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Ethics in Public Administration

Public administration is viewed as a part of the executive branch of government. Following Charles de Montesquieu ideas we may recognize executive as an element of the state power and this element consists of agencies, ministries and other structures jointly referred to as „Public Administration”. This view of public administration combines in general all activities concerning public good and public interest. Within the administrative state machinery we may find public administration officials, special administrative procedures and many other mechanisms, which are characteristic to all bureaucratic organizations.

Public administration is a part of our daily life and to a large extent governs it. The administrative apparatus consist of people who are also members of the local community (communities). Citizens and public officials, who have access to power, have to coexist together in one area, one space. The difference between them is that public administration officials have to provide services in aid of community. Because of this work, based on public monies and property the possibility of betraying public trust is probable. There is no simplest thing, than spending someone's money, even if we do not get direct profits. Ethical behavior and decisions maintaining citizens' trust, ensure effective and efficient use of resources, and allow government to preserve individual rights while assisting those who will benefit the most. Ethics is one of the vital components that allow democracy to thrive in any country. Ethics in government is critical to realizing the promises of democracy. In a democracy, government has an obligation to treat everyone equally and to provide the greatest good to most of citizens. The effective operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people. Government decisions and policies should be made within the proper structure of government; public office shall not be used for personal gain; and the public has to have confidence in the integrity of its government. When ethical wrongdoings and scandals occur in government, they pose a threat to the democratic principles of the rule of law, equity, and individual rights. Fraud, bribery, and other abuses in government take the power from people and give it to a

few in position of control, which distorts the concept of the equality of all participants of public life.¹

The definition of social ethics embraces a set of norms, assessments and opinions, which are characteristic of a group of people. This very simple definition of ethics points to society, citizens, groups of people as creators of norms and standards of behavior. Ethics are standards of conduct. These standards can be applied to personal behavior. Ethics distinguish between the right and wrong ways directing behavior in our personal and professional life. Following this way of thinking we may establish a definition of “administrative ethics” using the words: norms, legal regulations, assessments of public administration officials, public service.² Public service ethics are a prerequisite to, and underpinning of public trust, and are a keystone of good governance. Public service is a public trust. Citizens expect public servants to serve the public interest with fairness and to manage public resources properly on a daily basis. Fair and reliable public services inspire public trust and create a favorable environment for businesses, thus contributing to well-functioning markets and economic growth.

Public servants operate in a changing environment. They are presently subject to greater public scrutiny and increased demands from citizens; they also face stricter limits on resources. They have to assume new functions and responsibilities as a result of: devolution and greater managerial discretion; increased commercialization of the public sector; a changing public/private sector interface and changing accountability arrangements. In short they have to adopt new ways of carrying out the business of government. While public management reforms have realized important returns in terms of efficiency and effectiveness, some of the adjustments may have had unintended impact on ethics and standards of conduct. This is not to suggest that changes have caused an increase in misconduct or unethical behavior. But they may place public servants in situations involving conflicts of interests or objectives where there are few guidelines as to how they should act. There may indeed be a

¹ Jane G. Kazman & Stephen J. Bonczek, *Ethics in Action*, ICCMA, Washington 1999.

² Public Administration Ethics belongs to the same family of applied Ethics as bio-Ethics, Ethics of International Relations, Business Ethics and many others. Applied Ethics has its foundation in Normative Ethics and Meta-Ethics. Ethics deal with the notion of good and evil in the action of every person by analyzing of human behavior through the prism of ethical systems, contained, for instance in the Decalogue. Meta-Ethics applies metaphysical analysis to the problems of Ethic behavior. Applied Ethics translates basic ethical values and norms and applies them to the everyday activities of social and professional groups involved in the practice of medicine, genetics, business and every-increasing number of professions. Administrative Ethics in some of the literature is referred to as the Ethics of Public Affairs, Governance and Politics - Barbara Kudrycka; “Ethics and Politico-Administrative Relations” (published in “Who Rules” ed. Tony Verheijen, NISPAcee, Bratislava 2001).

growing mismatch between traditional values and systems governing the behavior of public servants and the roles they are expected to fulfill in a changing public sector environment.

Public service has its own values and the most important of them is: *the integrity*.³ It can be interpreted to cover a broad range of bureaucratic behavior, but it is used also to refer to administrative or public service ethics, to principles and standards of right conduct for public servants. Certain principles and standards of ethical behavior (e.g. honesty, promise keeping) are of such enduring importance in all walks of life that they can be described as ethical values. These ethical values can be used to resolve conflicts between such public service as responsiveness and efficiency; they can also be applied to clashes between public service values on one hand, and social values like liberty and equality on the second (...).⁴

Governments and international agencies draw their attention to developing and maintaining high standards and values, ethics and conduct in public administration as a mean of combating corruption. All these factors are essential components of ethical infrastructure of public life. The term ethics infrastructure as defined by the Organization for Economic Cooperation and Development (OECD), refers to a range of tools and processes for regulating against undesirable behavior and/or providing incentives to encourage good conduct of public officials.⁵ The OECD identifies eight key components of an ethics infrastructure as follows:

- a) Political commitment,
- b) Effective legal framework,
- c) Efficient accountability mechanisms,
- d) Workable codes of conduct,
- e) Professional socialization mechanisms (including training),
- f) Supportive public service conditions,
- g) Existence of central ethics coordinating body,
- h) An active civil society able to act as a watchdog over the actions of officials.

Each of the components of the ethics infrastructure performs one or more of three overlapping roles in controlling behavior, providing guidance to behavior or managing other elements of the infrastructure. The importance of each of these elements and the relative synergy between

³ Integrity refers to ethics in public administration. The integrity of public servants is extremely important to the preservation of public trust and confidence in government.

⁴ Kenneth Kernaghan & David Siegel; Public Administration in Canada, edited by Nelson Canada 1995.

⁵ Organization for Economic Cooperation and Development (OECD) (1996) Ethics in Public Service, Paris: OECD.

them will depend on the institutional and governance conditions and traditions of each country.⁶

Political leadership and commitment are one of the most significant elements of ethical infrastructure of public life. There is no doubt that for the successful implementation of reforms it is crucial to secure the certain level of bureaucratic commitment to fight corruption and other unethical practices.

Every country has certain legal framework with provisions to cover various unethical and corrupt practices such as the breach of official trust and duties, abuse of power, misappropriation, and extortion, corrupt practices, acceptance of undue advantage and abuse of officials influence. The key problem is, therefore, not corruption, but weak enforcement. Without effective enforcement mechanisms, legal and administrative provisions on ethics and corruption are in themselves ineffective. Weak enforcement capacity may be blamed partly on the fact that several documents, which makes access to them difficult, especially where enforcement officers lack experience.⁷

Accountability system is determined by the strengths and weakness of the existing organizational arrangements and procedures to detect and punish corruption and other unethical practices. The weaknesses of the administrative system with implication for ethics are structural hierarchies, cumbersome procedures and weak control over administrative action. Individual senior officials seem to wield too much power and discretion without effective accountability. Administrative procedures are such that routine decisions by front line staff often have to be cleared through the hierarchy. The consequences of that are resulting delays and frustrations in obtaining decisions and services on time, which partly encourages bribery and petty corruption at the point of service delivery. There is need to simplify systems and procedures in order to remove the unnecessary blockages in organizational systems that create opportunities for bribes to be extorted from the public. Ethics reforms and anti-corruption strategies would not be useful if they left in place the restrictive laws and cumbersome processes that produced incentive for bribery and other unethical practices in the first place.⁸ Enforcing accountability for the exercise of bureaucratic power has become more difficult as public service has continued to grow in size and as there

⁶ *Ibidem*, p. 254.

⁷ Adam Wolf, "Symposium on Accountability in Public Administration: Reconciling Democracy, Efficiency and Ethics"; *International Review of Administrative Sciences*, 66 (1): 15-20.

⁸ Susan Rose-Ackerman; „Corruption and Government: Causes, Consequences and Reform"; *International Review of Administrative Sciences* 66(1), 1999.

responsibilities have grown in complexity. The decision-making process in government is often so lengthy and complicated that it is difficult to single out those public servants who should be held responsible for specific recommendations and decisions. Another obstacle on the road to accountability is the wide range of authorities to which public servants are deemed to be accountable.⁹

Code of ethics play a guiding role in the ethics infrastructure, but they also take on a controlling function since they establish and publicize boundaries of behavior and set standards for public servants. Whatever level they apply to, the development and implementation of workable codes of ethics require sound management strategy that secures genuine employee acceptance of underlying values and ethics being promoted. The creation of Codes of Ethics or other forms of policies will be counter productive if such instruments remain as no more than a collection of slogans or nice, good-looking principles. In such a case, politicians seeking to verify their intentions or proposals as “good” or “ethical” will make use of them. In reality such instruments can serve as means of “covering” illegal activities and lead to not only legal but also to a cynical form of moral corruption. Opposition politicians might use such standards as tools in their partisan fights with governing parties without any real concern for the principles involved. On the other hand, governing parties can use them as a form of “cover-up” and as a means of defense against valid criticism. Such practices will work a short time only and will then lead to the loss of public trust, which, once lost, is difficult to regain or rebuild.¹⁰

As Rose-Ackerman has pointed out “if public sector pay is very low, corruption tends to be a survival strategy”. Public service conditions, particularly human resource policies, directly influence conduct. The conditions may be more or less conducive to ethical behavior by public servants. For example, low payments in public sector are partly blamed for the prevalence of petty corruption and other unethical practices in low-income countries. Insofar as these conditions can affect morale and productivity in the public services and influence ethical behavior, they cannot be ignored by any reform of ethics. Public service conditions are also directly related to the ability to attract and retain qualified and experienced staff. Human resource management capacity within the various line including institutions, is also weak. Systems and procedures for recruitment, promotions and transfer, training opportunities have critical roles to play in managing ethics and checking corruption in the public sector. To

⁹ Kenneth Kernaghan and David Siegel, *op.cit.*, pp. 358-359.

¹⁰ Barbara Kudrycka, *op.cit.*, p.14.

improve performance and encourage ethical behavior in the public services, promotion and pay incensement need to be linked more strictly to performance with an effort to create awareness among public servants on how they will be assessed and promoted.¹¹

Bodies that coordinate the overall ethics framework range from parliamentary committees, central agencies, and departments or specially created independent agencies mandated to oversee ethics in the public service. They serve a management function by coordinating and supporting all the other infrastructure elements. They operate either through directly implementing ethics initiatives or by delegating these tasks to the other departments or agencies.

The role of civil society institutions in ethical infrastructure of public life is very often compared with position of the watchdogs on the behavior of public officials. Their effectiveness is determined by the level of public criticism of government tolerated in the particular society and the position of free and independent media as an important factor of exposing corruption and other unethical actions. Government oversight and external mechanisms for accountability are not adequate for combating corruption and other unethical behavior unless they are supplemented by strong civic institutions, which are able to question government decisions and official actions to ensure that they abide by the rule of law and ethical standards in the public service.

¹¹ *Ibidem.*