

Federal Judicial Center
In Session: Leading the Judiciary
Episode 12
Leadership Skills for the 21st Century

Lori Murphy: Coming up:

Joseph Nye: Values matter, they create soft power. The soft power strengthens not only the person who is using it but also the institution.

Lori Murphy: In today's episode, we'll discuss what contemporary leadership looks like and where we can find true leadership in today's knowledge-driven society. We'll explore questions such as what leadership skills do court executives and chief judges need to succeed? How can court leaders effectively use different forms of power to motivate those they lead? And, how can developing contextual intelligence help court leaders be more effective? To help shed light on these questions, we're talking today with Harvard University distinguished service Professor, Joseph Nye. Dr. Nye has served many leadership roles at Harvard, including a decade as dean of the Kennedy School of Government. He coined the term soft power and is widely viewed as an influential scholar on American foreign policy and leadership.

In addition to his many academic accomplishments, he's also served in several government capacities including 20 years as

Deputy Under Secretary of State and currently as a commissioner for the Global Commission on Internet Governance. Dr. Nye has published 15 books and more than 150 articles. Today, we'll focus our discussion with him on his widely acclaimed book, *The Powers to Lead*.

Our host for today's episode is my colleague, Michael Siegel, senior education specialist for Executive Education at the Federal Judicial Center. Michael, take it away.

Michael Siegel: Thanks, Lori. Professor Nye, thanks so much for joining us.

Joseph Nye: It's my pleasure.

Michael Siegel: In your book, *The Powers to Lead*, you cleverly adapt an old song lyric that says we're looking for leaders in all the wrong places. What do you mean by that?

Joseph Nye: Well, there is a tendency to think that the leader is the person in the highest official position and it's very rare. In practice, if a leader is somebody who helps a group of people of any size to set some goals and accomplish them, that can happen all through society. So leadership occurs not just in the White House, leadership occurs in the local city council or in the local library or the local school committee or even the first grade.

Michael Siegel: So it's not really a position necessarily?

Joseph Nye: It's the role, the role of helping people set goals and accomplish them. And it's widely distributed throughout our society, including of course the judiciary.

Michael Siegel: Excellent. You define leadership as a social relationship with three key components - leaders, followers, and the context in which they operate. What does this mean for those trying to be effective leaders?

Joseph Nye: Well, the key thing is for a leader to realize that the skills or attitudes and approaches they take in one context can be counterproductive or fail in another context. I've always used the example of Winston Churchill. If you'd gone to visit London in 1940 about January and you'd say, "Winston Churchill, is he a great leader?" People would say, "Oh, he's a washed-up backbench member of Parliament. Nobody takes him seriously." Then you go back in June and you ask the same question and people say, "Oh, my god, Churchill's the maximum leader. He's saving us. He's the man for the hour." You say, wait a minute, what happened? I was only here six months ago and the context changed.

The context was that Hitler had broken through the Ardennes and driven the British into the sea at Dunkirk and the British who didn't want what they called a wild cowboy in January wanted somebody who would vow to fight on the beaches and fight in the streets and offer blood, sweat, and tears. So it was totally

the change in context. Churchill didn't change a single trait; it was the context that changed. And of course, 1945, at the end of the war, even though he was victorious the British public voted him out. Again, the context changed. They wanted a national health system not a heroic war leader.

Michael Siegel: I loved your example in your book about Lech Wałęsa, another leader, Polish leader who said he feared meetings and minutes more than bullets.

Joseph Nye: That's right.

Michael Siegel: So when he moved from being a protester to running a government, really the context changed.

Joseph Nye: Absolutely. And anybody who wants to be a leader has to be acutely alert to that change in context.

Michael Siegel: Exactly. And the judiciary is a very unique context.

Joseph Nye: Very much so.

Michael Siegel: In your book, you write, "There's no profile of an ideal leader, thank goodness." Can you elaborate on that?

Joseph Nye: Well, it follows from what I just said about context. If what's a good leader varies with the context then if you try to do a cookie-cutter profile of what's good leader, it might work in one context and not another. In fact, all too often we carry around in our heads stereotypes about what's a

good leader without realizing that, that may change with a different context. There is a study that's actually been done that shows that for chief executives of American corporations if you're taller it's worth about something like \$800 a week in your salary.

Michael Siegel: Which is bad for people like me.

Joseph Nye: Well, yes, except you have to ask what's the causation there? It might be that people choose these taller people because think that they look more leaderly. But it may be a huge mistake because some of the most impressive and impactful leaders in history have been very short. Think of Napoleon, think of Deng Xiaoping. I mean, these are people who were well below average size but they had characteristics which made them very effective leaders. So if we had a cookie-cutter approach, we'd say, oh well, a leader has to be six foot five and not bald. And I'm bald, and I'm not six foot five. But the point is that, that's why I say that you don't want a stereotype. That stereotype has been also based on race and gender in the past.

Michael Siegel: Yes.

Joseph Nye: One of the things that's interesting now in terms of what we need in leadership, people talk about networked leadership instead of hierarchical leadership. Network leadership, you can make an argument that women for a variety of

cultural reasons have been much better at developing networks and using networks than men. So, if we had stereotypes simply as the leaders, the king of the mountain gives orders down the hill, you might find that the king of the mountain will be dethroned by the queen of the circle.

Michael Siegel: A lot of contemporary leadership analysts seem to favor the transformational style over the transactional style, Jim Burns' concepts, yet you indicate both are important and necessary. Help us understand the difference between these particularly when you think about the judiciary.

Joseph Nye: Well, the transactional leader tends to take things as they are and try to settle things as they are. The transformational leader tries to change things. As one philosopher put it, it's the difference between a leader who's eventful as opposed to event-making. Very often, people will celebrate the transformational leader - Nelson Mandela, Mahatma Gandhi and so forth say this is what we want.

There may be some places or in some context we don't want a transformational leader. My best example is the two Presidents Bush, you've got a social control experiment half the genetic material is the same, so the question is one was transactional, the other was transformational. Bush 41 saw himself as, he used to say, "I don't do the vision thing." Bush 43 said, "I'm not going to play small ball, I'm going to make a change, I'm going

to democratize the Middle East." Well, in trying to do that he made a mess. His father on the other hand, by just sort of taking care of the events with a great deal of prudence, presided over the end of the Cold War without a shot being fired. In that case, I'd much prefer the transactional to the transformational. And I think in any area in terms of the judiciary it'd be very much the same. Somebody who's trying to make a radical precedent may find out that they don't have followers and they fall on their face.

Michael Siegel: That's right. And many of our chief judges tell us, "I don't want to transform the organization. I just want to keep it going in a positive direction." And we say, well, even that requires a lot of skill.

Joseph Nye: Exactly.

Michael Siegel: Because transactional leadership itself has skills involved.

Joseph Nye: If you go back to my example of Bush 41, George H.W. Bush, he had extraordinary background in international affairs, great contextual intelligence built up during his career. So when issues came along that could have tempted somebody like his son to take one action, the father took the other. When the Berlin Wall came down, people were saying, my gosh, we should be making more of this. This is a huge American victory. We should be crowing about it. And Bush

said, "I'm not going to dance on the wall. I need to negotiate with Gorbachev. The last thing I need to do is humiliate him." That sense of self-restraint and prudence was how he steered us through a major revolution at the end of the Soviet Empire, as I said, without a shot being fired.

Michael Siegel: Absolutely. You talk a lot about power. People can't really lead without power, yet there are different kinds of power to be an effective leader. Can you talk about those?

Joseph Nye: Well, power's the ability to get others to do the things you want and there are basically three ways you can do that. You can threaten them - coercion. You can pay them, or you can attract them to get them to want to do something. The third of those I call soft power, the first two I call hard power. Very often, it's the ability to mix the hard and soft power into a successful strategy - smart power - that makes all the difference. Soft power alone is not sufficient. Hard power alone maybe sufficient in the short run but could brew resentments that lead to more problems in the long run. Figuring out how to mix those skills, when to use them is really crucial. So, yes, you can't lead without power. After all, if leading means having followers, you have to have people follow you. But they may be following you for attraction rather than because you're threatening or paying them.

I think the best presentation of this I know is Dwight Eisenhower who, of course, had been the commander of our military forces in World War II in Europe. Eisenhower knew a lot about command than hierarchy, he said, "Just giving orders is not leadership." He said, "Threatening people is not leadership. It's getting them to do it because they want to. That's leadership." That's what I call soft power.

Michael Siegel: Going along with soft power, there are soft skills that you talk about like emotional intelligence, visioning, communication. What would you say about these in the judiciary or any agency?

Joseph Nye: Well, the judiciary needs to use soft power because they're hard power, yes, you can lock people up; you can fine them and so forth. But you need to set precedents. You need to develop respect for the law, for the way people are approaching things. The more you can engender that respect where people want to obey a court order because of their respect for the system, the less you have to lock them up and fine them. In that sense, the ability to use skills of attraction, emotional intelligence, communication are all examples to this.

I was called for jury duty in Massachusetts and my first reaction is, oh, what a nuisance. I've got so many things I'm doing. I don't want to spend my time sitting there. As we, the prospective jurors, were sitting in the room waiting to be

called and examined we had an address from Margaret Marshall, the Chief Justice of the Massachusetts Supreme Court. She explained that in her view the judicial system was the most democratic part of our Constitution, that everybody counted and you counted equally, whether you got a lot of money or no money. And that the ability to sit on a jury was a privilege. After that speech, which was communications, I would say soft power, I felt a lot better about sitting in that courtroom.

Michael Siegel: Yes, a great example. Going back to the concept of hard skills or hard power, give us some insight on how leaders in an organization, including the judiciary can exercise hard power.

Joseph Nye: Well, the organization is a crucial skill which is central to hard power. When there's disorganization, there's loss of respect and there's loss of effectiveness, so you lose both in terms of people's willingness to follow but also your ability to get things done. A well administered court system in which people show up at the time they're supposed to be there. They're not kept waiting unnecessarily long in which you feel that there has been -- I mean, obviously, there are times when things run over. You can't think about it. But when you feel that there's been due respect for your needs, that organizational capacity is crucial.

The courts have to be aware of it, have to adjust and be aware of these cultural differences. Not that they're going to change the law, the law is unchanging for all those jurisdictions I just mentioned. But that appreciation of how we're applying the law, the feeling of what's justice, is this a fair use of bail, is this an unfair use of contempt citation, and how you explain that then to the people. You're not changing the law but you are smoothing the edges so to speak to increase the respect for the judiciary.

Michael Siegel: We're going to move now to an area that I know you're interested because of your recent publication and that is the area of ethics and morals. You indicate a good leader is one who is both ethical and effective, how do you develop leaders who embrace both?

Joseph Nye: Well, that is a key question. I've just published last week a new book called *Do Morals Matter?* It looks at presidents and foreign policy from Franklin Roosevelt until Donald Trump. What I argue in the book is that you want leaders to be judged in moral terms on three dimensions - their motives; the means they use, are the means good means; and their consequences, did they take proper account of the prospect of unforeseen consequences that could have great and moral effects.

I often use this homely kind of example for this which doesn't relate just to foreign policy but to everything.

Suppose your daughter is studying for the SATs and she goes to high school dance and the friends says I'll bring her home early so that she can have a good morning for the exams. Good motive. But then suppose it's an icy rainy night and as he's driving her home, he ignores the means which is the amount of speed in relation to the brakes on an icy road and he skids off the road and your daughter is killed. The consequence is hugely immoral, awful. You wouldn't forgive him because his intentions were good.

So, you want good intentions or good motives, you want appropriate means and you want a careful assessment of probable consequences including the prospect of unintended consequences it will be highly immoral. And I think those three dimensions, what I call 3D ethics, can be applied to our daily lives as in the example I just gave, can be applied to the executive, the legislative and the judicial branches of government.

Michael Siegel: What can we learn from bad leaders?

Joseph Nye: Well, bad leaders have lessons that teach us as well. Because when we look at what they've done, we can try to diagnose why they did it that way. Sometimes, they are just mean and nasty people. But sometimes they're well-intentioned or good people but they didn't pay enough heed to the question of how do the means relate to the consequences.

Again, I'll go back to comparing and contrasting the two presidents Bush because you're never going to get a closer comparison than that. I think George W. Bush, Bush 43, intended to do good when he invaded Iraq. The fact was that because he didn't understand Iraq, because he didn't pay attention to the pages and pages that had been prepared by the CIA and the State Department about how difficult the occupation was going to be, they made a mess of the occupation of Iraq and the net consequences were unfortunate and immoral. So it wasn't that he was a bad man trying to do something wrong, let's give him credit as a good man trying to do something that he thought was right but without proper attention to the consequences. And that failure to assess the consequences, I'm not a lawyer but I'm told that, that would be called in law culpable negligence. So, we don't excuse somebody. We don't say, "Oh, everybody has bad luck." Sure, people have bad luck. Jimmy Carter had bad luck with the Iran hostages. If you make efforts to assess possible consequences and protect against immorality because you're not being adequately prudent, then you get off, but if you ignore that, then its culpable negligence.

Michael Siegel: Good people can make bad decisions.

Joseph Nye: Absolutely, and vice versa.

Michael Siegel: Yes. Is one important capacity of leadership an ability to learn from your mistakes?

Joseph Nye: Yes. I've always said that one of the organizations in the U.S. government that does this quite well is the American Army. They said what are the principles for understanding leadership? And they sum it up, they call it, Be, B-E, Know, K-N-O-W, Do, D-O. And what that is, is Be, think through what are your emotional limitations. Are you going to be torn by conflicting devices and learn how to control them? Know, have you developed the knowledge to the depth that you can to handle a given situation? And Do, means do it. But after you do it, have an after action review. Ask: I may have done well, could I have done better? Or: I may have done quite badly, what was the cause?

Michael Siegel: And the after action review as I understand it, is not who can we blame but what went wrong.

Joseph Nye: Exactly, and that's crucial. Blame alone doesn't solve these problems, it's learning.

Michael Siegel: Is there anything else you'd like to tell leaders in the judiciary?

Joseph Nye: Well, values matter. The fact that the way people in the judiciary illustrate and exemplify the values of our democracy, it makes a huge difference. Many people would say that in times of turmoil that the judicial branch has stood up well. A lot has to do with the behavior, as sometimes it's called judicial behavior and acting judiciously. I think values

matter. They create soft power. The soft power strengthens not only the person who is using it but also the institution that they represent.

Michael Siegel: Thank you so much.

Joseph Nye: Thank you.

Lori Murphy: Thanks, Michael. And thanks to our listening audience as well. If you're interested in hearing more episodes visit the Executive Education page on fjc.dcn and click or tap on podcasts.

In Session is produced by Shelly Easter and directed and edited by Craig Bowden and Latonya Cox. I'm Lori Murphy, thanks for listening, until next time.

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