

HIGHER CIVIL SERVICE'S ETHICS

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Morality is the set of norms through which societies historically define behavior that is viewed as good or bad, as acceptable or not by the community. Ethics, on the other hand, may be seen as being synonymous with morality, the science or theory of moral practices. Ethics is also thought of as the character or ethos of an individual or a group -- the hierarchy of values and norms which he/she or they identify for him/herself or themselves against a prevailing moral code. Generally, I will use the term ethics in the latter sense for this paper.

Morals -- or morality -- originate in social practices while ethics, as a science, is a rational endeavor. Ethics, as a set of principles, give a rational justification for behavior. They define individual and group priorities, and in the end, they may arrive at a systematic body of moral norms, as individual and group practices get interwoven.

Professional Ethics

Professional groups, although limited by moral norms, define their own ethics. They give priority to one or other social objective. They hierarchically organize their values and beliefs. For instance, artists value beauty highly; business entrepreneurs, profit; economists and managers, efficiency; politicians, power; jurists, justice; and the military, order.

Professional ethics will share values in common with society. Although the hierarchy of values will vary from time to time and from group to group, there is a general understanding of professional ethics. On the other hand, there are differentiation among professions such that we can suggest -- as it were -- ethics of "beauty", "truth", "justice", "order", "profit", "innovation", "efficiency", "power", etc. These professional ethics are related and subordinated to the existing morality of a society and are observed and interpreted. Morality, in turn, was "discovered" from divine (religious) or secular (natural) sources or was "invented" by a logical process of reasoning and deduction according to Walzer. Thus we have set up a system of moral legitimacy. Professional ethics are legitimized by an existing morality which, in turn, is given value by revelation, logical deduction (invention), or simply by interpretation. Starting from these assumptions, which ethics characterize the higher civil servant?

Ethics of the Civil Servant

A simple answer would be that, like all managers, the higher civil servant would value efficiency. But to be more precise, it is necessary to add power and effectiveness. Higher civil servants want to be obeyed because of their management role. They want to see implemented the decisions that they or the politicians above them make in the name of the state. In this management function, they are also committed to public interest.

For instance, because they value efficiency, higher civil servants want to see state services delivered at a minimum cost. Their reason is a reason of means, of an instrumental rationality. Because they value power, they are permanently concerned with their authority which emanates from the power of the state. But efficiency and authority are subordinated to and, believed to be, consistent with the fundamental objective of the state: the public interest. (This is in contrast

with the private manager who subordinates efficiency and authority to profit of a business enterprise.)

However, civil servants, and particularly higher officials, are not just managers. They also operate at a political level as “non-elected” politicians. They do not only help politicians formulate policies and make decisions. In many cases, they have the final say, as in autonomous regulatory agencies for example.

Thus, the ethics of higher officials, as they mix management and political functions, involve not only efficiency but also power and the public interest. Because power is one of their first considerations, public officials value more than any other activity the implementation of the decisions they make or make on behalf of politicians. And they want this to be done in an efficient way, assuring value for money while at the same time consistent with the public interest.

If we agree that the four major political objectives that contemporary societies strive for are well-being of its citizens, order, freedom, and equality or justice, these are also valued by high civil servants and basically in the order just outlined. The well-being of citizens and economic development are brought about by efficiency or an increase in productivity. Managers -- and economists -- are experts in efficiency. Their comparative advantage in relation to other professions lies here. Thus, although valuing other objectives, higher civil servants are supposed to give priority to efficiency.

The Civil Servant and Self-Interest

What has been outlined above are the ethics of the civil servant, in general terms. But it is also important to consider personal interests. After all, civil servants, like others, are not angels but self-interested individuals. How can they reconcile professional ethics and self-interest?

There are two views on this dilemma: the neo-liberal or the individualistic view, which is well represented today by the rational choice school, and the moralist or the social-Christian approach. For the rational choice school, as in other schools of thought, the civil service should be consistent with the public interest, efficiency and effectiveness. But to achieve these outcomes, citizens should not count simply on ethical and moral principles alone, given the intrinsic egoism which characterizes human nature. Instead, government decisions should limit the monetary values involved in order to avoid corruption. (This is the origin of the minimum state proposal.)

Second, since a basic level of state is unavoidable, strong institutions should be established to clearly protect the public interest and ensure that it will not be solely dependent on the personal morality of politicians and civil servants. Here lies the origin of the 19th century bureaucratic public administration, based on strict legal procedures that limit the discretion of officials and arbitrariness of their decisions.

On the opposite side is the moralist or social-Christian approach, common among religions and the political left. Starting from an optimist’s view of human nature, its proponents expect civil servants to be honest, generous, and committed to the public interest. We are caricaturizing these two views to illustrate the extremes of a continuum of views. One assumes an ontological distrust while the other an essential confidence in human nature.

As an alternative, we may consider an historical or republican approach that intends to be more than a mere combination of the views mentioned above. Elected public officials are a projection of the society in which they live. They are subject to moral precepts and will define their own ethics with as much firmness and consistency as these practices and values are embedded in that society. On the other hand, they are a part of the elite of that society and, thus, play a strategic role. As long as they constitute a government, their behavior, although conditioned by society, will be a determining factor in the changes for the good or bad that take place.

But do higher civil servants have the freedom to act in the public interest? To answer this question, there is no reason to adopt a deterministic vision -- be it based on rational choice or based on class conditioning and ideology. Self-interest and class conditioning are a reality but not ultimate restrictions. The capacity of highranking officials to act in the public interest depends on three factors: the fact that they are part of the elite, the moral constraints that civil society imposes on them, and on existing democratic institutions.

First, the fact that they are a part of the elite and therefore function above the survival level means that they have the freedom to make decisions not based on their own survival. Second, the more civil society shows cohesiveness, organization, and clear moral principles, the more civil servants will make decisions in the public interest. Finally, the more that public institutions are democratic, the more the three powers which constitute a government will be representative. Thus, politicians and officials will be more accountable; the decision-making process will be more transparent; the press will be freer; and the decisions by civil servants will be more ethical.

What about bureaucratic controls? They can be seen as inefficient in today's environment of rapid economic and social change since they were designed for the 19th century. But are they still necessary?

Yes, they are necessary. They can be seen as the fourth variable (besides participation by the elites, cohesiveness of civil society and the degree of democracy), guaranteeing that decisions be not just determined by self-interest or by class-interest. In fact, one can see a trade-off here. The more cohesive and democratic a society is, the less it needs to rely on strict bureaucratic controls.

Thus the approach I am taking here rejects a narrow historical or sociological view. The extremes of dogmatism or radical relativism can be avoided if we assume that senior civil servants are political agents, in addition to being professional managers and bureaucrats. Starting from this assumption, high-ranking civil servants are committed to political as well as administrative tasks. In this sense, their profession must acknowledge the central political values of contemporary societies -- democratic and republican.

Civil Servants as Political Agents

More often than not, senior civil servants are a part of the privileged, as are politicians, businessmen, journalists, and intellectuals. As such, do they value moral integrity more than other professional groups? How do they reconcile the drive for personal security, which is so strong among them, and the required changes that current push for more democratization makes? Why are they so often accused of maintaining the status quo?

To address these issues, I will follow the approach which sees civil servants both as bureaucrats and political agents. According to this view, senior civil servants' ethics would be characterized by a combination of the following traits: strict moral principles, a high value on security, limited but increasing democratic convictions, instrumental rationality, and a strong commitment to the public interest -- in spite of a corporatist view. I will now address each of these traits and compare them with the ethics of politicians and businessmen.

Moral Principles and Security

The attempt to observe strict moral principles is a classical characteristic of the bureaucracy and particularly of high-ranking officials. There is nothing more detrimental for a top civil servant than to be accused of corruption or even of lenient moral principles. An official has two sources of recognition: technical competence and reputation or honor.

Regarding the latter, the strict observation of moral principles is more important to a civil servant than to a businessman or even a politician. If a civil servant is caught in an ethical violation and tarnishes his or her reputation, his or her career is seriously damaged.

This is sometimes less critical for a politician, depending on the moral standards of the electorate, and the businessman whose criteria for success does not directly depend on personal honesty. A politician depends on popular support and the businessman on profits. Popular support may depend on the moral reputation of a politician. And as democracy and civic awareness strengthens, this becomes increasingly true. However, the capacity that voters have to control the honesty of politicians is limited. The capacity that bureaucratic superiors have of controlling the conduct of their subordinates is higher than that of the voters controlling the behavior of politicians. This is because the progress of civil servants' career depends not only on their technical competence and their political abilities but also on their reputation. This situation is not true for businessmen and less true for politicians.

Security is another defining trait of a bureaucracy. It is a trait associated more with the lower than the higher bureaucracy, as the latter tend to feel more personally secure and ready to confront more risks. But even senior bureaucrats value security considerably more than politicians and businessmen. They traditionally avoid risk. They accept a smaller monetary gain than businessmen do and less power than politicians in exchange for higher job security.

Thus morality and security come together. A strict moral code enhances civil servants' career and security. However, this alone does not prevent corruption. Corruption will occur more where the bureaucracy is less professional, where the legal system is less defined, where the internal and external controls on the bureaucracy is faltering, where a political regime is more authoritarian -- resulting in less freedom of the press, weaker opposition parties, a weaker civil society, and fewer mechanisms of social control and participation.

Corruption and Capitalism

Corruption within the civil service often originates at the interface with the private sector. For example, keeping all other variables constant, the bureaucratic regimes in the former Soviet Union tended to embrace higher moral standards, where the private sector was practically absent. Yet, these regimes proved to be so inefficient in allocating resources and promoting entrepreneurship that they ceased to be viable alternatives for contemporary societies. Thus the challenge is how to preserve and enhance ethical principles within the civil service in the context of a capitalist economy. As Etkin (1997:89) underlines, "the context of individualism and bloody fight for survival in the economic sphere leads to the loss of social values." In order to avoid this scenario, a proper combination of co-operation and competition, moral values and self-interest, state co-ordination and market competition, and political accountability and bureaucratic controls is required.

Ethics and Social Values

These days, ethical concerns have greatly increased. This increasing importance of ethical problems in contemporary society is probably to compensate for the loss of social values that came with a crisis of the state. This crisis was accompanied by the breakdown of the utopian prospects of a socialist society and the resulting dominance of a neo-liberal or neo-conservative credo, which encouraged individualist or egoist values. It can be argued that the moral standards of the civil service, like other moral standards, have been affected by this change.

On the other hand, the present concern with ethical behavior may be attributed to the progress that democratic regimes have experienced during the last quarter of this century. As long as democracy is accompanied by a demand for high moral standards, this concern with ethical values will continue to be apparent. Although it is possible to continue to rely on this trend, it is

clearly not enough to assure high moral standards of the civil service. Two other conditions are essential: the creation of institutions of social control and the definition of appropriate forms of public administration.

As for the latter, there are two opposing alternatives: strict norms and procedures, thus limiting the scope of officials' discretion or clearly defined objectives, allowing more autonomy for officials. The first can be seen as a bureaucratic administration and the second, as a managerial administration. The former, based on general distrust, is an attempt to return to a form of administration which prevailed in the 19th century. The second, based on limited confidence and higher levels of responsibility, is the administration which will probably be dominant in the century to come.¹ In both cases, administrative controls are essential. But in managerial public administration, one counts not only on the intrinsic moral quality of senior civil servants but also on the merits of decentralization with responsibility, administrative control of outcomes rather than of procedure, and increasing social control.

Instrumental Rationality and Democratic Beliefs

Instrumental rationality, professionalism, and limited but increasingly democratic beliefs are other traits that define higher civil servants' ethics. The quest for efficiency, the ideas of cost reduction or getting value for money are essential to the bureaucratic ethos. Civil servants see themselves as professional agents of rationality, as they are trained to define and implement more adequate administrative means of achieving desired results. Their professional legitimacy originates from the assumption that they are technically competent, i.e. capable of making the state efficient.

Yet, this assumption is not necessarily true. According to the bureaucratic administrative model, officials are not supposed to define the ends nor even the means. That they are not supposed to define objectives is reasonable, since in a democracy, politicians who represent the people have this role. But herein lies the problem. Civil servants may think that politicians are drawn more to power than reason. The problem becomes exacerbated when civil servants are also severely limited in determining the means, since in a bureaucratic public administration, both then ends and means are defined by law.

Bureaucratic controls are essentially procedure controls -- procedures that are defined in the law. It is not difficult to understand how this approach is in contradiction with a rational, efficient administration, particularly in a world where technological progress and social change are taking place at an accelerated pace.

This contradiction is partially resolved as new forms of administration, less bureaucratic and more managerial, are being attempted in many countries. A managerial or new public administration is replacing the classical bureaucratic model, where officials are granted more autonomy and responsibility.² This new phenomenon is occurring in countries such as Britain, New Zealand, the United States, and -- more recently -- Brazil in the last few years. High-ranking officials situated in certain agencies -- particularly ones defining and implementing policy -- are given substantial autonomy from political pressures, being able to rationally define ends and particularly means. In this instance, it is clear that they are not only bureaucrats but also political agents who have a substantial influence in the definition of objectives. They are competing with elected politicians in this process. Thus while politicians assume that they are speaking in the name of the people, civil servants hope to be indirectly doing the same, as they act in the name of rationality.

¹ For a discussion of bureaucratic and managerial public administration, see Bresser-Pereira (1996a, 1996b).

² On the subject, see Abrucio (1996) and Bresser-Pereira (1997b)

According to democratic principles, officials are supposed to obey politicians, who in turn obey or represent the people. In a principal-agent approach, at the primary level, the principal is “the people” and the agent is “the politician”. At the secondary level, the “politician” is the principal and “the civil servant” the agent. Yet, democratic values are not so well entrenched in the bureaucracy as one would expect, nor do events unfold in the manner suggested by the simple principal-agent model.

High-ranking civil servants are clearly political agents who, inside the state apparatus, share political power with politicians. However, although politicians in modern democracies are forced to adopt democratic values, this is not necessarily the case for bureaucrats. Modern democracy is a more recent historical phenomenon than modern bureaucracy. Modern democracy only became dominant in this century while bureaucracy originated in 18th century Prussia. On the other hand, the principle of authority which is marginal for politicians is central for bureaucrats.

These are probably the two main explanations for civil servants ethics which conserve authoritarian traits such as a preference for secrecy and difficulties in dealing with accountability. Highly placed bureaucrats may formally speak about the merits of transparency but show difficulty in actually carrying measures to promote transparency, since secrecy is more compatible with authority. Secrecy is actually a strategy which they may use to legitimize themselves through having specific knowledge. Like other entities, the bureaucracy created its own mechanisms of legitimacy and power. One of these mechanisms is the ownership of specific and exclusive information. This is parallel to other circumstances. For example, to be a successful politician, it is crucial to have a sense of political timing or charisma. To be a successful entrepreneur, it is necessary to have an economic intuition.

Some high level civil servants tend to believe that they are the monopoly of instrumental reason, that only they have the correct idea of what society needs and how those needs can be met. These bureaucrats increasingly speak of serving citizens but are unable to build institutions which make them accountable to citizens. This is because civil servants have been traditionally taught to respond to their superior, not to the citizenry. They may “serve the citizen”, since it is fashionable to say that modern civil servants are customer-oriented. But in many cases, this is still a slogan rather than an effective practice.

On the other hand, the state assumes two roles for civil servants. First, the state is the employer, with whom civil servants sometimes establish conflicting relations, demanding higher salaries and more recognition. Second, the state is the representative of the general will, and civil servants identify themselves with this general will by becoming the protector of the *res publica* or the public interest. In some cases, they identify the public interest with their own interests.

Corporate and the Public Interest

The ethos of the higher civil service embodies the republican perspective of protecting the *res publica*. The civil servant is a professional of the *res publica*. The rational choice proposition which states that civil servants are self-interested persons who make trade-offs between rent-seeking and a desire to advance their career is false. Such civil servants, ones who see their profession as a business like any other, are exceptions rather than the rule. Most civil servants usually make trade-offs between the desire to advance themselves and the public interest. Their ethics are quite strict in this sense.

However, many civil servants look out for their corporate interests in that they insist that they are consistent with the public interest. Although this is a characteristic of all professions, it is most visible in the civil service. Why? While other professions do not have an obligation to serve the public interest, the civil service does. Thus the interest of the civil service and that of the public can easily become indistinguishable.

There is no easy solution to this problem. Actually, civil servants face a permanent contradiction between their corporate and the public interests. As long as they are clear that they are not just agents of the elected politicians but also of the people or the nation, they will be able to resolve this contradiction. The solution also requires a competent, well-recruited, well-trained, and well-paid civil servants. And existing administrative institutions and practices must compensate competence, effort, and performance.

This is why a managerial public administration is more consistent with a highly ethical civil service than a bureaucratic one. It starts from trust and is based on personal capacity. It assures autonomy to the officials and requires responsibility. It reduces procedural controls while asserting control by outcomes and social controls. It assumes that democratic and republican values are already dominant in a society, although by no means assured.

Conclusion

Public officials are part of the elite. As such, their ethics, besides being the ethics of power and efficiency, are the republic ethics of the public interest as a goal which must be actively pursued. Yet, corruption of this professional ethics may have two origins: personal and political. Negative personal traits such as dishonesty, laziness, etc. are in the first category while pursuing corporate interests and nepotism are examples of the second. These forms of corruption of the public functions are prevalent in contemporary states, but they are compensated by the personal virtue of a large number of officials. Modern democracies are able to ally managerial competence and discipline with republican virtues of fighting for the public interest. Civil servants understand that they are political agents, that they have a direct responsibility to their nation.

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