BLOOMBERG | City
HARVARD | Leadership
Initiative

Making a Statement

Mayor Libby Schaaf and the Sanctuary City of Oakland, CA

Educator Guide

CHRISTOPHER ROBICHAUD, KIMBERLYN LEARY, JORRIT DE JONG, AND GAYLEN MOORE

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 norms and stakeholder interests).
  o Use this framework to explore the 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); and/or
      - Leadership theory (adaptive leadership and leading change).
  o Reflect on their own reasoning and decision-making around prior, current, or anticipated moral dilemmas and leadership challenges.

Case Synopsis

In February 2018, Oakland Mayor Libby Schaaf learned through unofficial sources that Immigration and Customs Enforcement (ICE) was planning to arrest a large number of undocumented immigrants in her City. Oakland had been a "sanctuary city" since 1986, and more than one in ten residents were undocumented. Schaaf believed that the ICE action was the Trump administration's political retaliation against California's sanctuary cities. She feared that law-abiding immigrants in her community—who she saw as scapegoats for a broken federal immigration system—would be swept up in the raid and subject to deportation. Faced with very little time and potentially significant legal implications, Schaaf had to decide whether and how to alert the community to a threat she took to be highly credible.

The case is designed to help mayors, city leaders, other public executives, and students of public leadership and public policy think through moral leadership challenges and questions about the bases and boundaries of authority, discretion, and legitimate action on controversial topics with highly sensitive moral dimensions.

Key Questions

1. What constraints did Mayor Schaaf face when deciding whether to make a statement about anticipated ICE action?
2. What were the advantages and disadvantages of deciding to go public with the information?
3. What key factors did Schaaf consider as she weighed her options?
4. What alternatives could she have considered and what do you think the likely consequences of those alternatives would have been?

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 (25-35 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 (25-35 minutes)
Consider the problem Schaaf faced and the different ways she could have responded based on her past actions and statements, perceived constraints within public opinion and the law, and sentiments within her community. Ask participants to provide their initial answers to the questions below in small groups or as a class.

- *What constraints did Schaaf face when deciding whether to make a public statement?*
- *Was warning the public about potential ICE action a good idea? Why or why not?*

(For possible arguments for or against making a statement, see Appendix 2, Board 1.)

- *What alternatives could Schaaf have considered, given the challenges she faced?*

(For possible responses, see Appendix 2, Board 2.)

The key question here may be: *Were there actions that would have accomplished the goal of reminding immigrants of their rights and responsibilities without causing excessive fear (leading to lost work and wages, missed school days, etc.), creating potential hazards for law enforcement agents, or undermining legitimate law enforcement objectives?*

OPTIONAL: Review the epilogue of the case to give the class an overview of what Schaaf did and how that decision played out. Schaaf's comments in the epilogue provide additional insight into her moral reasoning.

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 **professional** role obligations and opportunities associated with the public office one occupies
    - **Personal** values and identity against the **political** reality of community and stakeholder norms and interests in a particular social, cultural, or political context
    - **Professional** role obligations and opportunities against the **political** reality of community and stakeholder norms and interests in a particular social, cultural, or political context

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 mentioned in Appendices 3, 4, and 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 Schaaf's decision-making process? How did you see these values reflected in her public actions or comments?*
- *How did the question of whether to make a statement challenge her personal morality?*
- *Over the course of the case, did you see shifts in her expression of her personal morality?*
- *Did she risk violating her personal morality in the choices she made or contemplated?*

(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:

- o whether their choices and actions align with the rules they must follow to maintain legitimacy; and
- o 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 Schaaf's role? Were these primarily limitations or opportunities?*
- *Were there possibilities associated with her role that she overlooked?*
- *Did she challenge expectations associated with her role? If yes, how? If not, could she have? What strategies could she have employed to do so?*

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.

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

Review the action alternatives for Schaaf on Board 2.

- *How could Schaaf have reframed her authority to work with others (including those with informal authority in the community) in order for her choices to acquire public legitimacy?*
- *How and with whom could Schaaf have 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)?*

<u>Political Perspective: Community and Stakeholder Norms and Interests</u>
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, 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 5.)

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.

Professor Danielle Allen of the Safra Center for Ethics asserts that in twenty-first century democracies, norms around political legitimacy have evolved to require public leaders to work to guarantee not just basic material security but also *individual autonomy and dignity—and the opportunity to flourish fully*—through:
- o   negative liberties (freedom of speech, freedom of religion, and so on);
- o   positive liberties (our rights to participate in collective self-government);
- o   social rights (that allow us to make full use of our negative and positive liberties); and
- o   social equality and nondiscrimination.[1]

Questions:
- *What institutional, societal, and cultural norms or values were relevant to the mayor's decision(s)?*
- *How did her choices reflect or challenge social norms and values?*

Three Perspectives for Moral Decision Making
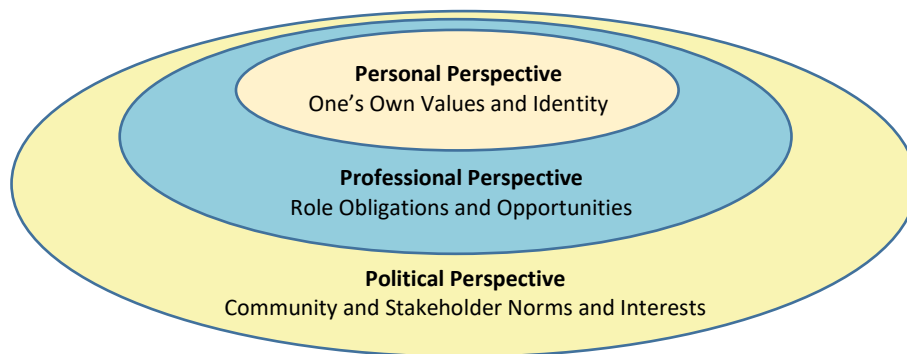
Review the arguments for and against making a statement on Board 1 to identify where conflicts could have arisen between the three bases of moral reasoning named above and how those conflicts might have affected the political legitimacy of her choice.

- *What moral goals or values was Schaaf 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 had to make? How was she balancing 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:

- o   Public leadership is normative work that requires a capacity for moral reasoning and moral leadership.
- o   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.
- o   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

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.
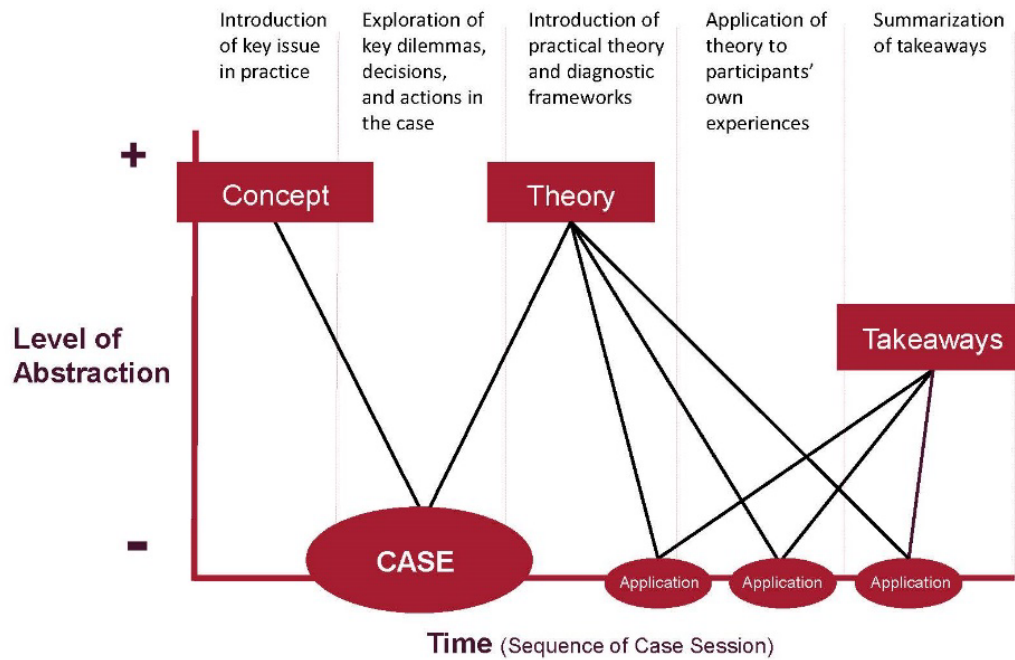
Jorrit de Jong, 2020

Appendix 2   Board Plan

Board 1: Should the mayor make a public statement? Why or why not?

YES	NO
o Helps build trust with immigrant community o Could keep families together o Motivates immigrants to seek out information about their rights o Aligns with sanctuary city position o Undermines ICE's ethically/legally questionable tactics o Keeps promise to immigrant community and advocates o Etc.	o Creates more fear/panic o Could put mayor in legal jeopardy o Could spark retaliation for immigrant community or broader community o May be a false rumor o "The law is the law"—undocumented people are breaking the law o Violent criminals could elude law enforcement, remain in community o May put law enforcement at risk o May inhibit cooperation among law enforcement agencies at state, local, and federal level fighting human trafficking and terrorism o Etc.

Board 2: What alternative actions could Mayor Schaaf take?

o   Spread word through informal channels. o   Pressure other actors to make formal statement. o   Make statement reminding community of rights and resources without explicitly warning of pending action. 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 exist in reality. Many times, there is more discretionary space than one might imagine.

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

You may use this diagram to explore how Schaaf understood and used her discretion.

Dworkin Doughnut and "Phantom Rules" (Ronald Dworkin, Jorrit de Jong):
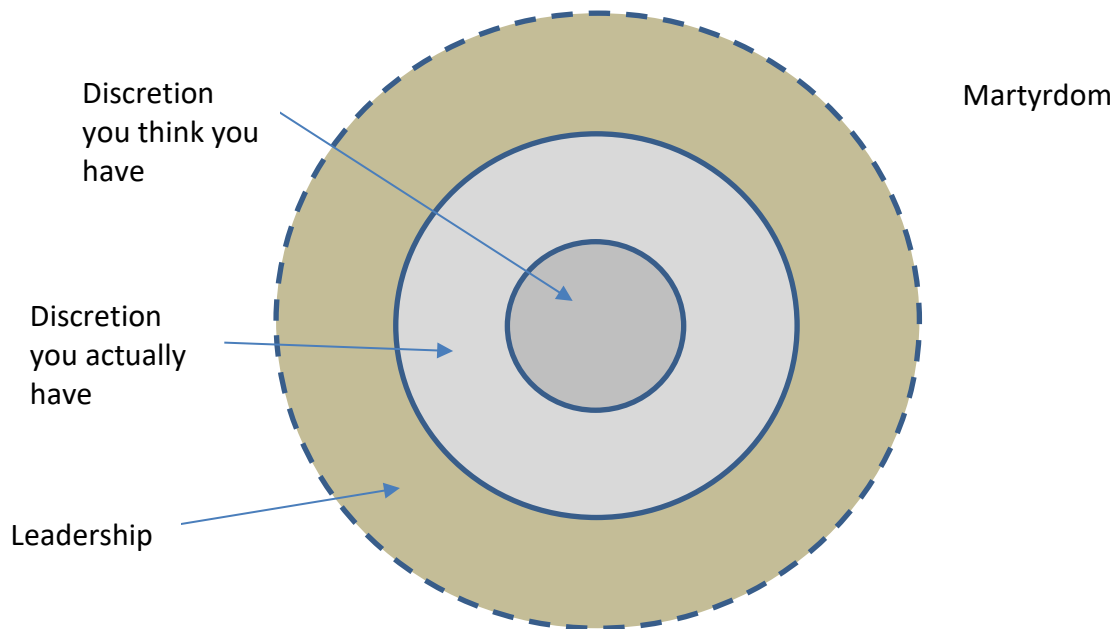
Authority relationships are fundamentally interpersonal.[i] Formal authority is conferred by selection or election. But when a community extends formal authority to public executives, the community grants that authority power and certain resources while also expecting a set of outcomes or services in 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.

- **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.
- **Exercising authority**, or **relating from a position of authority**, similarly, can range from permissiveness to coercion.

Questions:
- *Where would you locate Schaaf's options for both using her authority and challenging the limits of her authority on the spectrums below?*
- *What "middle options" could she have chosen?*

MODES OF ENGAGEMENT <u>WITH</u> AUTHORITY   MODES OF ENGAGEMENT <u>AS</u> AUTHORITY

Submission	Coercion
Deference	Punishment
Respect	Neglect
Partnership	Blame
Negotiation	Curiosity
Challenging	Compassion
Questioning	Coaching
Rebellion	Support
Exit	Permissiveness

Appendix 5 Adaptive Leadership

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, on the one hand, and overreacting by changing too much, on the other.

Schaaf's dilemma takes place within the context of a larger adaptive leadership problem: a local, state, and national economy and social fabric that includes a large number of people without legal authorization to reside in the United States. Consider her choice in this context:

- *What was Schaaf's scope of authority for addressing the problem?*
- *How should she have defined the problem? What were the technical aspects? What were the adaptive aspects?*
- *What actions would have helped her make progress in solving the problem?*
- *Whose assistance would she have needed to make progress?*
- *Where could she have found or built 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

From *The Practice of Adaptive Leadership: Tools and Tactics for Changing Your Organization and the World* by Ronald Heifetz, Alexander Grashow, and Marty Linsky, Harvard Business Press, 2010.

Endnotes

[1] Danielle Allen, "Bulwark of Democracy—Solidarity and Democratic Resilience in Times of Emergency," May 18, 2020, https://www.youtube.com/watch?v=MbW8vTP5shk.

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