THE PUBLIC SERVICE ETHOS AND REASONS FOR THE NEED TO INTRODUCE AND STRENGTHEN THE ETHICAL FRAMEWORKS

Cemil KAYA*

ÖZET


Anahtar sözcükler: Etik, Kamu hizmeti etiği, Etik düzenlemeleri, Kamu görevlileri, Kamu hizmeti

ABSTRACT

Governments invest much time and effort in reforming the structure and organisation of the public services. In democratic political systems governments are not only elected by the citizens they are also accountable to them. For achieving this reform effort, governments set obligations, responsibilities and rights for public officials. Within this context, one of their main specific obligation is to follow ethical frameworks. Public officials must behave in the manner prescribed by the ethical framework, because ethical frameworks are necessary for the proper functioning of public service. Also they are useful instrument that clarify the values and standards of official behaviour. All Governments have seen the need to introduce and strengthen the ethical frameworks for a number of reasons.

Key words: Ethic, Public service ethos, Ethical frameworks, Public officials, Public service

* Associated Professor Doctor. Selcuk University Law Faculty. The author would like to thank Dr. Sylvia Horton for her valuable comments.
Cemil KAYA

Introduction

Public officials who are responsible for delivery of public services have specific duties and obligations to the public. These are imposed on public officials by the government in the exercise of their public powers. In general, they include, *inter alia*, respect for the law, equal treatment, neutrality, impartiality, honesty, accountability, hierarchical subordination and respect for the public who are being served. As well as these requirements, they should take into account ethical standards which are expected to maintain at work. Because, like other workers, they are not exempt from ethical standards while in office. Today, in many countries public services have a legal basis, which specifies public officials’ rights and responsibilities, status and terms and conditions of public service and also contain the public service ethos (PSE), which provides standards expected from public officials. Ethical issues are becoming more important today due to the changing nature of the public sector. The PSE is a distinguishing feature of public sector organizations that differentiates public sector organizations from private ones. According to *Carr* the PSE is a “glue” that holds the public sector together. Any issue may be more important than ethics, according to *Thompson*’s famous paradox, but ethics is more important than any issue.

The PSE constitutes a value system of the public officials and public services. It is inevitably linked to the values and reflects the standards or beliefs of society. Hence there are strong links between the PSE and the values of society. It is seen as a “genetic code” which is passed on from generation to generation. Actually every country has its own distinctive PSE that reflects essential values about that country. But to some extent they vary as a result of different history, culture, religion and type of political and legal systems. However, there are many common features. The PSE is supposed to give some reason to believe that public officials are making decisions based on the merits. If citizens have this assurance, they are less likely to raise questions about the motives of officials, and are themselves more likely to concentrate on the merits of decisions and on the substantive qualifications of public officials who are making the decisions. This article is concerned with the impact of

5 *Thompson, Government Ethics, pp. 255-256.*
the wider reform process on the fundamental values that characterize the PSE and it undertakes this analysis in two stages. First, it provides a definition of the PSE. Second, it presents some reasons for the need to introduce and strengthen the ethical frameworks.

**Definition of the PSE**

The PSE basically involves the application of moral standards to the conduct of public officials and refers to moral standards in public services. However, as Pratchett and Wingfield argue there is no universal consensus on what the PSE is, and it is like all values, to some extent intangible, also meant different things to different people depending upon time, location, relationships and context. In other words, the PSE has not been universally accepted and it may be subject to different interpretations. So it cannot be easily defined. The literature on the PSE reveals a number of different perspectives. While there is some degree of consensus about the key values, there are important differences in interpretation of those values. Definitions of the PSE reflect both the vagueness and the ambiguity of the concept. Furthermore, the terms “public sector ethos” and “public service ethos” are used interchangeably in the literature. For instance, Poole et al. (1995) use the term public sector ethos; Pratchett and Wingfield (1994) use public service ethos when clearly describing the same concept.

The traditional PSE in the UK is characterized by O’Toole setting forth 3 features “first, and most important, it is about the setting aside of personal interests … working altruistically for the public good. Secondly, … it is about working with others, collegially and anonymously, to promote that public good. Thirdly, it is about integrity in dealing with the many and diverse problems which need solving if the

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9 Woodhouse, p. 33.


public good is to be promoted”

This definition, also includes vague and ambiguous statements, such as personal interests and integrity. According to Kernaghan the term PSE refers to “... principles and standards of right conduct in the administrative sphere of government ... not only with distinguishing right from wrong and good from bad but also with the commitment to do what is right or what is good”

According to Horton the PSE is an ethical framework within which public officials are expected to operate and it includes “behavioural traits such as honesty, integrity, impartiality, and objectivity; loyalty to the organisation and its goals; a commitment to public service; and accountability through and to political authorities”

And “it is ‘a portmanteau phrase’ that connotes not only a sense of pride in serving the public and the public interest, i.e. public service motivation but also a range of personal behaviours and institutional features. These constitute a culture and an ethical and political framework within which civil servants are expected to operate”

Lawton explains the concept as, “a set of principles, often in turn defined as a code or system that acts as a guide to conduct”

Woodhouse describes the PSE very shortly as “an amalgam of beliefs and norms or conventions of behaviour”

Pratchett gives a further definition “a core set of principles which describe the minimum standards and guide the behaviour of all those involved in public life”

The OECD defines it as that “the sum of ideals which define an overall culture in the public service”

In the UK, an ethos is defined by the Public Administration Select Committee (PASC) as “a principled framework for action, something that describes the general character of an organisation, but which, and more importantly, should also motivate those who belong to it”

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18 Lawton, p. 35.
19 Woodhouse, p. 33.
The Public Service Ethos

These efforts to define the PSE have generated overlapping lists of attributes. These are generally normative principles guiding the behaviour of public officials. In the UK, the Nolan Committee recommended seven principles “selflessness, integrity, objectivity, accountability, openness, honesty and leadership”\(^{23}\). The UK Civil Service Code prefers “integrity, honesty, objectivity, impartiality, political impartiality”\(^{24}\). Farnham and Horton prefer “political neutrality, loyalty, probity, honesty, trustworthiness, fairness, incorruptibility and serving the public”\(^{25}\). Horton prefers as the behavioural characteristics “honesty, integrity, probity, dispassionateness, freedom from corruption and above all service to the public interest” and as the institutional practices “open, competitive, merit-based recruitment and promotion, expertise and accountability to the public through politicians, regulatory bodies and the law”\(^{26}\). In Australia the Commonwealths Government’s Management Advisory Board in its 1993 report entitled “Building A Better Public Service” identifies “impartiality, probity, integrity and accountability”\(^{28}\). Sherman lists the more common core ethical values as “honesty and integrity, impartiality, respect for the law, respect for persons, diligence, economy and efficiency, responsiveness and accountability” and adds that “the listing is intended to be illustrative, not exhaustive”\(^{29}\). It is essential to bear in mind that these several lists of values illustrate an important point that although some values are common, they do vary from country to country and will vary to whom they are intended to apply whether members of the Parliament or public officials\(^{30}\).

Reasons for the Need to Introduce and Strengthen the Ethical Frameworks

Although the PSE is not new\(^{31}\), in democracies there is increased concern about it\(^{32}\). As the OECD points out “despite the differences amongst countries – both cultural and in terms of political and administrative systems – there appears to be a

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23 Farnham – Horton, p. 19.
26 Farnham – Horton, p. 20.
27 Horton, New Public Management, p. 536.
28 As cited in Lawton, p. 51.
30 Sherman, p. 16.
32 Bowman – Williams, p. 524.
growing convergence in what is seen as ‘good and proper’ behaviour. It is for this reason that governments have introduced ethical frameworks which have basically been developed as a result of government policies. Some countries have developed new ethical frameworks at both national and local level. While some countries have adopted the PSE in the form of ethical codes or guidelines, others have incorporated those standards in the form of legislation. There is increasing attention to the adoption of the PSE within ethical codes, especially in the Common law countries. According to Kernaghan “a code of public service ethics is a statement of principles and standards about the right conduct of public servant. It normally contains only a portion of a government’s rules on public service ethics and is, therefore, a more narrow term than ethical rules, which includes statutes, regulations and guidelines.”

“A code of conduct is a statement of principles and standards about the right conduct expected of a group of employees or members of a profession or public servants.”

Ethical frameworks are systematic efforts to define acceptable and appropriate conduct in performing public duties and they are “not an optional appendage to public office; it is an essential part of its exercise.” Public officials must behave in the manner prescribed by the ethical frameworks, which define what public officials should do and not do. In other words they provide a set of values that describe the meaning of public service as well as impose duties and obligations upon public officials’ actions. In short, they are a means of providing guidance to public officials on what is deemed good and bad. As guidelines they show how public officials should behave when certain situations arise in their duties and contain statements of values which should be followed.

All Governments have seen the need to introduce and strengthen the ethical frameworks for a number of reasons. The first reason is that inevitably and naturally the PSE is evolving and changing after some period of time. So governments must follow the developments in this field. Following the 1990 Ethics in Public Service Conference, held in Durham, Chapman wrote that “what is acceptable in one place

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34 Kernaghan, p. 18.
35 Carr, p. 10
36 Sherman, p. 19.
The Public Service Ethos

or at one time may differ from what is acceptable in another place or a different time”⁴⁰. As Lawton points out “any discussion of ethics takes place upon shifting sands. What is to count as ethical behaviour will also change over time and between places”⁴¹. For instance for the UK, what were ethical values in Victorian times, are not always appropriate today⁴². It is therefore clear that the PSE is still evolving and will continue to evolve. It will change according to the social and political environments in which public service exists.

At this point the impact of the new public management (NPM) reforms may be given as a good example in this context. In many countries the traditional (Weberian) public service values have been fundamentally challenged and changed by the application of NPM principles which have enabled a new spirit to enter public services⁴³. The new principles has given new functions and responsibilities to governments as a result of “devolution and greater managerial discretion; increased commercialisation of the public sector; a changing public/private sector interface; and changing accountability arrangements”⁴⁴. In this environment, these new principles by reshaping and restructuring public sector organizations have had a significant impact on the ethical frameworks. They have led to a renewal of the public sector and brought a new PSE. The NPM movement has challenged the long standing merit system model and introduced private sector management methods and techniques into public services, and new organizational values, such as emphasizing quality, competitiveness and public entrepreneurialism. So, as Horton points out “today the public not only expect civil servants to have integrity and to be honest and trustworthy but also to be efficient, ensure value for money, deliver high standards of public service and demonstrate managerial skills and strategic leadership”⁴⁵. To sum up, the PSE is being replaced by new public management logic. These changes are impacting on public officials as their roles and the work they do, also impose upon both public officials and public services new identities and values. Therefore, governments must pursue these developments and adapt their requirements into ethical frameworks.

⁴¹ Lawton, p. 15.
⁴² Chapman, New Millennium, p. 6.
⁴⁵ Horton, The Public Service Ethos, p. 45.
Secondly, a prerequisite for the well functioning of democracy is that the citizens have knowledge about the activities of government. It is generally believed that in a democracy everything should be done as openly and transparently as possible. In many countries there have been growing demands for more openness, transparency and accountability in public sector. In the 21st century public officials operate in a changing environment. They are subject to greater public scrutiny and increased demand from citizens. The public are playing a more effective role of watchdog over public officials and public services. Because in democracies, governments are accountable and answerable to the demands of voters who have the power to change governments, so governments have the obligations to account to voters for public services performed in their name. Therefore governments are expected to ensure that their activities are as transparent as possible. By lifting the veil on government activities through transparency and allowing public scrutiny over public officials require governments to regulate and strength the PSE. Also citizens are more likely to have more opportunities through complaints mechanisms such as Ombudsman to challenge the decisions of public officials on grounds of equity, fairness and impartiality. Even more significantly the nameless, faceless, and anonymous public official is no longer exists as a result of openness and transparency in public services.

The greater openness and transparency in public services, including through access to information, media and well-organised interest groups means that public officials are more and more open to direct scrutiny. Openness and transparency result in more accountability. “It should tell public servants what to do and how to do it. And it should inform the public what public service should be doing so that it can hold public servants to account.” Accountability mechanisms encourage public officials to behave ethically by making unethical activities hard to commit and easy to detect and shows to whom and for what public officials are accountable. In sum, through increasing openness and transparency and public scrutiny, today’s public

46 Sherman, p. 15.
48 OECD, 1996, p. 29.
49 OECD, 1996, p. 32.
50 OECD, 1996, p. 25 and 32.
51 OECD, 1996, p. 25.
52 OECD, 1996, p. 33.
53 OECD, 1996, pp. 33-34.
is well informed about public sector activities, so public officials are increasingly in the public’s eye. OECD called this situation as “work in a virtual fishbowl”54. So the logic is simple that when the actions of public officials are more visible, so are their mistakes and misconducts. In other words, what was before hidden in public services is now open to public scrutiny55. Governments, therefore, must strengthen their ethical frameworks.

Thirdly, it can be argued that in recent years increasing attention has been paid to the PSE on a global scale. There are of course some international developments affecting the need to strengthen ethical frameworks, such as the 1991 Harare Declaration on Good Governance which referred, inter alia, to the importance of just and honest government. Also the 1995 Millbrook Commonwealth Action Programme that included, inter alia, the development of integrity in public office code. These initiatives are important because they reflect transnational standards, and it is obvious that in the context of the global village, they will influence developments in each country56. What is obvious is that governments are also facing pressures from the international environment. For instance, governments are sending their public officials in foreign countries and international organisations, so it creates increased contacts between public officials in different administrations with different ethical frameworks. As a result of interaction between countries, they are increasingly watching overseas developments and sharing experiences across the world, including the PSE57. Also, international organisations are approving some regulations aimed at encouraging governments to develop and regulate ethical frameworks and to fight non ethical behaviours58. There are different legal systems throughout the world, including Roman, Civil and Common law. So it is probable that changes in one law system are likely to lead to changes in the other.

Fourthly, over the last years in almost every country, scandals, corruption, and ethical failures have taken on greater significance. It is a major reason why governments want to introduce or strength their ethical standards in public sector. Ethical frameworks have developed on an ad hoc basis often in response. Scandals and corruption destroy the confidence of people in their government and undermine

54 OECD, 1996, p. 25.
56 Sherman, p. 18.
the legitimacy of institutions\textsuperscript{59}. Among of others, one preventive method is to stop scandals and corruptions from occurring in the first place are to introduce or strengthen the ethical frameworks\textsuperscript{60}, because there are strong links between maladministration or malpractice and poor ethical standards. It can be observed that some of the governments need to regulate or strengthen their ethical frameworks after a well-publicised scandal, for instance the Nolan Committee on Standards in Public Life in the United Kingdom was set up in the wake of the “cash for parliamentary questions” scandal in the early 1990s\textsuperscript{61}. Similarly, in the United States the majority of ethics legislation became law in the mid-1970s generally in response to the Watergate scandal\textsuperscript{62}, and there was two other important scandals so called, in turn, the Gingrich and Wright affairs in the United States\textsuperscript{63}. Also, the repeated prime ministerial corruption scandal in Japan is worth noting\textsuperscript{64}. Furthermore, such scandals and corruptions apart from destroying the confidence in government, also have adverse electoral affects for the governments perceived as responsible\textsuperscript{65}.

Corruption and scandals in the public sector undermines confidence in public institutions and governments. The executive summary of the OECD report on “Ethics in Public Service” has drawn attention to the fact that “OECD countries are concerned about declining confidence in government. This so-called ‘confidence deficit’ has been fuelled by well publicised ‘scandals’, ranging from inappropriate actions on the part of public officials, to full-scale corruption”\textsuperscript{66}. It is clear that citizens are losing trust in the legitimacy of their public institutions and governments\textsuperscript{67}. But the PSE seems a proper remedy as it is an important factor in creating and maintaining confidence in government and its institutions\textsuperscript{68}. Public confidence, which is necessary for governments to be healthy and flourish, will depend on the PSE and it is a key factor in recreating legitimacy in government as perceived by the public.

In Australia, another concern which increased awareness of the need for


\textsuperscript{60} Potts, p. 86.

\textsuperscript{61} OECD, 1996, p. 45.

\textsuperscript{62} McCullough, p. 243; Potts, p. 87.

\textsuperscript{63} Sherman, p. 14.

\textsuperscript{64} Sherman, p. 14.

\textsuperscript{65} Sherman, p. 14.

\textsuperscript{66} OECD, 1996, p. 7.

\textsuperscript{67} OECD, 1996, p. 11.

\textsuperscript{68} OECD, 1996, p. 15.
strengthening ethical frameworks is in the wake of the creating of a number of bodies such as the Independent Commission Against Corruption, the Criminal Justice Commission, the Electoral and Administrative Review Commission in Queensland and the Commission on Government in Western Australia which have examined allegations of improper conduct. These have led to the establishment of ethical frameworks to encourage more ethical conduct.\(^{69}\)

Fifthly, well designed and developed ethical frameworks are a good tool to control the exercise of public power. Such power sometimes includes discretionary power which affects the rights of individuals in a number of ways, such as in managing of public resources, the relationship with citizens, and in the policy making process.\(^{70}\) Indeed, exercise of discretionary power has ethical implications.\(^{71}\) According to Gerald Caiden, “whenever public laws use such terms as ‘adequate’, ‘advisable’, ‘appropriate’, ‘beneficial’, ‘convenient’, ‘equitable’, ‘fair’, ‘fit’, ‘necessary’, ‘practicable’, ‘proper’, ‘reasonable’, ‘safe’ or ‘sufficient’, or their opposites, they oblige public servants to exercise discretion and make ethical judgements.”\(^{72}\) Therefore, an ethical framework is seen as a most important check and balance against the arbitrary use of that power.\(^{73}\)

Finally, International and National Conferences and the literature have also contributed to strengthening the ethical frameworks.\(^{74}\)

**Conclusion**

In conclusion, although it is difficult to define the PSE, it provides an ethical frameworks and relevant guidance to public officials on how to proceed if they were asked to undertake tasks. Basically, it is being formalised into ethical frameworks to guide and regulate the behaviour of public officials. For many reasons, countries have adopted and strengthened their ethical frameworks to mandate acceptable conduct by public officials as they perform public services. Before anything else, to develop and strengthen the ethical frameworks with common important ethical principles such as integrity, honesty, impartiality, transparency, objectivity, equality, and efficiency

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70 OECD, 1996, p. 15.
71 Chapman, Public Sector Management, p. 10.
73 OECD, 1996, p. 15.
74 Sherman, p. 15.
is fundamental for good administration and an effectively working democracy, because such values are generally regarded as good by society. The aim is clear to make public officials better equipped in relationships with society. The important point is that ethical frameworks have to be acceptable by the society because they ultimately reflect the values of society. As Chapman explains citizens usually expect governments to follow the values of society like citizens follow them\textsuperscript{75}. However, as Lawton properly points out ethical frameworks are necessary but alone are not sufficient in regulating ethical behaviours\textsuperscript{76}. Governments must carry out ethics education programmes for public officials because ethics education should improve public officials’ ability to recognize and analyze the nature of the PSE.

\textsuperscript{75} Chapman, Public Sector Management, p. 9.
\textsuperscript{76} Lawton, p. 15.
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