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Ethics of a Public Administration Official in Poland: Prospects for the Development of Professional Deontology

1. Introduction

A substantial increase of interest in ethical standards in particular professional fields can be observed in modern times. Whereas the professions of a doctor or a lawyer follow practical tools such as codes of best practice created by sufficiently developed professional self-governments of advocates, notaries or doctors, the internal diversification of the profession of a public official (public authority officials, territorial self-government officials) as well as the transformation of public administration have not been conducive to the development of appropriate ethical standards. The renaissance of ethical-professional reflection can be, on the one hand, seen as a result of a “fashion” within the process of the development of particular professions; on the other, however, as a peculiar antidote for the “moral crisis” that has eroded a number of public life areas.

The profession of a public official was highly esteemed in the times of the Second Polish Republic.² Nevertheless, it lost its position with the passing of time. Regrettably, the ethical code of public officials has utterly depreciated after World War II. A public official is now associated with an insolent person known for their servility towards authorities and focus on their own interests. The turbulent political transformation and the rise of economic, political and clerical corruption at the beginning of the 1990s did not create a solid foundation for the reconstruction of shattered ethical code or traditions of the public service. At this point in time, we therefore see the need to reinforce social trust between the state and its citizens. Additionally, the dynamic social, political, economic and technological development makes the existing legal regulations no longer valid for this changing reality. A popular systemic suggestion includes various forms of the so-called “soft law” which essentially, do not impose any procedural burden, but offer points of reference in “the maze of regulations”.

In the era of digital revolution, administrative ethics increasingly gains in importance and the need to develop particular models of ethical standards seems to be self-evident.

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² During the so-called Interwar Poland in the period between the two World Wars (i.e., from 1918 to 1939).

Access to the vast amounts of data and electronic documentation management pose new challenges and threats related to cyberterrorism (e.g. hacker attacks).

Furthermore, lack of transparency in the field of public activity, corruption or passiveness of public administration authorities is of great interest to the media. Should an apt ethical model be developed, it will contribute to building awareness of a mission this profession is associated with and to stigmatising and minimising the negative clerical image amongst the society.

The multiplicity of clerical groups in Poland requires systematization. Thus, a conceptual distinction should be made between the following categories of officials: government administration (members of the Civil Service), other state offices (state officials remaining outside the Civil Service), and those working for territorial self-government (self-government officials). The deliberation in this paper is devoted primarily to members of the Civil Service Corps, although the ethical dimension can be broadly applied across the entire public administration.

The aim of this article is to approach the following questions: what ethical model of public administration reflects the needs of the 21st century? And what distinguishing features should describe a public administration official in Poland? Among many concepts, based on the formal-dogmatic method and his own experience, the author attempts to present an original arethological triad which appears to encapsulate the officials' professional code. The canvas for the author's considerations are inspirations taken from the Polish public administration system, which has its particular specificity. However, in terms of deontology, these considerations have a universal dimension, hence the following research also refers to the international conclusions and assertions in legal scholars' writings.

2. The concept of public administration

The term "administration" comes from the Latin verb *ministrare*, which means *to serve*. By adding the prefix *-ad* its meaning changes *to serve, manage, guide and direct (administrare)*.³

Public administration involves "a set of organizational and executive actions, activities and undertakings aimed at the fulfilment of a public interest and implemented by various subjects, authorities and institutions under a statutory act and in the forms defined by law."⁴ According to yet another definition, public administration represents "the fulfilment of collective and individual needs of particular citizens resulting from social conduct which is accepted by the state and implemented by its authorities as well as by authorities of territorial self-governments"⁵ In line with this definition, both government and territorial self-government administration as well as other public service bodies shall fall within the scope of public administration.

In the subjective approach, the term public administration pertains to a particular group of people fulfilling a common objective and is perceived as belonging to the

³ M. Kallas, *Ewolucja ustroju centralnej administracji państwowej w latach 1989–1997* [Eng. *Evolution of the Central Administration System in 1989–1997*], in: B. Szmulik, K. Miaskowska-Daszekiewicz (eds.), *Administracja publiczna. Ustrój administracji państwowej centralnej* [Eng. *Public Administration. Central Administration System*], Vol. 1, Warszawa 2012, Legalis/el. 2020.

⁴ H. Izdebski, M. Kulesza, *Administracja publiczna – zagadnienia ogólne* [Eng. *Public Administration – General Issues*], Warszawa 2004, p. 91.

⁵ J. Boć, in: J. Boć (ed.), *Administracja publiczna* [Eng. *Public Administration*], Wrocław 2002, p. 10.

category of organizational social-cultural systems.⁶ New socio-cultural processes and concepts raise numerous questions regarding the position, mission and function of public administration within a developed democratic society.⁷

3. Typology of ethical models of public administration

3.1. The model of ideal bureaucracy

The administrative face of the public service ethos is coupled with the classical Weberian model of bureaucracy.⁸ The founding father of this concept is Max Weber who assumed the autonomy of public administration that should proficiently, impartially and apolitically fulfil the functions imposed on it according to the generally applicable law. Due to the horizontal relationship between authorities and society, this model tends to be referred to as “a fortified camp”. A citizen is perceived as a party to the proceedings, as an applicant using the omnipotent apparatus of public authority.⁹ A public official is a competent technocrat. However, Weber’s views are still a point of reference for the development of further research directions and analysis of administration.¹⁰

3.2. The accountability model

It was coined as a necessary form of trust reinforcement between the state and the society. It aims at assuring that public officials adhere to appropriate procedures and that there is transparency in public administration. The accountability model is a reaction to pathologies eroding public administration and clerical corruption. In Poland, legal and administrative accountability of public officials is regulated under various branches of law, i.e. the criminal law, civil law, labour law and administrative law.

This institutional dispersion is not conducive to the enforcement of accountability.

Aside from the sphere of disciplinary procedure there has to be an area where the supervisor is completely at liberty to take action in relation to employees reporting to him and is entitled to carry out particular evaluations based solely on the fact of being the supervisor, being in charge of managing a particular department and being accountable for it.¹¹

Therefore, according to the current trends, it can be stated that the model of accountability in public administration encompasses both formal and informal ethical

⁶ S. Wrzosek, *System: administracja publiczna. Systemowe determinanty nauki administracji* [Eng. *System: Public Administration. Systemic Determinants for the Science of Administration*], Lublin 2008, p. 14.

⁷ See: J. Izdebski, *Koncepcje misji administracji publicznej w nauce prawa administracyjnego* [Eng. *Concepts of Missions of Public Administration for Studying Administrative Law*], Lublin 2012.

⁸ S. Mazur, *The Public Service Ethos Versus Public Management Models*, “Warsaw Forum of Economic and Sociology” 2013/8, p. 96.

⁹ S. Mazur, *Etos służby publicznej i jego oblicza* [Eng. *The Ethos of Public Service and its Faces*], in: S. Mazur (ed.), *Jaki etos w administracji – służba publiczna, menedżerski profesjonalizm czy przestrzeganie procedur?* [Eng. *Ethos for Administration – Public Service, Managerial Professionalism or Adhering to Procedures?*], Gdańsk 2012, p. 10.

¹⁰ T. Barankiewicz, in: T. Barankiewicz, T. Chauvin, *Modele etyki urzędniczej* [Eng. *Models of Public Officials’ Ethics*], in: R. Hauser, Z. Niewiadomski, A. Wróbel (eds.), *System Prawa Administracyjnego. Tom 13. Etyka urzędnicza i etyka służby publicznej* [Eng. *Administrative Law System. Vol. 13. Public Officials’ Ethics and the Ethics of Public Service*], Warszawa 2016, p. 104. See: M. Weber, *Wirtschaft und Gessellschaft* [Eng. *Economy and Society*], Tübingen 1980; G.L. Seidler, *Weberowska koncepcja biurokracji* [Eng. *The Concept of Bureaucracy According to Weber*], in: *Państwo – Prawo – Obywatel* [Eng. *State – Law – Citizen*], Wrocław 1989, p. 183.

¹¹ E. Ura, *Prawo administracyjne* [Eng. *Administrative Law*], Warszawa 2012, p. 263.

standards. As a direct implementation method of this model one can name carrying out audits, reporting, or performing periodical employee evaluations. A disadvantage of the accountability model is, however, its failure to take into consideration the complexity of moral standards. It is only assumed that an employee can be blamed. Yet, morality is tantamount to improvement, either of oneself, the environment, or a particular social and institutional organization; sometimes it is merely striving for moral ideals.¹²

3.3. New public management

This concept refers to the belief that private sector companies are more effective than public service organizations. It creates the foundation for drawing from the experiences gained within the private sector to ensure high efficiency in the public sector. The core of this model involves the transmission of mechanisms such as management and the market to the public service sector. This direction has been taken through the use of the following instruments: privatization of public companies, introduction of contracting based on public tenders, creation of internal markets, introduction of the institution of an agency, and introduction of fees for services.¹³ Putting these assumptions into practice has partially been successful, however, it does not take into account the specific features of public administration.

3.4. The good governance model – humanistic management

It is known as the concept of public, participative management. As opposed to the management model, it emphasizes the role of various social subjects (actors) in creating and implementing public politics through the following forms: public consultations, referendums, civic initiatives, civic organizations and associations.¹⁴ In principle, managing private affairs differs from managing the public sector.¹⁵ In the case of a good governance model, the economic criterion does not constitute a core factor since it contributes to the complexity of solutions in the implementation of a new social order based on the concept of a web, as opposed to the management model where linear connections are tied to a particular decision-making centre.

Managing complex and dynamic social systems requires an innovative approach along with an informed decision to give up the role of a manager in favour of “a moderator” and a coordinator that takes into account the demands of all the parties. Thanks to focusing on the “human factor”, more subjects can be engaged in the process of “co-deciding”. The underlying assumption that the fulfilment of the right to good governance is inconceivable without a properly functioning ethical infrastructure is the factor behind a good governance model.

¹² T. Barankiewicz, *W poszukiwaniu modelu standardów etycznych administracji publicznej w Polsce* [Eng. *Searching for Models of Ethical Standards in Public Administration in Poland*], Lublin 2013, p. 140. See: V. Chhotray, G. Stoker, *Governance Theory and Practice. A Cross-Disciplinary Approach*, London 2009, pp. 16–52.

¹³ B. Plawgo, *Zarządzanie Publiczne* [Eng. *Public Management*], in: *Nauka administracji* [Eng. *The Learning of Administration*], Warszawa 2009, p. 182. See: C. Hood, *A Public Management for all Seasons*, “Public Administration” 1991/69, pp. 3–19; C. Hood, *The “New Public Management” in the 1980s: Variations on a Theme*, “Accounting, Organizations and Society” 1995/20, pp. 93–109; D. Osborne, T. Gaebler, *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*, New York 1992.

¹⁴ T. Barankiewicz, in: T. Barankiewicz, T. Chauvin, *Modele etyki...*, p. 107. See: K. Lisiecka, T. Papaj, *Good Governance in the Polish Public Administration*, “Journal of Economics and Management” 2008/4, pp. 88–97.

¹⁵ T. Barankiewicz, in: T. Barankiewicz, T. Chauvin, *Modele etyki...*, p. 107.

The abovementioned right can be interpreted based on the following categories:

- 1) civic entitlement related to the legal construct which is locally defined and individually handled within the legal system;
- 2) public subjective right constituting a real or suggested separate legal institution with the possibility to lodge claims against public administration authorities;
- 3) paralegal category constituting a synthesis of detailed legal solutions and simultaneously being a foundation and justification for the implementation of new ones; it is mainly recognized as a legal principle without a binding effect;
- 4) non-legal category, pertaining to a social phenomenon visible in the sphere of various political relations, social, psychological contexts and ethical evaluations.¹⁶

All these categories, either together or separately, present an image of administration which is then to be subjectively evaluated, to form the basis for an objective evaluation of social sentiments.¹⁷ The right to good administration constitutes a 3rd generation human right and is perceived to be a relevant part of a broader right to good governance.¹⁸

In order to establish organizational culture based on the good governance model, the following is necessary: implementation of codes of ethics, which are the key factors regulating rules of conduct in a particular area, establishing an institution of an ethics advisor, creating commissions for ethics, and developing individual rules of conduct for employees should they come to the conclusion that there is a malfunction in their professional environment.¹⁹

4. Organizational culture within the frame of good governance

Organizational culture within the frame of the good governance model is becoming increasingly compliant with the assumption that public administration should to a higher extent be based on management models applied in business, i.e. management of companies, and should not be just an administrative procedure. The organizational culture within the frame of the good governance model determines the identity of an organization, affiliation to it, ethos, and serves the public good.

Deployment of this type of organizational culture constitutes a basis to build social trust in public administration. At this point, the key factor is the participative factor within the frame of good governance, allowing for the creation of friendly environment for the civil society as well as creativity and entrepreneurship.

The European Commission adopted the *European Governance – A White Paper*.²⁰ One of the assumptions is openness to the opinions of the people and organizations in charge of creating and implementing policies in the process of constructing the politics

¹⁶ Z. Cieślak, *Prawo do dobrej administracji* [Eng. *Right to Good Administration*], in: Z. Cieślak, Z. Niewiadomski (eds.), *Prawo do dobrej administracji. Materiały ze Zjazdu Katedr Prawa i Postępowania Administracyjnego. Warszawa–Dębe 23–25 września 2002* [Eng. *Right to Good Administration. Materials from the Session of the Department of Law and Administrative Procedure. Warsaw–Dębe 23–25 September 2002*], Warszawa 2003, pp. 18–19.

¹⁷ J. Szczot, *Pozycja urzędnika we współczesnej administracji* [Eng. *The Position of a Public Official in Modern Administration*], in: D. Bąk (ed.), *Etos urzędnika* [Eng. *Public Officials' Ethos*], Warszawa 2007, p. 44.

¹⁸ H. Izdebski, *Wprowadzenie* [Eng. *Introduction*], in: R. Hauser, Z. Niewiadomski, A. Wróbel (eds.), *System...*, p. 4.

¹⁹ Cf. B. Kudrycka, *Dylematy urzędników administracji publicznej* [Eng. *Dilemmas of Public Administration Officials*], Białystok 1995, p. 45.

²⁰ *European Governance – A White Paper* (OJ 287, 12.01.2001, p. 1), European Commission.

of the European Union. A higher extent of openness and accountability of all subjects involved is suggested.²¹

The *European Governance – A White Paper* presents 5 criteria of good governance: accountability, openness, participation, effectiveness, and coherence.

- 1) *Accountability* is seen as a necessity, a moral or legal obligation of an institution, managerial staff and employees to be liable for their actions and to assume appropriate consequences, both externally and internally.
- 2) *Openness* stands for maximum transparency of public administration authorities, at every level, in relations to citizens and public opinion (externally) as well as to employees (internally), broad access to public information, which also encompasses planned actions and results of implemented initiatives. Openness is represented by the degree of implemented anticorruption mechanisms, which are essential for reinforcing transparency in administration, as well as communicative language understandable to all citizens.
- 3) *Participation* is the extent of involvement of citizens and employees in the decision-making processes in public administration at all its levels and stages, i.e. drafting, implementation and monitoring (or implementation of tasks). Social dialogue encompasses three basic forms: information, consultation, and co-deciding.
- 4) *Effectiveness* means striving to ensure the highest quality of public service while maintaining possibly lowest costs incurred; this should be achieved by reorganising procedures, competences and duties of the personnel. It also involves improvement of administrative potential in the field of effective and efficient achievement of goals (i.e. without undue delay).
- 5) *Coherence* denotes a precise definition of the extent of formal and legal entitlements and obligations of particular institutions, authorities and employees to ensure their harmonious functioning and coherent development. It is associated with competent leadership and responsibility of managerial staff which facilitates correct and uniform action in the complex administrative system.²²

The organizational culture within the frame of the good governance model constitutes a universal foundation for public administration, which, on the one hand, accords with the open catalogue of public officials' ethos, and, on the other, is a real programme concept within the process of administrative management.

The efficiency of the abovementioned assumptions, excluding the legal regulation, depends on the standards of appropriate conduct and the fulfilment of the following premises: effective investigation of legal infringements, penalization of infringers, as well as protection of those who adhere to legal norms, ethical values and the aforementioned public officials' ethos.²³

²¹ The good governance concept reaches back to the beginning of the 90's. It has firstly been implemented by the World Bank for its programme documents. At first, its objective was to improve the efficiency of achieving development goals. H. Frederickson, *Whatever Happened to Public Administration? Governance, Governance Everywhere*, in: E. Ferlie, L.E. Lynn Jr., C. Pollitt (eds.), *The Oxford Handbook of Public Management*, Oxford 2005, pp. 282–304. See: B.C. Smith, *Good Governance and Development*, New York 2007.

²² *European Governance...*

²³ See: B. Kudrycka, *Etos urzędniczy [Eng. Public Officials' Ethos]*, in: A. Dębicka, M. Dmochowski, B. Kudrycka (eds.), *Profesjonalizm w administracji publicznej [Eng. Professionalism in Public Administration]*, pp. 209–210.

Certainly, public administration is pivot around interests of men and women. The organizational culture within the frame of the good governance model allows for the management process to be seen from the humanistic perspective. The core of management is neither the result itself nor adherence to an established mechanism, but a constant motivation to fulfil duties in the best possible way. Mutual respect of one's rights and duties allows for the improvement of processes and results. It constitutes a kind of a "Copernican Revolution" in the relationship between public officials themselves and between public officials and citizens.

5. The concept of ethos

The most concise definition of the word "ethos" which also reflects the core of the issue was formulated in the *Polish Dictionary* of the Polish Scientific Publishers (PWN). This term means "values, norms and rules of conduct accepted by a particular group of people".²⁴ While further elaborating on the aforementioned definition, it needs to be emphasized that ethos is

a specific form of morality constituting a system of customs of a particular social group expressed by their lifestyle. It is a realization of conventionally adopted system of moral norms and an attempt to interpret moral principles of natural law as well as a consequence of value hierarchy adopted in this group.²⁵

In ethical reflections it is frequently difficult to unambiguously state if a particular conduct is good or bad. Its verification takes place based on moral categories, such as conscience. It is different in the case of an ethos since it is characterized by an "attachment to certain ethical concepts and rules in a practical and easily enforceable way".²⁶

The essence here is to make ethos a lifestyle. In such a case, it would be easy to verify it for all the representatives of a given institution. At this point, it also needs to be highlighted that the quality of work in a particular institution is not determined by legal regulations or a code of ethics adopted therein, but a daily implementation of the ethos which has become a lifestyle for employees.²⁷ In other words, an ethos is an attitude of a community or society, a premise for its coherence and ability to cooperate resulting from values pursued and implemented.²⁸

6. Determinants of public officials' ethos

An increasingly higher complexity of social life leads to the increase of the number of conflicts of interests, moral dilemmas or – last but not least – difficulties to appropriately interpret common good.²⁹ Progressive crisis of values and the consequent relativism

²⁴ *Etos* [Eng. *Ethos*], in: *Słownik języka polskiego PWN* [Eng. *PWN Polish Dictionary*], <https://sjp.pwn.pl/slowniki/etos.html>, accessed on: 14 June 2020.

²⁵ A. Kość, *Podstawy filozofii prawa* [Eng. *Foundations of Law Philosophy*], Lublin 2005, pp. 235–236.

²⁶ J. Hołowska, *O etyce w administracji publicznej* [Eng. *About Ethics in Public Administration*], in: J. Czaputowicz (ed.), *Etyka w służbie publicznej. Materiały z konferencji. Warszawa, 8–9 grudnia 2011 r.* [Eng. *Ethics in Public Service. Materials from the Conference. Warsaw, 8–9 December 2011*], Warszawa 2012, p. 55.

²⁷ J. Hołowska, *O etyce...*, p. 55.

²⁸ E. Chmielecka, *Uwagi o etosie i kodeksach* [Eng. *Comments on Ethos and Codes*], "Sprawy Nauki" 2008/3, p. 26.

²⁹ D. Bąk, *O możliwości kreowania etosu urzędnika* [Eng. *About the Possible Creation of Public Official's Ethos*], in: D. Bąk (ed.), *Etos...*, p. 82.

contribute to the fact that the restitution of public officials' ethos is a highly topical issue. The aforementioned reasons intensify and extend ethical reflections in this respect.

Development of public officials' ethos may seem a difficult task at first. Each attempt is in fact associated with a subjective perspective and a risk of error. Nevertheless, in order to adopt a particular set of traits reflecting the conditions related to public administration, the social and legal status of a public official shall be taken into account.

6.1. Social status

Due to the position held, a public official must be related to the state, but also – or even to a greater extent – to the society they serve.³⁰ In other words, a public official is a person who “brings the state closer to its citizens.”³¹ The core factor to be analysed with respect to public officials' ethos is public service. The word *service* seems to reflect the essence of professional ethos. Undoubtedly, this is a lofty ideal, not easy to pursue. In practice, the semantic extent of the term *service* is pretty broad. The first to be enumerated is the task of serving someone else, doing work in one's household (cleaning, cooking), mostly in return for payment.³² The word *service* is also used to refer to “work in a government administration office”, “a public utility institution”, “military forces” etc. as well as institutions referring to a general character of a given field, e.g. “health care”, “civil service” etc.

The word *service* encompasses some ethically non-neutral semantic elements, namely “caring for someone, being a supporter of e.g. an idea”. This meaning is carried by phrases such as “service to the society” or “to provide service for the country”.³³ Regrettably, during the Polish People's Republic, the relations of dependency, submission and subordinating were emphasized as constituting the core of service.³⁴ At present, the rehabilitation of the term should point to a deep-rooted meaning of this term, namely *service* is a sign of love which can be both heroic and ordinary. It can be associated with a thorough involvement in work. In the case of a public official, a client shall be perceived as a special person, and not as an intrusive applicant.

The idea of service has been accurately summarized by Jan Kłós who claims that:

(...) a public official, similarly to a citizen, cannot be a prisoner of its own country, a prisoner of its legal system, blindly following orders. They should also feel invited to creatively utilize their potential for the good of the community. A good public official in a way unburdens a citizen of the country and makes their actions free, broadens the scope of action and responsibility.³⁵

6.2. Legal status

Legal status of a public official has already been regulated in the basic law. According to Article 7 of the Polish Constitution, the organs of public authority shall function on

³⁰ J. Kłós, *Pomiędzy sługą a panem – dylemat urzędnika nowoczesnego państwa* [Eng. *Between a Servant and a Master – Dilemma of a Public Official in a Modern Country*], in: D. Bąk (ed.), *Etos...*, p. 66.

³¹ J. Kłós, *Pomiędzy sługą a panem...*, p. 66.

³² A. Dylus, *Służba (publiczna): cnota zapomniana* [Eng. *(Public) Service: the Forgotten Virtue*], in: D. Bąk (ed.), *Etos...*, p. 27.

³³ A. Dylus, *Służba (publiczna)...*, p. 27.

³⁴ A. Dylus, *Służba* [Eng. *The Service*], in: *Słownik teologiczny* [Eng. *Theological Dictionary*], A. Zuberbier (ed.), Katowice 1998, pp. 534–536.

³⁵ J. Kłós, *Pomiędzy sługą a panem...*, p. 67.

the basis of, and within the limits of, the law.³⁶ In practice this means that, while dealing with particular issues and taking decisions, the said actions and decisions should be based on the applicable legal regulations (in the process of decision-making in writing, the regulation must be identified in the respective instrument) and all professional actions shall be within the limits of the law.³⁷

In 1994 the Constitutional Tribunal took a stance on the fulfilment of public officials' duties:

Citizens in charge of public activity shall accept additional, far-reaching limitations of their rights and freedoms as compared to other citizens (...). And since they consciously and freely submit themselves to these limitations, there can be no question of their freedom being limited with respect to any of the civic freedoms enshrined in the Constitution. The purpose of such limitations is to prevent public persons from getting involved in situations or circumstances that might not only raise doubts as to their personal impartiality or integrity, but also undermine the authority of constitutional public organs or the trust of voters or public opinion as to their proper functioning.³⁸

The Constitutional Tribunal emphasized a special status of public service that

guarantees that members of the civil service shall act according to constitutional values that lie at the foundations of a democratic state, and respect the sense of dignity and honour resulting from the fact that they serve the common good which is the Republic of Poland.³⁹

The judicial practice of the Constitutional Tribunal seems to unequivocally highlight the privileged legal status of a public official and set the requirement of impartiality and integrity. In some cases it even involves limitation of rights and freedoms.

7. Principles of civil service

In democratic countries the model of public administration personnel involves civil service corps appointed to ensure professional, thorough, impartial and politically neutral fulfilment of statutory tasks; in public administration authorities, civil service corps are active.⁴⁰ However, this may only be regarded as a reference to values applicable to civil service corps. A more in-depth elaboration can be found both in international documents as well as the Polish statutory law.

On 6 October 2011 the Prime Minister issued an Order on the guidelines for compliance with the principles of civil service and on the principles of ethics for civil service corps. The principles of the civil service listed below constitute a procedural framework of their conduct.

- 1) *Legality principle* (i.e. the rule of law and reinforcing civic trust for public administration authorities) entails that members of the civil service corps cannot participate in protests or other actions that disturb the smooth functioning of the authority and is indirectly incorporated within the frame of the legality principle.

³⁶ See: Article 7 of the Constitution of the Republic of Poland of 2 April 1997 (Polish title: Konstytucja Rzeczypospolitej Polskiej z 2.04.1997 r., Dz. U. z 1997 r. Nr 78, poz. 483 ze zm.), hereinafter: the "Polish Constitution".

³⁷ R. Banajski, *Etos urzędników administracji państwowej a etos urzędników administracji samorządowej. Elementy wspólne i różnice* [Eng. *Ethos of Public Administration Officials and Ethos of Self-Government Administration Officials. Common Elements and Differences*], in: D. Bąk (ed.), *Etos...*, p. 151.

³⁸ Resolution of the Constitutional Tribunal of 13 April 1994 (W 2/94), OTK 1994, part I, p. 191.

³⁹ Decision of the Constitutional Tribunal of 12 December 2002 (K 9/02), OTK-A 2002, item 94, p. 19.

⁴⁰ See: Article 153 of the Polish Constitution.

- 2) *The principle of human and civil rights protection* means that a member of the civil service corps shall respect human and civil rights as well as bear in mind that an effective human and civil rights protection contributes to an increased state authority level.
- 3) *The principle of selflessness* requires member of civil service corps to give up additional employment (for-profit) if it may have an adverse influence on the fulfilment of their professional duties. A premise for the aforementioned requirement is the conflict of interest. Moreover, every time a member of the corps of civil service takes up additional employment, it should be reported to the employer.
- 4) *Openness and transparency principle* stands for ensuring access to information about principles, results of work and solutions (within the limits of the law); striving for unambiguity and intelligibility of actions; exhaustive justification of adopted solutions (especially with respect to issues that cause discords in public debate); knowledge of constitutional and statutory legal regulations, access to public information and ensuring practical implementation of this right.
- 5) *The principle of keeping secrecy of information protected by law* encompasses the protection of information only in order to secure a clearly defined statutory interest.
- 6) *The principle of professionalism* refers to the attitude of a public official who should be knowledgeable about the rules of state functioning; continue upgrading qualifications and expanding professional knowledge; manage human resources effectively and rationally; strive, while fulfilling tasks, to achieve solutions based on content-oriented argumentation; be ready to accept criticism, recognize mistakes made and be ready to remedy their consequences; and protect, through their attitude, the image of civil service.
- 7) *The principle of accountability for actions or omissions* means fulfilling a task while being aware of a special accountability related to the public nature of the service; acting in the public interest; and efficiency and conformity of actions with legal regulations. Furthermore, it also involves a requirement that discrepancies between legal regulations and public interest should be reported to supervisors.
- 8) *The principle of rational management of public funds* assumes rational use of public funds, taking into account the interest of the state, its citizens, and effective achievement of objectives. This principle is also expressed by the readiness to submit to scrutiny regarding management of public funds and public property.
- 9) *The principle of openness and competitiveness of recruitment* entails equal access to public service, professional and thorough fulfilment of statutory tasks by public administration personnel, political neutrality of civil service, reinforcement of civic trust in the competences of persons who fulfil statutory tasks. On the other hand, persons participating and supervising the recruitment process shall ensure open and effective control in this respect.⁴¹

⁴¹ See: Order No. 70 of the Prime Minister of 6 October 2011 on the guidelines for compliance with the principles of civil service and on the principles of ethics for civil service (Polish title: Zarządzenie nr 70 Prezesa Rady Ministrów z 6.10.2011 r. w sprawie wytycznych w zakresie przestrzegania zasad służby cywilnej oraz w sprawie zasad etyki korpusu służby cywilnej, M. P. z 2011 r. Nr 93, poz. 953), hereinafter: the "Order No. 70 of the Prime Minister".

8. Characteristics of ethos/ideal personal traits of a public official

From the perspective of professional ethics, it is crucial for special provisions that define the actions of public officials to be derived from the sphere of universal moral values.⁴² A continuous increase of the importance and meaning of the so-called soft values in social and public life accelerates the process of ethos formation. Thus, a set of desired personal traits should be formulated within the scope of rules of conduct for public officials which shall subsequently serve as a sample profile. Given that particular persons and social groups are in charge of managing public administration, their personal attributes play a greatly relevant role.⁴³

The ethics of virtues (aretology) can indeed be a valuable tool, not only for the sake of describing “a perfect public official”, but can also refer to practical concepts needed for holding a public position. “It may include abilities such as verbal and non-verbal communication skills, rhetorical competences in interpersonal relationships, the ability to express and accept criticism and praise, to resolve conflicts, the ability to negotiate and mediate, etc.”⁴⁴

An exemplary set of common ethical values encompasses integrity, professionalism, loyalty, openness, rightfulness, reliability, prudence, and respect for other people.⁴⁵ One should bear in mind that the set of ethical values gains stability when it corresponds with ethical maturity of employees.⁴⁶

In 1994, the British Prime Minister John Major set up the Committee on Standards in Public Life which aims at evaluation of all fears related to ethical norms for public office holders, verification of political parties financing, and suggesting changes to ensure the highest standard of conduct in public life.⁴⁷ A report of the Committee chaired by Lord Nolan was of a pioneering nature and contributed to the formulation of the first universal catalogue of principles (features) of public life,⁴⁸ namely:

- 1) *Selflessness*. Holders of public office should act solely in terms of the public interest. It is prohibited to make decisions in order to receive a material or financial gain for themselves, their families or friends.
- 2) *Integrity*. Holders of public office must avoid placing themselves under any financial or other obligations to organizations which may exert an influence on them in their work.
- 3) *Objectivity*. In their work, including nominating personnel for public offices, awarding public procurement contracts or recommending organizations for

⁴² D. Bąk, *O możliwości kreowania...*, p. 85.

⁴³ J. Łoś, *Swoistość etyki zawodowej urzędnika* [Eng. *Uniqueness of Professional Ethics of a Public Official*], in: D. Bąk (ed.), *Etos...*, p. 74.

⁴⁴ T. Barankiewicz, *W poszukiwaniu modelu...*, p. 182.

⁴⁵ M. Dębicki, B. Kudrycka, *O potrzebie etycznego administrowania w samorządzie terytorialnym* [Eng. *About the necessity of ethical administration in local and regional government*], in: M. Dębicki, B. Kudrycka (eds.), *Etyczne administrowanie* [Eng. *Ethical Administrating*], Warszawa 2000, p. 15.

⁴⁶ J. Łoś, *Swoistość etyki zawodowej...*, p. 74.

⁴⁷ T. Kowalski, *Kodeks etyczny a kształtowanie zasad etycznych w administracji* [Eng. *Ethical Code and Formation of Ethical Principles in Administration*], “Studia Lubuskie” 2005/1, p. 102.

⁴⁸ *First Report of the Committee on Standards in Public Life*, Committee on Standards in Public Life, May 1995, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/336919/1stInquiryReport.pdf, accessed on: 8 April 2021. The seven standards in public life one can find in: J. Filek (ed.), *Etyczne aspekty działalności samorządu terytorialnego* [Eng. *Ethical Aspects of the Activity of Local and Regional Government*], Kraków 2004, p. 210; *Survey of Public Attitudes Towards Conduct in Public Life*, Committee on Standards in Public Life, London 2004.

prizes or benefits, holders of public office must make the selection based on relevant criteria.

- 4) *Accountability*. Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- 5) *Openness*. Holders of public office must act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- 6) *Honesty*. Holders of public office are obliged to disclose all kind of personal interests related to their professional duties and – in order to protect the common good – to take steps to avoid any potential conflicts of interest.
- 7) *Leadership*. Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support these principles and be willing to challenge poor behaviour wherever it occurs.⁴⁹

9. Exemplary typology of personal-moral traits of a public official

Within the framework of personal and moral traits of a public official one should differentiate between main and auxiliary personal and moral traits.⁵⁰ This dividing criterion is justified with respect to logical and factual relationships between values. Honesty, politeness, benevolence or readiness to accept criticism are main personal and moral traits, whereas conscientiousness or integrity are auxiliary traits.

The aforementioned classification brings attention to a far-reaching inconsistency of the Polish legislator who focuses on the auxiliary traits too much. Conscientiousness or integrity, frequently referred to by the Polish legislator, can also be observed in people who are deeply immoral or whose conduct is undignified or who act in favour of an undignified system or institution. Paradoxically, it is difficult to deny that German soldiers working at concentration camps during the World War II were conscientious and thorough.⁵¹ Based on this extreme example, it is easier to follow the semantic distinction whose axis is the moral good resulting from the pure nature of a particular trait.

9.1. Honesty

This is a highly desired trait constituting a foundation of public officials' ethos. The term *honesty* is multidimensional. As a moral category, alike the virtues of honour, bravery and fairness, honesty is based on the affirmation of three fundamental values: 1) truth; 2) dignity of oneself and others; 3) rejection of malice.⁵²

In the first place honesty is associated with objectivity as well as observing and describing facts as they really are, not as we would like them to be. Secondly, honesty is about respecting the dignity of other human being in every single situation, irrespective of their gender, background, social position and role, religion, profession or nationality.

⁴⁹ *Summary of the Nolan Committee's First Report on Standards in Public Life*, Committee on Standards in Public Life, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/336840/1stInquiry_Summary.pdf, accessed on: 8 April 2021.

⁵⁰ T. Barankiewicz, *W poszukiwaniu modelu...*, p. 222.

⁵¹ T. Barankiewicz, *W poszukiwaniu modelu...*, p. 224.

⁵² Z. Cieślak, *Wychowanie do uczciwości* [Eng. *Upbringing in the Sense of Honesty*], <http://www.fidesetratio.org.pl/files/plikipdf/cieslak1.pdf>, accessed on: 8 April 2021.

Thirdly, honesty means giving up undignified ways of conduct as opposed to the method “the ends justify the means”.

9.2. Politeness

From interpersonal perspective, politeness is based on maintaining good interpersonal relationships with citizens and co-employees, which is especially important for the image of a given authority and public administration in general. The obligation to be polite results from the rule of a dignified conduct in a workplace and outside of it, which has been formalized in Paragraph 14(2) of the Order No. 70 of the Prime Minister. The principle of a dignified conduct imposes an obligation upon members of the of civil service corps to adhere to the rules of community life and personal manners. By including this moral obligation in the legal system, the paradigm of official attitude towards a citizen can be changed from “strict and official” to polite and kind. This personal trait is necessary for establishing a friendly atmosphere at a workplace and building a positive image of public administration. In other words, it is a moral dexterity that improves interpersonal relationships for the purpose of the fulfilment of common good.

9.3. Accountability and readiness to accept criticism

Accountability as a human characteristic refers to the ability to be accountable for something or someone or readiness to accept the consequences of a particular action or omission. The conduct of a responsible person contributes to a correct handling of a case: honest, diligent, professional, according to its best knowledge as well as intentional.

Accountability is closely related to the readiness to accept criticism. Remedying the negative results of one’s conduct is connected with accountability. Each human action carries the risk of error, whereas it is about “being responsible”, i.e. admitting one’s fault, accepting consequences, remedying the error and drawing conclusions. Making mistakes shall be perceived as a part of professional experience of educational nature, contributing to the future professionalization of actions taken by public officials.

As far as I am concerned, the presented triad, i.e. honesty, benevolence and accountability refers – holistically speaking – to the public administration system. Complex ethical codes can be created based on these traits. Honesty refers to one’s attitude towards work and a thorough and individual evaluation of factual circumstances; benevolence allows for establishing a proper atmosphere in a workplace and is conducive to the implementation of organizational culture within the frame of the good governance model; while accountability ensures professional development of a public official and constitutes a foundation of each public administration model. Meaning and universal character of the triad of honesty, benevolence and accountability allows for a further ethical reflection based on a case study. The realization of this triad will enable building a state that is open to its citizens.

10. Conclusion

There is no single perfect model of public administration. Civilization-related changes, technological progress, digitalization and new public tasks pose new challenges in the process of managing public administration. From a historical perspective, we are

witnessing the transition from the model of ideal bureaucracy through the responsibility and new public manager model to the good governance model. The innovative nature of good practices is expressed in the participation of numerous subjects in the process of decision-making. Lack of a single decision-making centre and employment of external experts or advisory bodies allow for a thorough scrutiny of argumentation presented by each interested party. Organizational culture within the frame of the good governance model is a unique novelty in public administration, and the author supports it. One of the advantages of this solution is an increase of the efficiency of fulfilling particular tasks as well as utilising the potential of personnel who until now was accustomed to a hierarchical management style. The foundations for public officials' ethics have been formulated within the framework of this organizational culture. Public officials' ethos creates a platform for the development of professional public officials corpus and, as such, is the condition for the smooth functioning of public administration.

The organizational culture of good governance corresponds to the greatest extent to the challenges of public administration in the 21st century. Its implementation vastly depends on the human factor, which constitutes the "weakest link" in each of the presented models.

Norms regarding professional ethics are more frequently formulated in the form of a "code". The presented assumptions of the "code of best practice" are only a suggestion to adopt a particular model of public administration or public officials' ethos. Limiting the "code" to the triad of honesty, benevolence and accountability is a conscious procedure, which shall be an inspiration to create one's own "codes of best practice" accounting for individual circumstances of a particular authority. Bearing in mind that self-improvement is the highest need of a person working in an organization and that public administration is – subjectively speaking – such an organization, it should be emphasized that organizational culture within the scope of good governance permits gaining a fresh perspective on implementation of ethical standards in public administration.

Institutional actions related to the creation of the position of an advisor for ethics or ethical codes as well as appropriate trainings seem to be a good solution for establishing a proper climate of mutual respect and reinforcing the feeling of serving other people. This shall be a useful tool in the process of synthetically defining the mission of an organization. The presented measures reflect the work culture and encourage cultivating the desired values and attitudes.

In this context, the opinion of an eminent philosopher Leszek Kołakowski seems to be a little unfair. Namely, the philosopher claims that "a code constitutes an expression of a conservative view of the world in which there is no place for the risk of a moral decision".⁵³ The creation of moral codes is conducive to the polarization of evaluations of conduct in a moral sense. Thanks to the implementation of particular ethical standards, it will be a lot easier to evaluate a particular conduct in terms of it being morally legitimate or reprehensible. Codes contain moral guidelines for conduct and are simultaneously conducive to creating mechanisms of internal control. Moreover, it shall be emphasized that the restitution of public officials' ethos allows for professional identification, increases the moral level and contributes to personality development.

⁵³ L. Kołakowski, *Etyka bez kodeksu* [Eng. *Ethics without Codes*], in: L. Kołakowski (ed.), *Kultura i fetysze* [Eng. *Culture and Fetishes*], Warszawa 2009, p. 153ff.

Ethics of a Public Administration Official in Poland: Prospects for the Development of Professional Deontology

Abstract: The development of modern civilization associated with the digital revolution poses entirely new challenges in terms of ethics for public administration. Whereas practical ethical instruments in the form of codes of best practice have already been developed for the profession of a lawyer or a doctor, the internal diversification of the profession of a public official (public authority officials, territorial self-government officials) as well as the transformation of public administration have not been conducive to the development of appropriate ethical standards. The author aims at providing an answer to the following question: on which axiological foundation should the code of a public official be based? On the one hand, historical background seems to be providing a definite answer, on the other, however, current depreciation of the profession of a public official as well as technological progress shed a new light on ethical reflections.

Models used in public administration until now, i.e. the model of ideal bureaucracy, the accountability model, and the new public manager model, have not proven to be effective. Nevertheless, according to the author, the organizational culture within the frame of the good governance model constitutes a unique solution which can prove successful in public administration. At this point, the process of restitution of public officials' ethos can be a relevant factor. It is so especially due to the fact that public officials' ethos embodies a development area for educating professional public officials and constitutes a premise for a good functioning of public administration at the same time.

Enumerating the drivers of growth for the public officials' ethos in connection with a unique idea of the code of best practice based on the triad of integrity, benevolence, and accountability constitutes an axiological suggestion which is noteworthy for the deontology of the profession of a public official.

Keywords: ethics, public administration, ethos, axiology, values, good governance

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