"A Difficult Lady"

Shutting Down Pollution in Kampala, Uganda

Educator Guide

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Overview

This Educator Guide is designed to assist instructors in teaching this case to students and practitioners. It is based on case pedagogy, which invites participants to put themselves in the shoes of the protagonist(s) of the case and imagine how they would respond to the circumstances. Participants should read the teaching case in advance and identify key issues as a preliminary step toward meeting the learning objectives. Instructors may then use the time in the classroom to guide participants in exploring the issues and examining the challenges in the case; to introduce key concepts, tools, and frameworks; and to assist participants in applying their learning to their own environments and challenges. (See Appendix 1.)

This guide includes learning objectives, a synopsis, key questions, a roadmap for discussion, and appendices with additional pedagogical information and theoretical applications. The roadmap and appendices are offered to initiate meaningful conversation but are by no means the only way to teach the case. Each educator or facilitator should feel free to design their own teaching plans; both the structure and the time allotted for each component are suggestions.

Learning Objectives

The aims of this case are to help students and practitioners:
- o Understand the three key points of view that inform moral decision-making for public leaders:
  - personal perspective (personal values and identity);
  - professional perspective (role obligations and opportunities); and
  - political perspective (community expectations and stakeholder interests).
- o Use this framework to explore tensions between these perspectives when public leaders make morally consequential decisions.
- o Deepen their understanding of key concepts in:
  - moral philosophy (deontological vs. consequentialist orientations);
  - public administration (discretionary authority and administrative (dis)obedience);
  - leadership theory (adaptive leadership and leading change);
  - "shadow" negotiations; and
  - Hirschman's exit/voice/loyalty framework.[1]

  o   Reflect on their own reasoning and decision-making around prior, current, or anticipated moral
      dilemmas and leadership challenges.

Case Synopsis

In 2011, sanitation and environmental management expert Judith Tumusiime joined the Kampala
Capital City Authority (KCCA), where she and KCCA Executive Director Jennifer Musisi quickly became a
dynamic team, working together to execute a mandate from President Museveni to clean up the
Ugandan capital's unhealthy political and physical environment.

A sprawling soap and petrochemical factory that sat on a hilltop, just across the Nakivubo Channel
from the National Environmental Management Authority, was the country's largest employer—and the
city's biggest polluter. For years, the factory, like many local businesses and individuals, had treated
Kampala and its waterways as a dumping ground, burning sawdust all night to power its machinery,
and discharging industrial and human waste into the channel with impunity. Environmental regulators
from the national government had issued countless noncompliance notices and threats to shut the
factory down if it continued to ignore environmental protection laws, but the leadership of the
company used its position as a vital source of jobs and tax revenue—as well as its political
connections—to evade responsibility and keep its doors open. Dismal labor conditions, choking air
pollution, and the destruction of wetlands downstream persisted.

After months of appeals to factory leadership, KCCA inspectors followed up on violations and reported
to Tumusiime that the firm's private security guards had denied them entrance to the facility. She had
to decide whether the time had come to use the authority of the KCCA to shut down operations. With
Musisi out of the country, her team at their wits' end, and powerful actors warning her against
interfering with the factory, Tumusiime had to weigh lost wages, tax revenue, and political and physical
risk against the health and safety of workers, residents, and the local environment.

Key Questions

1. Did Tumusiime make the right choice in closing down the factory?
2. What alternative actions could she have considered?
3. How should she have responded to Musisi's request that she allow the factory to reopen as
   soon as possible?

Roadmap for Discussion

> **Introduction** (5 minutes): Briefly state the goal of the session in reference to the case, cite specific major conflicts facing the protagonist, and foreshadow broader learning objectives.
>
> **Exploration** (30-35 minutes): Use class discussion, "buzz groups," and board work to examine the issues and options confronting the protagonist.
>
> **Diagnosis** (30-40 minutes): Introduce key concepts, frameworks, and tools to help participants pinpoint possible solutions to major conflicts in the case.
>
> **Application** (10-15 minutes, optional): Ask participants to relate the concepts and frameworks to their own organizations' challenges.
>
> **Wrap-Up and Takeaways** (5-10 minutes): Review the learning objectives and discuss insights most relevant to the participants' organizations' challenges.

Introduction (5 minutes)
In your introductory remarks, briefly describe the case and frame the primary subject of the session: *How should public leaders understand and respond to complex moral leadership challenges?*

Exploration (30-35 minutes)
Consider the problem Judith Tumusiime faced and the different ways she could have responded. Ask participants to provide initial answers to the questions below in small groups or as a class.

- *What constraints did Tumusiime face when deciding what to do about the factory's noncompliance?*
- *Was shutting down the factory indefinitely a good idea? Why or why not?*

(For possible arguments for or against Tumusiime's plan, see Appendix 2, Board 1.)

- *Were there alternatives Tumusiime could have explored?*
  Tumusiime's considerations:
  o Personal risk
  o Political risk
  o Effects of closure on workers
  o Effects of working conditions on workers
  o Effects of pollution on citizens (especially those most vulnerable)
  o Effects of pollution on other stakeholders (e.g., fishermen, carwash operators)

  Possible action alternatives:
  o Requiring an explicitly temporary shutdown
  o Engaging more allies in national government, then acting together
  o Going to the press, putting pressure on factory and national government
  o Etc.

Diagnosis (30-40 minutes)
When we first encounter a case with moral dimensions, we tend to jump immediately to verdicts: so-and-so did this right, this wrong, is blameworthy or praiseworthy for this or that reason, etc. The framework outlined here, however, is meant to provide the foundation for deliberative and thoughtful moral decision-making on the part of public executives.

- *What are the characteristics of a moral dilemma for a public leader?*
  - Different perspectives that the public leader must consider may be in conflict with one another. For example:
    - **Personal** values and identity against the obligations and opportunities associated with their **professional** role
    - **Personal** values and identity against the **political** realities—community and stakeholder expectations and interests—in a particular context
    - **Professional** role obligations and opportunities against **political** realities

The framework is not prescriptive; it does not offer an assessment of which of these conflicting realms of moral duty should "win out" as a public leader weighs heavy choices. It is instead a diagnostic tool for understanding moral decision-making and moral leadership as a function of these three interrelated bases of discernment. These nested, intertwined, and sometimes conflicting bases affect the perceived morality and political legitimacy of the choices that public leaders make.

In teaching this case, instructors may, depending on time, curriculum, and audience, choose to focus the conversation on any or all of these realms of moral meaning making, and make use of any of the background theoretical materials in Appendices 3-5.

Personal Perspective: One's Own Values and Identity
Moral agency is generally defined simply as the ability to tell right from wrong and to act within the context of that understanding. But public leaders act as moral agents within a complex "value environment" in which different actors and stakeholders prioritize among the various (moral) values at stake in different ways at different moments for different reasons.

Our personal morality is our own sense of right and wrong stemming from our capacity for empathy, our families of origin and relationships with others, our faith or belief systems, and our personal values. These ideas are not static but evolve over time as we learn about and interact with the world and the people in our lives, and they shape the ways that we self-identify and identify, understand, and engage with others.

Questions:
- *What personally held values played a part in Tumusiime's decision-making process? How did you see these values reflected in her public actions or comments?*
- *How did the question of what to do about the factory challenge her personal morality?*
- *Over the course of the case, did you see shifts in how she thought or talked about problem?*

(For basic frameworks for a philosophical understanding of moral decision-making, see Appendix 3.)

Public leaders have to make tough choices fraught with moral consequences all the time, whether or not the public is actively watching and weighing in with passionately held beliefs. Whatever their personal values around a given issue, leaders are expected to use their platforms to balance conflicting values and interests in an effort to produce a "satisfactory solution" that can confer political legitimacy on their choice. Ideally, that solution addresses the issue's deeper value conflicts in both procedural and substantive terms.

Professional Perspective: Role Obligations and Opportunities
Public leaders occupy roles that are circumscribed by formal rules and responsibilities that constrain action as a matter of law or policy. They also enjoy certain privileges (e.g., the bully pulpit) that give them a platform from which to survey and explore leadership possibilities. In any given profession, we work within the constraints of a limited number of explicit obligations and prohibitions on our actions and behaviors. We also use our own judgment (discretion) to understand what opportunities our platforms offer us to make choices. In making moral judgments and evaluating actions, public leaders must consider:

1) whether their choices and actions align with the rules they must follow to maintain legitimacy; and
2) whether their choices and actions make the best use of the privileges and leadership possibilities available to them.

Questions:
- *What were the expectations associated with Tumusiime's role? Were these primarily constraints or opportunities?*
- *Did Tumusiime overlook any opportunities to use her platform?*
- *Did she challenge expectations associated with her roles? If yes, how? If not, could she have? What strategies could she have employed to do so?*

(For a theoretical discussion of discretionary authority and authority relationships, see Appendix 4.)

When public leaders exercise discretion in the ways that they use their authority or challenge the authority of state or federal actors, they have a range of options.

Review the action alternatives for Tumusiime on Board 2.

- *How would Tumusiime have had to change her engagement as an authority and/or with those who had the authority to confer legitimacy on her choices in these alternative scenarios?*
- *How and with whom should Tumusiime have spoken, consulted, and acted to reach a "satisfactory solution" that aligned with her own moral views (including her moral views about her professional duty to act on behalf of the public)?*

(For a discussion of Tumusiime's options from a negotiation perspective, please see Appendix 5. For a discussion of her options in reference to Hirschman's exit/voice/loyalty framework, see Appendix 6.)

Political Perspective: Community and Stakeholder Norms and Interests

Understanding the relevant social and cultural norms within one's community is critical to making decisions around morally fraught issues. Many of the judgments public leaders make about the tolerances and boundaries of "legitimate" action revolve around the values held by their constituents, the political and social culture of the community, and the institutional norms associated with their offices.

In any community, even those where one set of values and norms clearly dominates, however, there are always countercurrents and constituencies embracing other values and behavioral norms, and public leaders have wide discretion to challenge prevailing norms.
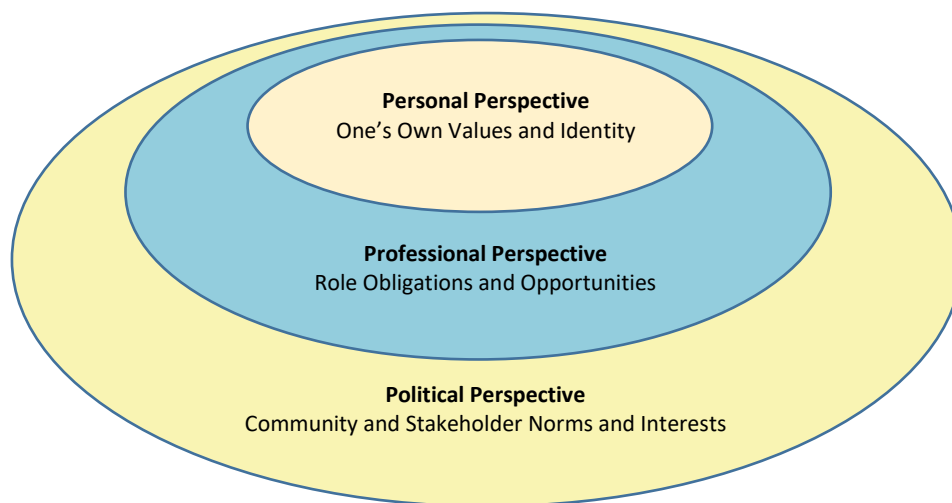
Public leadership is about weighing competing values, claims, and interests against one another and working with the public to arrive at a satisfactory solution that can hold or acknowledge the various values at stake and help those who experience policy choices as a loss come to terms with that sense of loss. This is often called "adaptive leadership."

(For background on the adaptive leadership framework, see Appendix 7.)

Political legitimacy is grounded in the public's belief that those who act from positions of authority are entitled to do so and that those who are subject to that authority are required to obey.

Questions:

- *What institutional, societal, and cultural norms or values were relevant in Tumusiime's decision?*
- *How did her choice reflect or challenge social norms and values?*

Personal Perspective
One's Own Values and Identity

Professional Perspective
Role Obligations and Opportunities

Political Perspective
Community and Stakeholder Norms and Interests

Review the arguments for and against Tumusiime's choice on Board 1 to identify where conflicts would arise between the three bases of moral reasoning named above and how they affect the political legitimacy of Tumusiime's choice.

- *What moral goals or values was Tumusiime pursuing? What was she trying to accomplish?*
- *What tactics and strategies, if any, did she use in her efforts?*
- *What tradeoffs were associated with the choices she made? How did she balance competing values, expectations, and norms?*

Application (optional, 10-15 minutes)
Have students work together in groups or in plenary to apply the concepts and frameworks to their own moral leadership challenges.

Wrap-Up and Takeaways (5-10 minutes)
Discuss insights most relevant to participants' leadership challenges. Takeaways to review after a productive discussion about this case might include the following:
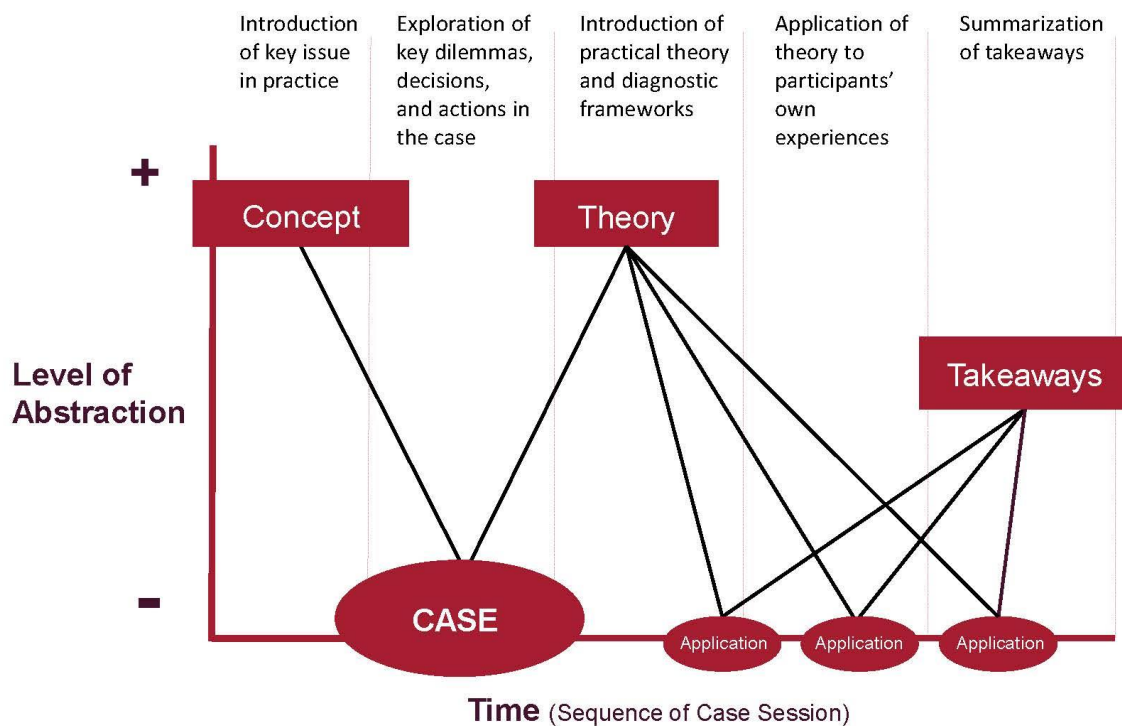
- Public leadership is normative work that requires a capacity for moral reasoning and moral leadership.
- Conflicts often arise among the realms of personal values, role expectations and obligations, and community social norms and values, and must be thoughtfully navigated and negotiated.
- Sometimes it is not possible or not sufficient to make the "right" moral choice, and public leaders have to exercise discretion and leadership to help their communities reach a tolerable or satisfactory resolution.

Appendices

Appendix 1   Designing a Case Session

One Approach to Designing a Case Session

A case session aims to increase participants' ability to use theory and frameworks to guide their thought and action in practical circumstances. To train the mental muscle and integrate theory and practice, a case session moves up and down in level of abstraction frequently, testing and refining abstract theory through practical application.

Jorrit de Jong, 2020

Appendix 2 Board Plan

Board 1: Was closing the factory indefinitely a good plan? Why or why not? (sample answers)

YES	NO
o Only option left o Only way to get executives' attention, brought them to the table o Had to make an example, go for "big fish" o Moral obligation to protect lives o Had to back her team o Etc.	o Economic impact o Worker impact o Needed authorization from national government o Too risky, put team in danger o Should have first consulted with Executive Director of KCCA (Musisi) o Etc.

Board 2: What action alternatives could Tumusiime have considered? (sample answers)

- o Explicitly temporary shutdown
- o Engage more allies in national government, then act together
- o Go to the press, put pressure on factory and national government
- o Etc.

Appendix 3 Moral Philosophy

Broadly speaking, there are two primary philosophical frames that the public and public leaders bring to bear on questions of morality: consequentialism and deontology.

A consequentialist moral frame assumes that the morality of an action attaches only to its consequences. Maximizing net positive consequences, usually taken to mean improvements in individuals' material welfare, is the goal. Since it is impossible to know the consequences of a choice before it is made, this frame is too retrospective to offer much guidance, but decision-makers often try to anticipate and estimate consequences in these terms before making important choices.

A deontological moral frame imposes a duty to consider not just the anticipated consequences of choices but also ideas of individual duties (to act in alignment with personally held moral beliefs) on the part of the decision-maker and individual rights (to life, liberty, and the pursuit of happiness, for example) on the part of those affected by their decisions.

Although these two frames disagree on the appropriate basis for making moral judgments, few people are "pure" in their application of ideas from one frame or another, and the public routinely holds public leaders accountable for acting in accordance with both.

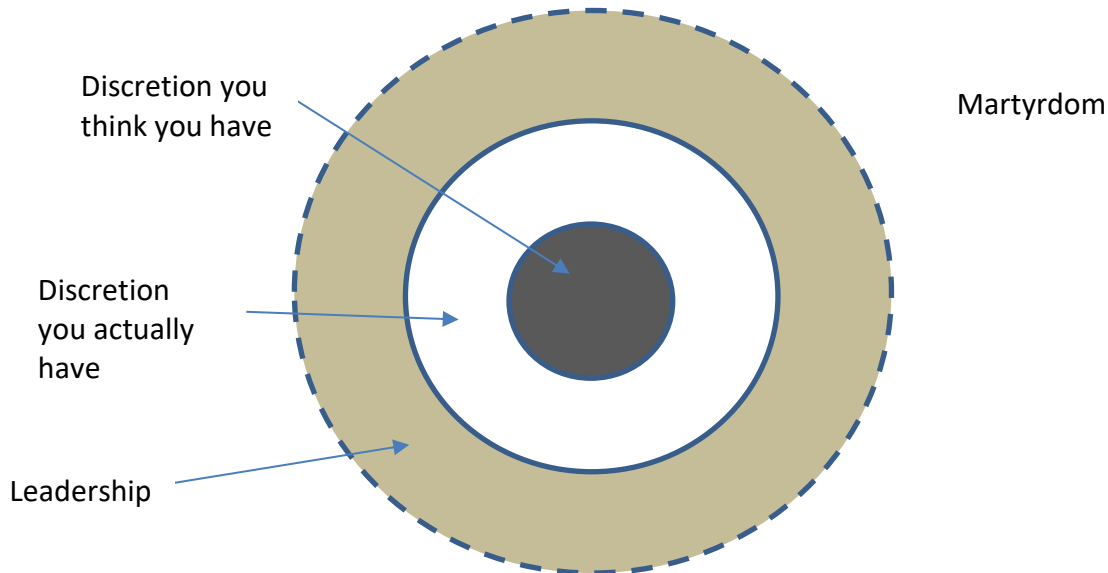**Appendix 4**   Discretionary Authority and Relational Authority

Legal philosopher Ronald Dworkin once compared discretion in the realm of law to the hole in the middle of a doughnut, in that it "does not exist except as an area left open by a surrounding belt of restriction."[2]

As pictured in the diagram below, it is common for those working in the public sector to imagine that the "belt of restriction" surrounding them is tighter than it is, adhering to "phantom rules" that may not actually exist. Often, there is more discretionary space than one might imagine.

Beyond that discretionary space there is also often opportunity to push for an expansion of what is permissible or legitimate action. Opportunities for moral leadership are often present in this space. If a person pushes too far and fast out into that space, however, they may end up a martyr rather than a leader.

Use this diagram to explore how Tumusiime understood and used her discretion.

Dworkin Doughnut and "Phantom Rules" (Ronald Dworkin, Jorrit de Jong):

Discretion you think you have

Discretion you actually have

Leadership

Martyrdom

Authority relationships are fundamentally interpersonal.[i] Formal authority is conferred by selection or election. But when a community extends formal authority to public executive, the community grants that authority power and certain resources while also expecting a set of outcomes or services in return. Influential others in the community may hold informal authority based on trust the community places in them to represent points of view or because, for example, they are viewed as honest brokers. Even those with formal authority rely on their informal authority to govern.

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[i] In a series of books and articles on adaptive leadership, Ronald Heifetz defines authority as distinct from leadership. In a class he and Kimberlyn Leary taught at the Harvard Kennedy School, they began to further refine the interpersonal elements in authority relationships, which Leary and her research team have adapted into a forthcoming teaching note, from which the remainder of this appendix is drawn.)

The **authority system** is made up of these constituent parts but is also determined by the interaction and intersection of various interpersonal authority relationships. In many communities, people are socialized to respond to authority in particular ways.

- o **Relating to authority** might range from submission to exit (see below). There is no single "right" or "ideal" mode of engagement. The goal is to make deliberate choices along the spectrum.
- o **Exercising authority**, or **relating from a position of authority**, similarly, can range from permissiveness to coercion.

Questions:

- *Where would you locate Tumusiime's choices about how to both use her authority and challenge the limits of her authority on the spectrums below?*
- *What "middle options" did she choose?*

MODES OF ENGAGEMENT WITH AUTHORITY

Submission
Deference
Respect
Partnership
Negotiation
Challenging
Questioning
Rebellion
Exit

MODES OF ENGAGEMENT AS AUTHORITY

Coercion
Punishment
Neglect
Blame
Curiosity
Compassion
Coaching
Support
Permissiveness

Appendix 5   Negotiation and "Shadow Negotiation"

Deborah Kolb has observed that the reason negotiations often stall or fail to take place at all is that behind every negotiation is a "shadow negotiation" that plays a large part in determining whether and how the negotiation will take place and what expectations and assumptions each party will bring to the encounter. Identity issues like race, gender, sexual orientation, gender identity, and disability are often at play in the shadow negotiation. "An unexamined shadow negotiation," Kolb writes, "can lead to silence, not satisfaction."[3]

Kolb outlines three ways to influence the shadow negotiation: power moves, process moves, and appreciative moves.

- **Power moves** work to bring reluctant parties to the table by establishing "mutual need." There are three kinds of tactics that function as strategic power moves:
    - Offering incentives
    - Making it costly to maintain the status quo
    - Enlisting allies for support
- **Process moves** influence structural elements of the negotiation. There are at least three tactics that can improve negotiation processes:
    - Planting the seed of an idea ahead of time
    - Reframing the goals of the negotiation
    - Working to build consensus ahead of time
- **Appreciative moves** build trust, encourage honest dialogue, and help surface underlying issues. Tactics include:
    - Helping the other party to save face
    - Keeping the dialogue going without pushing for an immediate agreement
    - Bringing in new perspectives

(For more details and examples, see Kolb's article in the *Harvard Business Review*.)

- *Which of these tactics, if any, did Tumusiime use in her interactions with the factory executives?*
- *Could any of these tactics have helped Tumusiime reach her objectives in a different way?*
- *Was gender a factor in the KCCA's "shadow negotiation" with factory executives? If so, how did that affect the negotiation and the tactics Tumusiime could have used in her negotiation?*

Appendix 6   Exit, Voice, Loyalty

In his influential 1970 book, *Exit, Voice, and Loyalty: Responses to Declines in Firms, Organizations, and States*, Albert O. Hirschman theorized the options workers choose from when working within organizations and responding to problems they experience as a result of organizational decisions or general deteriorating conditions within an organization as a choice between:

- o   exit (leaving the organization)
- o   voice (working within the organization to effect change), or
- o   loyalty (continuing to work within the organization without voicing dissatisfaction, despite deteriorating conditions).[4]

Rusbult and Farrell later theorized a fourth option, neglect, which involves staying within the organization absent loyalty, and passively reducing one's efforts on its behalf.[5]

- *Which of these tactics did you see Tumusiime using in her interactions with her overseers in the KCCA and the national government?*
- *How do you think her choices affected her ability to get the outcomes she wanted?*
- *How do you think they would have affected her ability to get the outcomes she wanted in the future?*

One common critique of Hirschman's model is that it does not give adequate attention to the possibilities of collective action, and instead leaves the choice of how to respond solely with the individual.

- *Can you see opportunities for collective action in the case? What might those have looked like and how would they have changed the dynamics of the situation?*

Appendix 7   Adaptive Leadership[6]

A **technical** problem has existing expert knowledge about how to address it. An **adaptive** problem has no current, established expertise or one right answer.

Most problems have both technical and adaptive features. The government can only do so much to address complex, multicausal, social problems. Sometimes the primary role of the government is to give the work back to the people, and to keep passing it back and forth to make progress. A quick technical fix can inhibit progress by cutting off an opportunity to work collectively on a problem.

When facing an adaptive challenge, an organization (or institution, community, etc.) must decide what part of the group's past commitments (value commitments, organizational commitments, etc.) are worth preserving into the future, and which are not. Leadership promotes the capacity for people to manage the tension between resisting the fundamental changes needed to succeed going forward, on the one hand, and overreacting by changing too much, on the other.

Consider Tumusiime's dilemma. *If she kept the factory shut down until it complied, would that have solved the problem, or was there an adaptive problem she needed to address?*

- *What was the scope of Tumusiime's authority (formal/legal vs. informal authority) to define and solve the problem?*
- *How did she define the problem? What were the technical aspects? What were the adaptive aspects?*
- *What actions made progress on solving the problem?*
- *Whose help did she need to make progress?*
- *Where did she find or build additional capacity to address the problem?*

Adaptive Leadership Matrix: Distinguishing technical problems and adaptive challenges

Kind of Challenge	Problem Definition	Solution	Who Is Doing the Work?
Technical	Clear	Clear	Authority
Technical *and* Adaptive	**Clear?**	**Requires Learning**	**Authority and Stakeholders**
Adaptive	Requires Learning	Requires Learning	Stakeholders

Endnotes

[1] Albert O. Hirschman, *Exit, Voice, and Loyalty* (Cambridge, MA: Harvard University Press, 1970).

[2] Ronald M. Dworkin, "Is Law a System of Rules?" in *The Philosophy of Law* 52, R.M. Dworkin, ed. 1977.

[3] Deborah Kolb, "Breakthrough Bargaining" *Harvard Business Review*, 2001*, https://hbr.org/2001/02/breakthrough-bargaining.

[4] Hirschman, 1970.

[5] Dan Farrell & Caryl Rusbult, "Exploring the exit, voice, loyalty, and neglect typology: The influence of job satisfaction, quality of alternatives, and investment size," Employee Responsibilities and Rights Journal. 5. (1992). 201-218.

[6] Ronald Heifetz, Alexander Grashow, and Marty Linsky, *The Practice of Adaptive Leadership: Tools and Tactics for Changing Your Organization and the World* (Cambridge, MA: Harvard Business Press, 2010).