;
- internal whistle blowers – those who report organisational wrongdoing within the company; and
- external whistle blowers – those who report organizational wrongdoing to authorities outside the company.[xxix]

Brewer states that motivation is not easy to identify because it is steeped in historical as well as symbolic expression.[xxx] For these reasons, many of people's motivations are considered elusive. The same goes for blowing the whistle. Different people have their own particular motives for blowing the whistle, but what they do tend to have in common is a recognition that it would be morally wrong not to blow the whistle.

"Whistleblowing should have some definite goal, in the attempt to terminate the current wrongdoing or prevent future wrongdoing of a similar type".[xxxi] Elliston also involves an accusation and is directed to people, not just a sense of warning, but in the sense of locating responsibility for the wrongdoing.[xxxii] Most employees are loyal to their organisation. However, sometimes their loyalty to the organisation is overruled by their conviction that they should act first and foremost in the public interest. This is where the interest of the organisation and those of the public could cross paths. The trouble is that some people are victimised for disclosing wrongdoing. This is what makes whistle-blowing a moral act, because the individual goes on a personal mission to protect the public against the wrongdoing he or she decides to report. Morality, trust and ethics all play a role, therefore, in whistle-blowing.

Discourse on Public Administration

The word 'public' it simply means the practice of administration in a particular segment of the society, that of the public sector. On the other hand,

'administration' was derived from a combination of two Latin words '*ad'* and '*ministrate'* meaning 'to serve or manage'. Literally, the term 'administration' means management the affairs of public or private. Administration refers to mobilisation of resources – human and material- to achieve pre-set of objectives. Administration is thus an activity undertaken in pursuit of the realisation of a goal. It is an effort requiring a group of persons, each individually carrying out certain allotted tasks, which when so performed by all, leads to the achievement of an objective which has already been established and made explicit. Public administration is therefore governmental administration and operates in the particular sphere of government. It is the machinery for implementing government policy. Public administration is concerned with the study of how a country's administration is organized and how it functions. Since it is the machinery for implementing government policy, it follows that its study must lead to the study of the most efficient ways of organizing the executive branch of government, its institutions and its procedures.[xxxiii]

Public administration is the machinery, as well as the integral processes through which the government performs its functions. It is a network of human relationships and associated activities extending from the government to the lowest paid and powerless individual charged with keeping in daily touch with all resources, natural and human, and all other aspects of the life of the society with which the government is concerned.[xxxiv]

It is a system of roles and role relationships that defines in as clear and practicable terms as possible and in as much details as possible the intentions and programmes of government; the means available internally and externally to accomplish them; and finally, it is a system that causes these intentions and programs to be realized in real life. It is a pattern of routinized activities, involving decision – making, planning, advising, coordination, negotiation, conciliation, arbitration, command and data gathering, through which the government carries out its responsibilities.

Woodrow Wilson, as cited by Gladden, Public Administration is perceived as the most visible side of government.[xxxv] While Ezeani posits that public administration is the management of government activities. According to him it refers both to the activities of bureaucrats concerned with the management or administration of government organizations and the study of these activities. It is the machinery for implementing government policies to ensure

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stability and continuity at all times irrespective of any government in power even during period of crises.[xxxvi]

Adebayo sees Public Administration as a governmental administration that operates in the particular sphere of government as its machinery for implementing governmental policies. He believes that its study must therefore lead to the most efficient way of organizing the executive branch of the government, its functions and its procedures.[xxxvii] From his assertion, we can deduce that Public Administration is basically concerned with the study of how a country's administration is organized as well as how it functions.

Akpan contends that Public Administration is the organ that carries out the programmes and manifestos of politicians in power. He sees Public Administration as the servant of politics. He went further to say that Public Administration covers every area and activity related to public policy.[xxxviii] Accordingly it includes the formal processes and operations through which the legislature exercises its power. The functions of the courts in the administration of justice and the work of the military agencies all form part of the Public Administration.

According to Nicholas, "Public administration is the fusion of human and material resources in order to achieve the objectives of public policy".[xxxix] One cardinal issue here to which attention must be paid is the issue of policy implementation. This is a very focal point in the study of public administration. Public Administration can also be viewed as a body of knowledge which is directed towards the understanding of administration of the government business. Madubum opines that Public Administration is the study of the development and maintenance of policy by members of governments, public agencies and public sector employees and the practice of implementing the authoritative decisions they have made. [xl]Public Administration concerns itself more with how politicians in government and non-elected public sector employees devise policy, sustain the machinery of government and ensure policies are put into practice.

Nnoli, describes Public Administration as follows:

Public Administration is the machinery as well as the integral process through which the government performs its functions. It is a network of human relationships and associated activities extending from the government to the lowest paid and powerless individual charged with

keeping in daily touch with all resources, natural and human, and all the aspects of life of the society with which government is concerned.[xli]

It is a system of roles and role relationships which defines in a clear and practicable terms as possible and in as much detail as possible the intentions and programmes of government; the means available internally and externally to accomplish them; where, when and how they are to be accomplished; who is to benefit from them, and, finally, it is a system that causes these intentions and programmes to be realized in real life. It is a pattern of routinized activities, involving decision making, planning, advising, co-ordination, negotiation, conciliation, arbitration, command and data gathering, through which the government carries out its responsibilities.

The study of public administration has been characterized by normative approach (political philosophy, lawmaking and constitutional arrangements) up till the 19th century. According to Akindele, et.al, as socio-economic life becomes more specialised and complex and, as well as there continues to be an increase in government functions and responsibilities, there is a need for the diversification of efforts towards a more empirical analysis of events. He equally opined that there should be a science of administration, which is theory of public administration, which shall seek to straighten the paths of government, to make its business less unlike, to strengthen and purify its organisation, and to crown its duties with dutifulness.[xlii] These initial practical and theoretical efforts coupled with that of those who might be called the founding fathers of public administration and, who were initially trained as political scientists, led to the genesis of public administration as a field of inquiry under the umbrella of political science.[xliii] However, the discipline acquired certain distinctive characteristics by the mid-1920s.

Moral Issues in Nigerian Public Administration

Moral dilemmas confront public sector managers as they endeavour to choose options amongst competing sets of principles, values and beliefs. Badaracco refers to these competing sets of principles as "spheres of responsibility" that have the potential to "pull (managers) in different directions" and thus create moral dilemmas for them.[xliv] A moral issues can be described as a decision that requires a choice among competing sets of principles, often in complex and value laden contexts. Kidder on the one hand maintains that many of the moral dilemmas facing professionals and leaders

"don't (just) centre upon right versus wrong (but can) involve right versus right".[xlv] Moral issues can arise from equally attractive options that could be justified as being `right' in particular situations.[xlvi]

Unmoral practices in the public sector have been with every country for thousands of years. Since then, no period in the world history has been without its own kind of fraud, waste, and abuse by the public officials mainly the political leaders appointed by the political party in power, or by the acts and misdeeds of elected or career public servants. Changing times bring changes in unmoral practices and to some extent, a change in their focus. Although common threads such as political influence and insider information about procurements continue to poison the practice of government, changes in public perception about politicians of any persuasion have led to a narrowing of the opportunities and incentives for unmoral practices.

The problem of immoral/unmoral practices in the public sector persists, however, and will continue as long as government leaders continue to tolerate and, even worse, contribute to the problem. Warwick, in identifying some of the common moral issues faced by public officials in the exercise of discretion, offers five moral principles of guidance: the exercise of discretion should serve the public interest; public officials should push back bounds on rationality so that deliberation may take place; public officials should provide truthfulness in the discharge of official responsibilities; public officials should demonstrate procedural respect; and public officials should exercise restraints on the means chosen to accomplish organizational ends.

Public servants swear an oath to be loyal to the Federal Republic of Nigeria on assuming office. It is a ritual that all public servants undergo. However, no sooner had they come into office than they forgot this oath and purse their private interest. Recent revelations of official misconducts in the public service are case in point.[xlvii] The reflections on Nigeria's experience in dealing with public service moral dilemma is a continuum of the growing global concern for promoting moral fitness as an underpinning tonic for sound public service and better governance. Be that as it may, these reflections seek to highlight the types of moral dilemmas experienced in Nigeria's public service and the framework of mechanisms that the country has adopted to navigate through the labyrinths of the moral dilemmas as well as the commonly encountered challenges. As noted by Abia, the debate to curb

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moral violations and enforce accountability has intensified in Nigeria and Africa in general mainly due to four reasons. These include:

a) The increase in the incidence of unmoral practices and lack of accountability;

b) The wave of political liberalization, that engulfed most Africa since 1989, which has emboldened a civil society into demanding greater enforcement of moral standards and the punishment of violators;

c) A growing recognition that unmoral practices have contributed to the economic difficulties that many African countries faced, and;

d) The pressure exerted by international donours requiring stricter adherence by African countries to good governance and the curtailment of waste and squandering of resources.[xlviii]

In Nigeria, the public service sector is experiencing a myriad of problems ranging from lack of indiscipline among the civil service workers, misappropriation of public funds, laziness at work, corrupt practices and their cold and non-chalant attitude towards their job and colleagues and moral values of the community. Since independence in 1960, Nigeria has battled integrity, transparency and accountability problems within its public service. The crisis of governance over the past decades in Nigeria has been associated with the collapse of moral and professional standards in virtually every aspect of our national life. Particularly, the inability to maintain professional and moral standards in the Armed Forces resulted in various military coups which adversely affected every stratum of the Nigerian society. The Nigerian public service has undergone changes and transformation over the years. However, successive reforms aimed at achieving moral standard, efficiency and effectiveness has failed to make significant impact in terms of re-engineering the public sector.[xlix]

Conclusion

It is clear that consideration must continually be given to the existence of values and morals deemed by the public to be sound and desirable as well as providing the background for sound, transparent administration. The acknowledgement and manifestation of the value norms of public administration in the conduct of the authorities would serve as a guideline for public officials in the performance of their official duties. As soon as a public

official takes a serious interest in his or her own ethical behaviour and confronts ethical dilemmas, the cornerstone of good government has been laid. Ethics are essential for sound, transparent public administration and when viewed in conjunction with values and morals, serve as the cornerstone on which wrongdoing can be disclosed in good faith.

Though, whistle blowing might be perceived as a deficiency in the organisational system, open and transparent organisations have nothing to fear from a whistle blower. A loyal employee with high ethical standards making an authorised disclosure will also never pursue personal gain. He or she will act in good faith, address a matter of sufficient interest, first report internally and finally, if not successful, try to address himself or herself to an authorised person or body outside the organisation.

In conclusion, there is a need for guidelines against which public officials can measure their behaviour. To ensure honest government, a code of conduct by which the actions of public officials are led, directed and guided is essential. Without this, it would be virtually impossible to define what constitutes unethical behaviour and what constitutes a disclosure made in good faith. The drawing up of the code of conduct for the Nigeria public sector is an indication of the seriousness of the Nigerian government to combat unethical and unacceptable behaviour among public officials and to stress the importance of ethical and moral conduct. The divergent nature of Nigerian society (which can also be seen in its public sector) and the influence of the different cultures, values and norms on the public officials coming from this differentiated society, emphasise how important it is to develop a uniform set of ethical guidelines applicable throughout the entire public sector against which the actions and conduct of public officials can be measured. It is vital, if the fight against corruption is to succeed, that public officials be made aware through training and education of unethical and corruptible behaviour.

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