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Integrity as Ethical Operational Value in Public Administration

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Abstract: Integrity is a prerequisite of every official in the public administration. It is generally justified by the need to build confidence in the public position. We consider that integrity represents an operational value of the functioning of the public systems, which controls the limits of legitimacy of the administrative systems in the context of the modern paradigm of the democratic and legal state. Correlative to integrity – at the same axiological level – and sometimes semantically interchangeable, there are the values of equity and impartiality. Integrity, like impartiality and fairness, is seen in correlation with equity, and in general with justice, both in its distributive, and in the procedural side. We will show that one of the sources of social construction of impartiality and fairness is represented by the modern ideal of axiological neutrality, transferred from the area of knowledge into that of social action. The ideal of neutrality represents a consequence of postulation inside the modern paradigm of dichotomy and epistemic compatibility between the subject and the object. The ideal of epistemic neutrality is congruent with the requirement to act towards achieving the values, by divesting the moral agent by its axiological competence. In applied ethics, including the social and political ones, the axiological competence, namely the capacity to establish values, belongs to the collective subject. From the perspective of the ethics of communication (Habermas, 2000; Apel 1992; 1993; 1999), the axiological competence is the result of communicative action.

Keywords: axiological competence, value centred on ethics, integrity, fairness, impartiality.

Introduction

Integrity is a prerequisite of every official in the public administration. It is generally justified by the need to build confidence in the

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public position. We consider that integrity represents an operational value of the functioning of the public systems, which controls the limits of legitimacy of the administrative systems in the context of the modern paradigm of the democratic and legal state. Correlative to integrity – at the same axiological level – and sometimes semantically interchangeable, there are the values of equity and impartiality. Integrity, like impartiality and fairness, is seen in correlation with equity, and in general with justice, both in its distributive, and in the procedural side. We will show that one of the sources of social construction of impartiality and fairness is represented by the modern ideal of axiological neutrality, transferred from the area of knowledge into that of social action. The ideal of neutrality represents a consequence of postulation inside the modern paradigm of dichotomy and epistemic compatibility between the subject and the object. The ideal of epistemic neutrality is congruent with the requirement to act towards achieving the values, by divesting the moral agent by its axiological competence. In applied ethics, including the social and political ones, the axiological competence, namely the capacity to establish values, belongs to the collective subject. From the perspective of the ethics of communication (Habermas, 2000; Apel 1992; 1993; 1999), the axiological competence is the result of communicative action.

Integrity. A few terminological clarifications

The principle of impartiality is seen – in Romanian legislation (CNASR, 2008) – in close correlation with that of the independence of the person in a position of public, political, administrative or legal decision. Independence is a value linked to the context of accomplishing justice, while impartiality is correlated with the attitude of the person implicated in the process of making justice and its reporting to the stakeholders. The term impartiality in the meaning of constituent of a fair process of decision, is regarded as a guarantee of the public trust in the state institutions. Impartiality is a subjective form of independence, describing an attitude that the official must have while performing his professional duties, while independence is the framework in which he/she can effectively exercise his professional duties impartially (Sandu, 2012a).

The principle of impartiality comes – in contemporary applied ethics – from the constructivist ethics, and mainly from Rawls' vision of justice as fairness (Rawls, 1971). As impartiality, fairness implies the lack of preference towards the parts implicated in the moral judgment. The principle of

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impartiality does not refer to the result of the distribution of justice, as fairness is usually understood, but to the process of making justice, namely the effective manifestation of law, for example, of a fair trial. The principle takes the form of obligation of the decision-maker to behave similarly towards all parts, avoiding to have an unilateral behavior, as well as any reach of objectivity, impartiality and fairness (Sandu, 2015). Rawls' vision is a constructivist one, the ethical norms having a universal nature and being able to be rationally detected. The rationalist-critical perspective on moral normativity finds it origins in *Critique of Practical Reason* (Kant, 1997).

Moral subject has a certain degree of autonomy, understood in the Kantian manner as the capacity of the individual to build their own moral norms. Consistency in implementing these self-instituted norms represents integrity in his strong form. Autonomy and integrity are understood as complementary, and in general, inseparable. The individual who is capable of moral decision cannot be honest, since the very compliance to the norms is an act of decision. An individual who is not upright can be hardly seen as autonomous, since his moral principles are reduced to the opinions on desirable conduct. In this dyad, autonomy particularly aims at the decision-making side, and integrity, to the side of moral action.

The social construction of autonomy in it rational decision-making aspects, and the aspect of authenticity can be correlated with impartiality, fairness and integrity, which we gather in the structure of the concept of integrity. Impartiality can be placed in correspondence with the decision-making autonomy, in the meaning of the capacity of the moral agent to make decisions based on own reason, and the weighing of pros and cons, with limitation to the interferences of its own preferences. Fairness can be related to relational autonomy. Autonomy is affirmed in a social and relational context, in the very process of social construction of reality. Fairness is the active position of the subject in the social construction of the ethical value, being a component of own moral agency. Integrity as incorruptibility, as a personality feature, can be connected to authenticity. In the absence of incorruptibility of the moral agent, although authentic, cannot be considered autonomous. If the corrupt individual is consistent in acting outside its own values, he is authentic but not autonomous. We consider integrity as a perpetual form by which the autonomy of the individual is achieved. Integrity exceeds autonomy, since it requests the moral agent to conform to the standards established at the level of the (professional) community at the same time as it is consistent with its own standards,

principles and values. In the case of conflict of values, integrity asks the subject to refrain from acting. Although in general, it is considered that integrity asks the professional to act based on professional values, even while suspending own values, the majority of the codes of ethics ask the professional to refrain from any action, and in general, to avoid the situations that could place him in a conflict of interests. The over-regulation of the conflict of interests makes certain administrative systems, such as the Romanian one (Law no. 144/2007) incompatible to be sanctioned even in the case in which there was no power abuse, or not even the risk of such abuse.

Integrity requests the moral agent to have consistent actions, in accordance with the values, models and principles admitted by that professional community. The results must be verifiable, and the consequences, as positive as possible. Here we notice a conflict between the deontological approach, and the consequential one, which aims to be resolved by resort to the value of integrity. The upright official is asked to have double responsibility: both moral – as an action in accordance to the ethical standards – and professional – action which is consistent to the best of practices – by evaluating and pursuing the best results. Quality is increasingly seen as being an ethical dimension. The concern for the quality of services is reported to the concern for the satisfaction of the beneficiary. Although it is widely spread, the distinction between the ethical and the professional values at the level of the public administration, namely in the area of services for social welfare and social work, the professional values have a strong ethical component (Sandu, 2015).

Integrity is convergent with honesty and fairness, being an opposite behaviour to hypocrisy, falsehood, inconsistency. This aims to express personal virtues in the current practice, especially respecting normative standards, which regulate a certain area of social practice.

In the public vision, there is often the perception of a semantic identity between integrity and the very moral conduct (Dahl, 2011; Podger et. al., 2010). Integrity manages the process of putting into practice of any ethical values. In practice, integrity takes the form of systems of policies and procedures that would prohibit any form of discrimination, corruption, assertion of own interest to the detriment of the public one, as well as any other abusive practices. From this perspective, integrity could be considered a constitutive value of any institutional practice, both in the public and in the private area. We consider that integrity is at the same time a constitutive

value for the organizational social action, and an operational one, for the public administration, since it establishes for the latter one the limits of functioning. The research conducted by ESDINDS (Dahl, 2011) shows that integrity involves the capacity of the individuals to suspend their own values, beliefs and interests in the purpose of the construction of a shared vision on these values. The idea of shared visions is a reference to that of communicative consensus, and indirectly to the communicative action (Habermas, 2000). The idea of shared values also makes reference to the idea of social construction of ethics (Haslebo, Haslebo, 2012).

Integrity – ethical affirmative value. Impartiality and independence of the public servant

Integrity is usually analysed from the negative perspective, insisting on the need to control the non-ethical conducts. In the context of affirmative policies of ethics in public administration, the accent is on integrity as virtue, and on promoting the integrity and its internalization. For the fair evaluation of integrity of a person or organization, it must be taken into account the system of values and principles, which handles the ethical behaviour. In lack of any system of management of ethics, at the level of the organization we cannot talk about integrity, since we cannot relate the behaviour of the individual with a pre-existing normativity.

Moral development of the individual can be placed on different levels of constituting the conformity, which involves feelings that vary from fear to responsibility (Kohlberg, 1981). Integrity can be fully correlated only with the stage of maturity of the moral development, that of autonomy. Compliance as obedience – either from fear of punishment, or from the desire for reward – doesn't represent integrity, which is why the policies of ethics should stimulate integrity as a moral feature of the professional, and not the conformity based on constraint. It is wrong that a code of ethics or conduct to be exclusively centred on the coercion of the undesirable behaviour, without previously talking about professional virtue and to present the models of good practice. An analysis of the codes of ethics existing at the levels of the professions regulated in the area of social work, or associations of professionals from Romania (CNASR, 2008) shows us that they include the recommendations of sanctions and ways of functioning of the so-called committees of ethics, whose main objective is the disciplinary sanction of certain deviations from the code of ethics.

The dominance of repressive using of ethics in the purpose of sanctioning the undesirable conducts makes a disservice to the idea of politics of ethics, which will be associated to a new form of constraint. The affirmative ethics centred on values that we propose can be developed from the premise of integrity as a personality trait and of voluntary conformity, when the individual is having his own values acknowledged (appreciated). In the appreciative ethics, the individual is considered to be the co-creator of shared ethics at the level of the organization (Sandu, 2012b). The axiological competence can be acknowledged to the individual actor based on his quality of communicative actor. Such an approach can be specific to the organizations that are learning in the knowledge-based society. When the codes of ethics or conduct allocate wider spaces to sanctions and undesirable conducts, their creators starting from the premise of lack of integrity of the professionals. When this assumption is generalized at the level of the public perception, the prestige of the profession is diminished (Sandu, 2015). Even if the purpose of a code of conduct is to ensure the integrity of professional as a premise of public trust and the professional prestige, centring on the deficiency of politics of ethics leads to the disengagement of the professional, and in general, to effects contrary to the policies of ethics.

From axiological neutrality to impartiality and fairness

An interesting analogy can be made between the obligation of the public servant, especially of the one involved in the area of social work services, to treat with fairness all possible beneficiaries and the moral obligation, which is central in the Hindu philosophy of detachment from the consequences of its own actions. In Bhagavad Gita (Easwaran, 2007), Krishna – a being considered to be divine reincarnation – tells his disciple, Arjuna, that he should act without being attached to the results of his own actions. The idea of non-attachment implies that the moral subject would act as he considers to be right and as his duty asks, without being emotionally involved in his action and without expecting a certain particular result, beyond the limits of his own control over the actions.

Deconstructing the spiritual legitimacy of the value of non-attachment, specific to a particular religion, we find that the value itself of the non-attachment, understood as impersonal action, remains important for the construction of professional ethics, where the professional is asked to act in accordance to the law and the professional standards, even if they are contrary to their own expectations. The value of the non-attachment can be

understood as a limitation of subjectivity in the ethical decision. This is convergent to the value of objectivity, one of the constitutive values of European modernity. The ideal of objectivity represents the request addressed to the epistemic subject, but also of the axiological and praxiological ones, to voluntarily renounce on own subjectivity. The ontological assumption is that reality (including the social one) is completely independent from the epistemic subject, and it can know it in a complete and correct manner. The ontological assumption of independence between the subject and the object, and the total gnoseological compatibility between them, is dominant for modernity. The modern thinkers could substantiate, on these two axiomatic intuitions, the modern idea of science. Modern science claims to be objective, namely the adequacy of knowledge to the existence, and implicitly verifiability of any knowledge. The subject-object dichotomy is complete, their full separation being presumed. The onto-epistemic objectivity implies axiological neutrality. The subjective values are excluded from the act of knowledge.

The axiological neutrality becomes gradually dominant in all spheres of knowledge, extending its validity to the social action. In the area of social action, the ideal of axiological neutrality must be compatible with the idea of moral value, specific to any social practice. The intersection of the two axiological ideals – on the one hand, that of de-subjectivity of the action, and on the other hand, that of doing good, ideal with the strong social anchoring on religious and philosophical paths – found in the idea of fairness. Equidistance can be considered as an action which is detached from the subjective preferences of the moral agent. Guidance exclusively by law or rule of law, brings the ideal of objectivity in the area of action. The moral subject gives up his own preferences, in analogy with the epistemic subject. The deconstruction of the idea of objectivity from axiological perspective (Sandu, Caras, 2013) can be achieved by observing the contradiction between the ideal of axiological neutrality and the fact that neutrality itself is a presumed value, and constitutive to the modern paradigm on the action.

The model of axiological neutrality of the social action can be seen as being originated in the social contract (Hobbes, 2011). The social contract involves giving up on their own freedom of the individual in the purpose of sociability. One consequence which is not expressed by the theorists of the social contract is that partially giving up on own liberty involves an axiological neutrality of the subject. Axiological neutrality is not set by waiving the values, but transferring the axiological competences towards a

depository of freedom. The sovereign is, in the vision of classical contractualists, the owner of the right to punish, therefore the depository of freedom. In order to exercise this function, he is endowed with the normative competence and presumed to have an axiological competence, not only for himself. He is the privileged depository of the axiological competence, common for the members of the community who have invested him as holder of the social contract. Passing sovereignty from the possession of an individual sovereign, to that of a collective one, also transfers the axiological competence towards public good. Axiological neutrality in the area of social action is requested to the individual actor, and legitimate through the transfer of the axiological competence of the collective moral agent. Therefore, the individual moral agent (for example, the public servant) is bound to respect the ethical standards of the norms instituted by the collective moral agent. This is a derogation from the categorical imperative legitimized by Kant (1997) by affirming the natural positive right. In an objective, modern paradigm, public good is unique and can be discovered rationally, in a quasi-scientific manner.

The individual moral actor transfers the axiological competences to a collective actor, only in the area of professional social action, in which it becomes individual agent of the collective action. He keeps his axiological competence in the other areas of social action, being still the subject of the categorical imperative, namely obligated to act so that his moral belief to be universalizable. The areas of social action, in which the individual keeps his axiological competence represents the private area, while those in which the axiological competence is delegated, becomes the public area. Giving up on the ideal of objectivity which asserts the mutual dependence of the subject and the epistemic object – at least at the level of the physics of micro-objects – is generalized in the other fields of science by questioning the ideal of axiological neutrality, both in the area of knowledge, as well as action.

The technological advances makes possible the action at a distance in space and time, and the emergence of certain beneficial or destructive consequences globally. The ideal of axiological neutrality is replaced by the one of ethical evaluation of research and technology. Ethics gradually becomes ubiquitous in the public space, taking over the social action and customizing it as communicative action (Habermas, 2000). The practice of communicative action as an instance of gaining consensus on the ethical decision, gradually leads to developing a transparent ethical normativity which is obtaining the autonomy towards the legal normativity. The

professional – as moral subject – is not only an implementer of the collective values, but also a communicative actor who actively participates to the moral consensus. Voluntary adherence to ethical values whose construction and reconstruction the agent was a part of, seems more adequate than the obligation of certain normatively synthesized principles.

The ethical expertise, by its advisory and supervision dimension, is asked to replace the administrative practices of imposing certain ethical behaviours, considered as acceptable. The ethical values of fairness and impartiality seen as non-attachment, are correlated with the idea of depersonalization of the administrative action, and the bureaucratic functioning of the administrative systems. These values should be reconsidered from the perspective of the society of knowledge and the learning organization. The professional from such organizations no longer easily delegates the axiological competence to certain collective instances. The equidistance can no longer be considered as a negative value, attached to the bureaucratic functionality. This value should be affirmative, connected to the appreciation of the values of the citizen (beneficiary) as human being. This appreciation leads to an equal implication of the professional towards its beneficiaries. The affirmative reinterpretation of the non-attachment as fairness makes the action of the professional to be infused by value. The ideal of the axiological neutrality can be reconsidered from the postmodern perspective as fairness towards the competing values and the equal assuming of affirmativity towards the Other as professional responsibility.

Integrity and compliance control

The Romanian legislation emphasizes the issue of integrity, which partially merges with that of conformity, since it develops the instruments of control of anomalous behaviour, called integrity control. The Romanian legislator affirmatively formulated the principle of priority of public interest (Law no. 7/2004, Art. 3). This doesn't exclusively consider combating corruption, being also stated the positive duty towards the public interest.

The moral integrity is seen as a principle according to which the public servant is forbidden to ask or accept, directly or indirectly, for them or others, an advantage or benefit based on their positions, being forbidden to abuse it. In our opinion, integrity is understood as restrictive by the legislator, mainly in its negative side, which prohibits gaining benefits from exercising the public position. The affirmative meaning of integrity targets the efforts of the individual so keep the coherence with himself and his own

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authenticity. The lack of integrity leads to a non-authentic behaviour, in the sense that the individual can no longer be coherent with himself morally.

Conclusions

Integrity is a limiting functional value in the ethics of the public administration which establishes the frameworks of functioning for different administrative systems. In the model we proposed, integrity is seen as having 3 components: impartiality, fairness and incorruptibility. The three dimensions of integrity can be correlated with three dimensions of autonomy: decision-making, relational and authenticity. Integrity and autonomy are complementary, only the autonomous subject having the capacity to be honest and mutual, only the honest individual being considered as truly independent. The modern vision on administrative ethics promotes the ideal of modern inspiration of the lack of axiological competence of the individual professional actors, competence which is reserved for the collective-institutional actor. The (appreciative) affirmative model of ethics centred on value, which we aimed to outline in the current paper, goes in the direction of professional competence assertion of the professional, in the context of creating a shared ethics.

References

Apel, K. O. (1992). The Ecological Crisis as a Problem for Discourse Ethics. In Ofsti, A. (ed.), *Ecology and Ethics*, 219-260. Trondheim: Nordland Academy of Arts and Sciences.

Apel, K. O. (1993). How to Ground a Universalistic Ethics of Co-Responsibility for the Effects of Collective Actions and Activities?. *Philosophica*, 52, 9-29.

Apel, K. O. (1999). The Response of Discourse Ethics to the Moral Challenge of the Human Situation as Such and Especially Today. *Mercier Lectures, Louvain-la-Neuve. Series: Morality and the Meaning of Life*, 13, 77-90.

Colegiul Naţional al Asistenţilor Sociali (CNASR) (2008). Codul deontologic al profesiei de asistent social. Publicat în Monitorul Oficial Partea I, Nr. 173/6. III. 2008. Available at: http://www.cnasr.ro/documente/CodeofEthics.pdf

Dahl, A. L. (2011). *Values-based indicators for responsible living.* Paper presented at the PERL International Conference Istanbul, Turkey, 14-15 March 2011. Available at: http://iefworld.org/ddahl11b

EDS Inds. Excerpt from Values-based Indicators for Sustainable Development: DRAFT handbook for Civil Society Organisations On Values: Understanding Integrity. Available at: http://about.brighton.ac.uk/sdecu/research/esdinds/resources/Excerpt%20from%20Draft%20Handbook%20on%20Understanding%20Integrity.pdf

Easwaran, E. (trans.), (2007). *The Bhagavad Gita*. India: Nilgiri Press.

Habermas, J. (2000). *Constiinta morala si actiune comunicativa*. Bucuresti: Editura All Educational.

Haslebo, G., Haslebo, M. L. (2012). Practicing Relational Ethics in Organizations. Taos Institute Publications.

Hobbes, T. (2011). Leviathan. SUA: CreateSpace Independent Publishing Platform.

Kant, I. (1997). *Critique of Practical Reason*. SUA: Cambridge University Press.

Kohlberg, L. (1981). *Essays on Moral Development, Vol. I: The Philosophy of Moral Development*. San Francisco, CA: Harper & Row.

Law no 7/2004 on the Code of conduct of the public servants, published for the first time in the Romanian Official Gazette, part. I, no. 157 from February 23rd, 2004, republished in Romanian Official Gazette part I, no. 525 from August 2nd, 2007.

The Law on establishment, organization and functioning of the National Agency of Integrity, Law no. 144/2007. Published in the Official Gazette, Part I, no, 359 from May 25th, 2007.

Podger, D., Piggot, G., Zahradnik, M., Janouskova, S., Velasco, I., Hak, T., Dahl, A., Jimenez, A., Harder, M. (2010). The Earth Charter and the ESDinds Initiative: Developing Indicators and Assessment Tools for Civil Society Organizations to Examine the Values Dimension of Sustainability Projects. *Sustainability Indicators,* 4(2), 297-305.

Rawls, J. (1971). *A Theory of Justice*. SUA: Harvard University Press.

Sandu, A. (2012a). *Etică şi deontologie profesională*. Iaşi, România: Editura Lumen.

Sandu, A. (2012b). *Appreciative ethics. A constructionist version of ethics*. Saarbrucken, Germany: LAP LAMBERT Academic Publishing.

Sandu, A. (2015). *Etică profesională şi transparenţă în administraţia publică*. Bucureşti, România: Editura Didactică şi Pedagogică.

Sandu, A., Caras, A. (2013). Deconstruction of Charity. Postmodern Ethical Approaches. *Journal for the Study of Religions and Ideologies*, 12 (36), 72-99.