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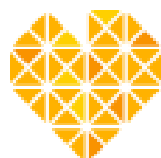
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INNOVATION AND EFFECTIVENESS OF ETHICS POLICIES IN CENTRAL PUBLIC ADMINISTRATIONS IN EUROPE

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"Out of the rooked timber of humanity, no straight thing was ever made."

(Immanuel Kant, Idee zu einer allgemeinen Geschichte in weltbuergerlicher Absicht" (1784))

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LIST OF ABBREVIATIONS

ACA - Anti-Corruption Agencies

AFA – Agence française anticorruption

AI – Artificial Intelligence

ANI - National Integrity Agency (Romania)

CPA – Central Public Administration

CoI – Conflicts of Interest

CoSP - UNCAC Conference of States Parties

CPI - Corruption Perception Index

DG´s- Directors-General

DGAFP - Direction générale de l'administration et de la fonction publique

DoI – Declarations/Disclosure of Interest

ECA - European Court of Auditors

EFSA – European Food and Safety Agency

EU – European Union

EUPAN - European Public Administration Network

GRECO – Group of States against Corruption

HATVP - Haute Autorité pour la transparence de la vie publique

HPO´s - Holders of Public Office

HRM – Human Resource Management

IACA – International Anti-Corruption Academy

KNAB - Latvian Corruption Prevention and Combating Bureau

MS - Member States

NEIWA - Network of European Integrity and Whistleblowing Authorities

OCB - Organizational citizenship behavior

OECD - Organisation for Economic Cooperation and Development

OGE - Office of Government Ethics, United States

SiPO - Standards in Public Office Commission

TFEU – Treaty of the Functioning of the European Union

UNCAC - United Nations Convention against Corruption

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EXECUTIVE SUMMARY

Introductory remarks

1. Political and administrative ethics differ in many ways. This is a study about administrative ethics.

2. Moreover, it is a study of administrative ethics in the central public administrations in European countries and the EU Institutions. Again, more precisely, it is focused on the central staff, with a focus on civil servants (statutory staff) in some countries and the EU Institutions.

3. We note that countries apply different definitions of central public administrations (and, therefore, we felt a need to define CPA) and for different categories of public employees. In many countries, ethics policies and rules differ amongst categories of staff, for example, for top officials, civil servants, and public employees, and also for different categories of staff from different public authorities (ministries, agencies, central banks, court of auditors, etc.). The latter is important because international benchmarking studies apply state-centric approaches and rarely distinguish between different ethics regimes for different categories of staff.

4. In addition, definitions and concepts in the field of ethics policies also vary, for example, as regards whistleblowing (and even though an EU Directive exists in this field), revolving door policies, or disclosure policies. Meaningful national comparisons require taking into account cultural differences and attitudes. For example, some countries are reluctant to introduce detailed disclosure requirements because of privacy concerns. Other countries are less concerned. Therefore, in the future, benchmarking should refrain from simply analyzing selected indicators and comparing countries. Instead, differences in managing ethics should also be explained.

5. Next, responsibilities in the field of public ethics are strongly decentralized and, at times, fragmented. Therefore, countries found it difficult to provide answers and data for central public administrations (and instead provided answers on behalf of central public administrations and/or certain central organizations or institutions).

6. We note that while all participating countries and experts agree about the topic's importance, the term ethics policies encompasses a vast array of policies. At times, different central administrations manage these policies in very different ways and by very different instruments.

7. Moreover, there exists a shortage of data, for example, as regards the monitoring and enforcement of disclosure policies or revolving door policies.

8. At times, countries pursue ambitious ethics policies without having data or concrete information about the development, management, and monitoring of these policies. Still, monitoring and measuring ethics policies are continuously improving, especially in the field of corruption.

9. Consequently, we refrain from offering rankings and ratings, state-centric comparisons of ethics policies, and discussions of national best practices.

    a. It is not possible to link the implementation of a specific national ethics management model with the theory of best practice. Countries focus on different instruments and institutional arrangements. Some countries focus on rules, others on value management, some focus on detailed disclosure requirements, others do not, whereas some focus on whistleblowing, others are more hesitant, some have centralized and independent structures, and others have highly decentralized structures.

    b. Some countries do not perform better or worse if they prefer highly regulatory approaches, if they engage in very ambitious value-based strategies, if they have very detailed disclosure of interest systems, or if they adopt very ambitious revolving door programs. Instead, it is even possible that countries perform well that have not (yet) developed a fully-fledged ethics management system.

10. Still, countries' progress in the field of measuring ethics, especially in the field of measuring corruption.

11. In this study, we do not take a position that ethics policies are "good policies" because they are supposed to be ethical. Instead, we are interested in examining the effectiveness of ethics policies.

12. In this study, we present data from an international survey that we carried out between October 2024 and January 2025 (to which 26 countries, the EU Institutions, and hundreds of national authorities and agencies participated). Parallel to the analysis of the survey data, we have also examined existing academic evidence in the field (until May 2025). We also carried out several bilateral discussions with country representatives when engaging in the design, "cleaning," and interpretation of the survey results.

13. As experienced researchers in the field, we are aware of national difficulties and burdens when answering these types of surveys, including workload and coordination needs. We, therefore, tried to minimize administrative burdens for the national respondents while also trying to avoid any overlap with the ongoing work (mostly) in the OECD and the Council of Europe/GRECO. Like this, we hope that this study presents truly new evidence in the field of assessing ethics policies.

14. Despite the above-mentioned limitations, many results of this study may be of great interest, added value, new, surprising, or even fascinating.

15. We wish to thank the national respondents for their engagement and support.

The importance of ethics policies and recent trends in the field

1. Today, no day goes by without public discussions about ethics. As it seems, ethics policies are as important and popular as ever before.

2. At the same time, there is too little awareness about the importance of an (ethical) administration. Without a competent, capable, professional, ethical, and impartial public

administration, nothing in society works. Modern societies depend on (public) institutions, such as hospitals, schools, universities, courts, local administrations, inspectorates, the police, military administrations, and ministries. As such, institutions provide stability, predictability, social cohesion, and security. Moreover, a high-capacity, professional, ethical, merit-based, and impartial public administration is critical to the performance and success of any society.

3. On the other hand, research evidence also points to an increase in violence and harassment against holders of public office and public officials. Ethics policies have become a political weapon and are being instrumentalized for many (personal) purposes. They are also played against each other: principles of transparency against privacy, principles of accountability against principles of efficiency, principles of diversity and anti-discrimination against principles of merit, principles of involvement (participation and inclusion) against principles of favoritism, principles of the rule of law against moral relativism (and one rule of law conception against another rule of law conception), principles of vulnerability, dignity, and recognition against the principle of individualism, autonomy or identity. Overall, we note that classical values and principles are threatened, and countries do too little to safeguard, protect, and promote good governance principles like the rule of law, impartiality, or merit.

4. We also note that political ethics have become subject to many personal, organizational, and political (party) interests. Contrary to this, administrative ethics are as complex and detailed as ever before. Still, neither has become more effective.

5. In administrative ethics, there's a good reason to recall a very classic principle: the public service ethos.

6. However, in a modified form. Today, the "We" (the public ethos) is inconceivable without the "I" (the importance of the individual). On the one hand, it is time to recall the importance of common principles like impartiality, merit principle, rule of law, and common good orientation. On the other hand, it is important to recognize the importance of individualization, individual interests, and partiality.

7. Today, it seems that individual and particular interests conflict with the common good. The I, which no longer recognizes a "we," drifts into meaninglessness. Its freedom is exhausted in freedom from others. On the other hand, the "we", which no longer recognizes individual rights and individual opportunities, drifts into authoritarianism.

8. But how does social interaction and a common ethos come about? This is a classic philosophical question. It is becoming virulent again in times when European societies are drifting apart. Today, it is clear that this interaction cannot be achieved through hierarchical state power, law and order, or individualism, egoism, fragmentation, isolation, and inequality. Rather, it must be achieved through a commitment to collaboration, coexistence, solidarity, cooperation, and the rule of law.

9. Public ethics should be better taught. Likewise, today, public officials should be better (and more practically) trained about administrative law—why we have administrative law, the constitutional structure for and constraints on public administration, the rule of law, impartiality, merit, enforcement, transparency, and judicial and legislative review of

administrative activity. After decades of criticizing legalism and the existence of too many lawyers in the national public administrations, today, there is a need for more awareness about the importance of administrative law. Moreover, public officials must be supported in learning to be a responsible administrator and learn again how to use the constitution and the oath to uphold the law as the appropriate basis of ethical conduct.

10. Likewise, Public ethics must be wanted. They must be seen as important, useful and beneficial.

11. This, as such, is not a theoretical challenge. Instead, it is a daily life political issue.

12. Seeing the state and public administration only as a cost factor, as ineffective, inefficient, not successful, and not responsive, is counterproductive. Therefore, it is important to create more awareness about the successes of public administration, the importance of public administration, and the "value" of ethical administration.

13. In central public administrations in Europe, defining what is right or wrong, just or unjust, fair or unfair, ethical or unethical, differs in time, space, and from one administrative culture to another. Moreover, new ethical challenges are constantly arising, such as in the field of AI. When looking back, there has been no time without ethical challenges and conflicts. Also, today, ethical challenges seem to abound. However, there is no evidence that unethical behavior is increasing.

14. Overall, defining what is ethical is more difficult than defining what is unethical behavior. However, the purpose of ethics policies is not only to reduce unethical behavior. This is problematic because there is no final target of what should be achieved.

15. Still, (abstract) ethical values and principles are important because they act as important guidelines and frameworks. However, countries should better assess the daily life importance of values and principles in the central public administrations.

16. Respect, dignity, and (organizational) justice and fairness are the cornerstones of every ethics management system and public policy. Without these, unethical behavior would be a direct consequence. Many countries agree that, for example, austerity policies have critical effects on injustice and unfairness perceptions.

17. Most countries agree with this statement: *Because other things are more important than ethics and trust, ethics and trust are more important than any issue (D.) Thompson).* This could be interpreted as follows: Even if other public policies are taken more seriously than ethics policies, ethics policies are still a precondition for good and effective public policies.

18. We note that, without ethics policies, an increase in unethical behavior would be the consequence.

19. Pressures to reform national ethics policies vary, and the reasons why countries innovate ethics policies are manifold. In many countries, assessments by GRECO and various OECD studies have been particularly influential in this context.

20. Ethics policies are (often) scandal-driven. While we note that political scandals are, at times, tolerated (in our study, we take the example of President Donald Trump), this is much less the case in the administrative sphere. In politics, we also note that extremely

high ethical standards (and expectations) exist alongside extremely low standards (and expectations). Also, over-narrativization and under-normativization seem to run parallel. All of this is not the case in the field of administrative ethics.

21. Contrary to tolerance for unethical political leadership, tolerance for unethical administrative leadership may even decrease. Instead, trends are rather towards ever stricter standards and zero-tolerance claims. This can be explained by general value trends: Overall, individuals seem to become more vulnerable to all sorts of perceived individualized integrity violations and injustice perceptions.

22. We note that, in principle, political affinity has little impact on attitudes towards ethics policies. As such, all political groups, parties, and political leaders should have no interest in corruption, fraud, conflicts of interest, and unethical behavior. All political groups underline the importance of ethics policies.

23. However, countries differ as regards attitudes towards trust, democracy, human rights, the independence of justice, the rule of law, impartiality, merit, transparency, equality, equal opportunities, (social) mobility, and the freedom of the press. Countries also differ as regards HR practices (here, we note that most countries reported that recruitment policies are highly vulnerable to unethical behavior). Analyzing the relationship between different (good or critical) governance approaches, HRM reforms, and the impact on ethics is a daunting task. Overall, research in the field shows a strong relationship between good governance, organizational justice, impartial and merit-based management, and positive societal outcomes such as organizational (and country) performance.

24. Countries face fluctuating and different trust levels (in central public administration). Also, the definition of public trust differs. Ethics policies can contribute to public trust in the central public administrations. However, ethics policies are also as much distrust policies as they are supposed to discipline civil servants and deter civil servants from engaging in wrongdoing. We claim that (in democratic societies) skeptical trust in public institutions is important, not naïve trust. Moreover, trustworthiness is important. In times of crises, constant change, innovation, and growing complexity, trustworthiness is ever more difficult to achieve.

25. We note that more countries have abandoned a coherent and integrated strategy in the fight against unethical behavior. Take the case of the fight against discrimination. In this field, all countries agree that fighting discrimination is important. Going more into detail, all countries also share the belief that fighting age discrimination, or fighting discrimination amongst men and women, is important. However, they increasingly differ as regards the importance of fighting discrimination in the field of sexual orientation and the definition of vulnerability.

26. Attitudes towards the fight against unethical practices differ the closer we examine the various issues. Amongst all stakeholders and all political affiliations, perceptions are towards more ethical vulnerabilities, but as regards very different issues and policies. Either people feel that not enough is done in the fields of harassment and anti-discrimination (and the protection of LGBQ persons), others that not enough is done as regards ethical communication and the use of language, respect, and politeness, or others

feel that not enough is done to re-establish and protect traditional values and norms, like law, order, obedience, loyalty, political responsiveness and authority.

27. Different from our study in 2011, most countries are not any more interested in the adoption of new rules in the field of anti-discrimination and diversity.

28. Trends towards more differentiated attitudes amongst the European countries can also be seen as regards attitudes towards the merit principle: As such, all European countries subscribe to the importance of the merit principle. However, countries differ as regards the interpretation and application of the principle in practice. Most countries agree that recruitment policies are vulnerable to integrity violations.

29. Ethics policies can only be effective if they are integrated into other governance logics and fit into the national (cultural, political, and constitutional system). Some countries have established highly professional integrity and ethics management systems. Ethics policies are in a process of constant refinement and becoming ever more professionalized. Still, effectiveness may be limited if other governance and public management reform trends produce new ethical challenges and conflicts, such as in the fields of mobility, outsourcing, or artificial intelligence.

Ethics management

1. Studying the effectiveness of ethics management is a highly relevant, urgent, and under-researched subject. Still, ethics management is a "young" discipline.

2. Often, research about the effectiveness of ethics management is very inward-looking and focuses on ethics management, e.g., ethics instruments, processes, ethical leadership, training, awareness raising, oversight, culture, and control, etc. Often, research is *purely management-oriented* and not integrated with evidence from other disciplines like Human Resource Management, Political Sciences, Legal Studies (and EU law), or Organizational Behavior. *Vice versa:* It does not sufficiently consider the effects of other political, economic, organizational, managerial, and societal reform trends and their impact on public service ethics.

3. Ethics management in the public sector faces similar but also different challenges than ethics management in the private sector. Both fields should learn from each other. In the past, the public sector was more interested in best practices from the private sector than the private sector was in public sector practices.

4. In both sectors, ethics management is a borderline concept in the intersection of law, politics, economy, sociology, organizational behavior, and morality. This situatedness immediately also raises the deep question of the limits of the law. However, ethics management in the public sector is highly regulated and more so than in the private sector.

5. In both sectors, the term ethics policies encompasses a variety of different policies, ranging from anti-corruption, conflicts of interest, bullying, harassment, and leadership to anti-discrimination policies.

6. In both sectors, EU primary and secondary law have a different influence on the various policies. Whereas some policies are strongly "Europeanized" (like anti-discrimination policies), other policies are not regulated at all on the EU level.

7. In the public sector, some policies are specific to the public sector, like the management of revolving door policies, side activities, etc. Also, the ethical responsibilities of the public sector and of public employees are different from those of private employees in the private sector.

8. Whereas in the past, public organizations were rather seen as an amoral, impartial, and functional machine, today, trends are towards the moralization of organizations and HR policies (take only the concept of empathic leadership). Behind this is the great question about the moral responsibility of the organization. Should public organizations act more or less morally? Should they intervene more or less intensively in individual behavior? Should organizations manage, supervise, and monitor individual behavior? To what extent? Why should ethical credit systems be (not) the target to be achieved?

9. Ethics management should better consider the findings from behavioral sciences and the fact that unethical behavior is often committed by ethical people who unknowingly and intuitively make the wrong decisions (and because individual moral awareness and moral reasoning determine individual unethical and ethical behavior which also means that ethical persons act unethically, at times).

10. However, evidence from behavioral sciences should not lead to a too strong focus on individual causes of unethical behavior. Currently, ethics management is very much focused on the individual causes of unethical behavior, but not on the organizational causes. This logic should be reversed.

11. National ethics policies should be better aware of the pros and cons of the moral responsibility of organizations.

Institutionalization of ethics policies

1. On the organizational level, the allocation and distribution of responsibilities in the field of ethics policies range from centralized to decentralized to individualized. The latter means that in some countries, policies are dealt with and managed differently from ministry to ministry or even from organization to organization. Only a few countries follow a centralized approach in the field of public ethics. This also means that many countries could not give a "country response" to several issues in the survey.

2. Parallel to this, trends are towards the institutionalization of ethics policies and the setting up of ever-new bodies, agencies, and committees with ethical responsibilities, but without clear institutional coordination and integration of responsibilities (institutional fragmentation). Countries experience legal fragmentation, policy fragmentation, institutional fragmentation, monitoring, and enforcement fragmentation.

3. Countries are not sufficiently aware of the emerging institutional fragmentation in the field. The same is the case as regards the fragmented allocation of responsibilities in HR offices and judicial who are in charge of monitoring side activities, gift policies, or even

revolving door policies. As regards the question, *In the field of related policies such as gifts, side activities, disclosure, and revolving door, are administrative responsibilities shared and fragmented,* 80% of countries responded affirmatively.

4. There is no clear trend towards the establishment of external and independent ethics bodies. Also, ethics bodies seem to vary greatly in terms of resources, capacities, mandates, and powers.

5. Research about the effectiveness of ethics bodies focuses too much on anti-corruption agencies (ACA). There exists very little research about the effectiveness of other ethics bodies, and also not about independent and external ethics committees/agencies.

6. Some countries or organizations assess and evaluate the effectiveness of ethics policies or the realization of values in practice, albeit very differently. There exists no evidence on whether countries engage in mutual exchange of information about these assessments. As such, it is beneficial and fruitful for countries if informal cooperation could be strengthened in this field. This would also allow for mutual learning about the use of methodologies, measurement, and data management.

Instruments, ethics policies, and leadership

1. There exist many reasons/factors/pressures why countries reform and innovate ethics policies. Often, reforms and innovations are the result of internal and/or external pressures. As regards the latter, national CoE/Greco assessments and also various OECD studies had a certain influence on the national readiness to introduce change and to innovate ethics policies.

2. Still, ethics policies are also (often) scandal-driven and follow the logic of adapting ever-new and stricter rules, after these scandals have happened. Therefore, ethics policies are still (mostly) regulatory policies. It is noteworthy in this respect that many countries do not wish to introduce new rules (anymore) in some ethics policies, except in the field of Artificial Intelligence, and post-employment.

3. During the last decade, countries responded to ethical challenges, governance reforms, change, and innovation by introducing ever more complex (regulatory) ethics regimes and adopting ever more diverse hard- and soft instruments.

4. Still, there exists no evidence that more rules, codes, instruments, and more complex ethics policies also mean more effective ethics policies. Likewise, stricter standards and wider concepts are also not necessarily effective.

5. Overall, rules have not only become more numerous. Also, ethical concepts have become wider, standards more demanding and stricter, definitions more complex, and monitoring requirements more individualized.

6. Overall, in recent years, there has been an extreme refinement of ethical standards in some policies, at least in some countries.

    a) For example, whereas in the past, Conflicts of Interest (CoI) policies almost exclusively focused on nepotism and financial interests, later, CoI were classified

into two very broad types: pecuniary and non-pecuniary Conflicts of Interest. In the meantime, the definition of what could be considered financial and non-financial CoI is changing. For example, current definitions include ever-new forms of non-financial CoI. We also note an increasing overlap between the concepts of conflicting interests and conflicts of interest. This contributes to increasing confusion (about what should be a conflict of interest, and what should not) and trends toward inflation of the concept of CoI. The broader the concept, the more efforts, skills, personnel, and capacities are needed to effectively implement and enforce these policies.

b) Expanding the concepts of harassment and discrimination to include ever more sources of personal vulnerability also threatens the effectiveness of implementing, monitoring, and enforcing these policies. It also creates the danger of an ever more emotional debate about individual vulnerabilities.

7. All of this does not suggest that deregulating ethics policies would be a solution. As such, being against more rules and standards is counterproductive. However, it is important to question the logic: ever more, ever stricter, ever better approach. With this logic, countries experience ever more administrative, monitoring, and enforcement burdens.

8. During the past years, trends have also been towards a widening of available tool-boxes, despite the still existing focus on rules (and codes), training, and awareness raising.

9. Overall, as regards the choice of instruments, there is still no consensus regarding the mechanism by which the various policies should be managed by what menu of instruments. In which sector and organization, and as regards which policy is a regulatory instrument, awareness raising, training, or transparency more (or less) effective? So far, countries have not started to investigate the right choice of instruments in various contexts.

10. Also, great uncertainties exist as to whether ethics policies should be a question of virtue and personal responsibility. As regards the latter, little evidence exists about the effectiveness of value-based management, behavioral instruments, or soft instruments like self-monitoring, self-management, virtue-based behavioral instruments like ethical nudging

11. In some countries, regulating and managing ever more potential sources of ethical conflict imposes a heavy burden on HR experts, ethics experts, and implementing agencies and authorities. Here, non-financial disclosure requirements are a case in point. Whereas all countries accept the importance of managing and monitoring conflicts of interest, too strict and detailed requirements may also turn positive intentions into unnecessary ethical bureaucracies and bureaucratic micro-management. On the other hand, freeing ethics policies from ethical scrutiny is also ineffective.

12. The management of revolving doors, side activities, non-financial interests, and workplace aggression, like bullying, is considered the most difficult area to manage.

13. Overall, countries are in favor of testing and using an ever-wider menu of regulatory, managerial, institutional, behavioral, persuasive, and deterrent instruments. Amongst this training, awareness raising, codes of ethics, openness, and guidance are considered highly

important. Interestingly, this interest cannot be backed up with clear scientific evidence about the positive effects of these instruments. Instead, research comes to very mixed results.

14. Economic instruments are not used widely in the field, and this is (most likely) not changing in the future. However, the effective management of conflicts of interest is strongly linked to the efficient management of (EU-) funds. Like this, countries have a vital interest in focusing on this area.

15. Next to rules and awareness raising, and training, ethical leadership is considered the most important instrument in the fight against unethical behavior. Also, trust and trustworthy leadership are commonly seen as important preconditions for effective leadership.

16. Leadership is considered a particularly powerful and effective instrument in the fight against unethical behavior. Likewise, countries also agree that ethical leadership is (frequently) lacking and is also the greatest pressure for unethical conduct.

17. However, despite the popularity of the concept of ethical leadership, this is also a very broad concept. Overall, it is unclear what type of leadership behavior impacts what type of ethical behavior. Likewise, it is unclear why the leadership is not becoming more ethical and which contextual factors play a role. As such, the link between leadership and outcomes should also not be mistaken for implying easy causal relationships. Overall, there is a risk that Ethical leadership research implies a feel-good world in which good deeds lead to good outcomes when the reality of leadership is highly complex, conflicting, and ambivalent.

18. Countries also recognize that ethical leadership faces many challenges. Being a trustworthy leader is considered a growing challenge in times of quickly changing environments and constant innovation. 62% of all respondents agree that it is becoming more challenging to act as a trustworthy leader.

19. AI is considered an entirely new challenge: It is expected to bring many benefits, but also critical challenges (especially in the field of data protection and protection of privacy), require new regulatory and managerial efforts, and produce new administrative burdens. It is still unclear how countries monitor the ethical risks (as mentioned in the EU AI Act) in the field of public administration and HRM.

Measurement and Monitoring

1. We assume that there have never been so many efforts in the national central public administrations to better assess and monitor ethics policies and the effects of ethics policies. Countries invest in monitoring ethics policies, especially in the field of disclosure policies and through the setting up of anti-corruption bodies.

2. In the field of monitoring disclosure policies, most countries agree that monitoring requirements are increasing (as regards the number of persons, interests, issues, and concepts). However, still, monitoring the disclosure of interests differs from a few persons in some countries to 800000 persons in Romania. Thus, whereas in some countries, it is

possible to identify the emergence of a disclosure monitoring bureaucracy, this is not the case in other countries.

3. Most countries report challenges as regards the checking and verification of disclosure.

4. Monitoring disclosure policies has also led to new problems and new contradictions: How to monitor disclosure policies effectively without intervening in privacy rights; how to monitor non-financial interests? How to measure and generate high-quality data in the field, how to enforce disclosure policies, while considering the principle of proportionality?

5. As regards monitoring and measuring ethics policies, data is very dispersed, does not exist at all (or as regards a number of issues), exists partially, or countries have just started to monitor and measure (mostly in the field of corruption). Against this background, it is extremely difficult for countries to respond to ethics surveys and to ensure the transfer of impartial information.

6. We also assume that there have never been so many efforts in the national central public administrations to better measure ethics policies.

7. On the international level (e.g., on the OECD level), trends are towards benchmarking national data and the measurement of integrity. However, our data also shows that data is very fragmented, and data management is highly decentralized. Whereas different sectors, agencies, and organizations measure (some) integrity policies, others do not (or apply different measurement methods and indicators). This leads us to question state-centric benchmarking. It is not always clear whether the data displayed is on behalf of countries, civil services, central public administrations, or selected organizations. And if not, for whom is the data representative?

8. While we strongly support the need for (better) measurement of integrity policies, we also believe that it is important to intensify discussions about existing measuring challenges in other fields than in the area of corruption, mostly as regards definitions, concepts, measurement methods, and the "politicization" of data.

9. We note that, mostly, countries measure ethics policies in some areas, like the field of illegal behavior (corruption), and have statistics about disciplinary violations. But not (necessarily) as regards disclosure policies, revolving door policies, side activities, gift policies, or the costs of unethical behavior and of ethics policies.

10. Many countries report that measuring corruption, fraud, conflicts of interest, and other forms of unethical behavior is improving. However, we note that the focus is on measuring corruption. Measuring conflicts of interest and (sexual) harassment, and bullying is slowly improving. Measuring ethical leadership is (still) highly complex, despite improvements in the field (take the case of the Ethical Leadership Scale). The same concerns are measuring politicization, impartiality, and merit-based policies (as regards the latter, the OECD has started measurement).

11. Occasionally, countries measure the costs and benefits of ethics policies in some fields (like the field of corruption, fraud, and harassment). In most other fields, they do not measure costs and benefits. They also do not carry out regulatory impact assessments or measure administrative burdens in the field of ethics policies.

12. In the meantime, most countries have experience with ethical climate assessment. Some countries have started to assess the importance of values and principles in practice and in different sectors and organizations. We believe that countries should be interested in exchanging information and experience in these fields.

13. Overall, we note that acceptance and respect for ethical values and principles differ (considerably) in European countries. Here, the best documented is the situation in the field of corruption. However, as regards most forms of unethical behavior, such as in fields of conflicts of interest, (sexual) harassment, ethical leadership, and bullying, data is lacking, the quality of data is critical, measurement (of policies) is difficult, and definitions and concepts differ. Therefore, if countries want to know more about the outcomes of ethics policies, they should start by investing in better data management.

Enforcement

1. The process of enforcing ethics policies is a "black box" and is not transparent. Little is known about the enforcement of ethics policies. If at all, public information exists about the number of criminal cases, disciplinary violations, and case law. However, little information exists about the daily practice of enforcing, for example, revolving door policies. To this should be added the fragmentation of enforcement practices, which contributes to the fragmentation of enforcement data. As a case in point, there exists very little evidence about the enforcement of revolving door policies.

2. Whereas criminal violations are dealt with by criminal courts, disciplinary violations are dealt with by administrative courts. However, many forms of misconduct are also monitored and enforced within the central administrations, mostly by HR offices and judicial units (in the field of violations of revolving door policies, side activities, or gift policies) or by conflict-of-interest bodies or agencies. Here, there exists neither transparency nor evidence of how internal administrations and officials enforce these policies.

3. Countries agree that if sanctions have a deterrent effect, they need to be credible, just, impartial, fast, and deterrent. Certainty matters more than severity. Also, people should be certain that ethical violations will be enforced.

4. There is a lack of information about enforcement decisions. In cases of disciplinary misconduct, central administrations mostly focus on issuing warnings or reprimands. Very few administrations have decided to remove a government official for ethical misconduct.

Costs and benefits of ethics policies

1. Debating the costs and benefits of ethics policies is rarely taking place. However, engaging in such a debate and generating more evidence about benefits and costs could enhance the importance of ethics as a proper public policy.

2. Unethical leadership and organizational and individual unethical behavior are extremely costly in terms of image, attractiveness, organizational and individual productivity, organizational and individual performance, workplace commitment, health (sickness), trust, turnover intention, employee motivation, etc.

3. Costs of unethical behavior differ from policy to policy. So far, most evidence exists as regards the costs of corruption and fraud, followed by cost assessments of (sexual) harassment. Silo thinking hinders the establishment of integrated cost assessments for all ethics policies. Countries should better assess the costs of unethical behavior, for example, by comparing the costs of unethical behavior in comparable (international) samples (units, directorates, agencies, or ministries, or amongst national central public administrations that agree to benchmark themselves in this field).

4. Likewise, ethical behavior is extremely beneficial. Slowly, evidence about the positive effects of good governance and ethics policies is hardening. Overall, good governance and ethics policies have positive effects on individual, organizational, and country performance, health, recruitment and retention policies, public sector, image, motivation, etc.

5. Increasingly, Countries recognize that ethics management and policies also pay for many other reasons like trust, trustworthy leadership, acceptance of the rule of law, etc.

6. Countries should better investigate the "added value" of ethics policies (they have done this in other policies for many years).

7. Overall, the importance of ethics is seen more from a utilitarian and less from a principled (teleological) point of view. Consequently, values and principles like the principle of the rule of law, impartiality, merit, etc., are becoming less important because they are not linked with immediate utilitarian consequences.

8. The (above-mentioned) cost-benefit utilitarian approach to ethics is also highly ambivalent: For example, ethics policies are also increasingly used as a political "weapon" (instrument).

Effects of AI on ethics policies

1. As such, ethical policies produce several unintentional side effects such as more bureaucracy, higher costs, more intrusion into privacy, distrust, scandals, etc.

2. In the field of Artificial Intelligence, countries are confronted with a quickly changing context (and quickly changing ethical considerations, too!) Countries are aware of existing positive and highly critical challenges in the field. Currently, debates about the pros and cons of artificial intelligence are also highly ideological, which hinders a rational discourse about the integration of ethical concerns into AI. The potential of artificial intelligence is either seen as a huge opportunity or as a big threat and risk.

3. Still, when it comes to the implementation of AI in national public administrations, countries note a large number of positive effects while being cautious as regards the discussion of potential critical effects, as mentioned in the EU AI Act (and in expert and academic literature). Overall, country respondents anticipate critical effects as regards expected privacy and data protection challenges. However, they are optimistic that challenges can be managed.

4. One explanation may be that countries are eager to enjoy the benefits of AI first (and it needs to be acknowledged that AI has become an important international competition factor). In fact, it seems to be challenging to manage both effects in parallel, without neglecting the opposite effects.

5. As it seems, trends are towards the management of risks through various forms of self-regulation and self-management (e.g., the setting up of internal AI ethics committees). This corresponds to the existence of many forms of internal and self-management in other ethics policies.

6. However, experience in other ethics policies shows that self-regulation and self-management are not considered particularly effective.

7. In the field of AI management, many countries envisage more administrative burdens in the future (also, as regards the implementation of the EU-AI Act) and an urgent need to train employees in the field of AI. So far, officials lack knowledge and insights about the potential of AI

Effectiveness of ethics policies

1. Overall, Ethics policies suffer from a considerable implementation and enforcement deficit. Mostly, after scandals take place, politicians have strong incentives to demonstrate their responsiveness to voters by proposing new and stricter rules and standards. It seems, however, that the same incentives do not exist as regards the needed investments in the implementation and enforcement of policies. As political responsibilities and legitimacy are less clear, political incentives to invest in administrative capacities are weaker than for the adoption of policies

2. Still, driven by insights into implementation theory, there is a growing awareness that – when designing effective instruments – there must be a connection between the design of policies and the implementation of policies. Ideally, this means that any instrument should be tested (ex-ante) on whether it can be implemented and enforced, e.g., through regulatory impact assessments. Countries do this in most policies, but rarely in the field of ethics policies

3. Often, the introduction of new policies and rules is not followed up by sufficiently considering the need to allocate new personal, financial, and organizational resources for the implementation of these policies. As regards the latter, there is almost no discussion taking place about the capacity limits of administrations and how they can build capacities and keep pace with growing (regulatory) implementation requirements. Many countries complain about personal, technical, and financial shortages in the implementation process.

4. Moreover, the existence of policies, rules, and codes (for example, as regards revolving door policies) is not followed up with effective oversight practices of these policies. For example, many countries have clear rules and policies but no coordinated data management about the number of registered revolving door cases (or, even more detailed, the number of prohibitions to take up a position in the private sector)

5. In fact, the (in-) effectiveness of ethics policies is not always linked to ethics policies, ethics management, or the implementation and enforcement of ethics policies. Often, ethics policies are compensatory policies that fill the gaps that other governance developments, reforms, and innovations produce.

a) For example, if mobility between the public and private sector is enhanced, governments change faster, politicization increases, and the delivery of public services is carried out by the outsourcing of policies, etc., ethics policies are confronted with ever more external challenges.

b) The claims of increasing interaction between the public and the private sector have also supported an increasing influence of some powerful people (oligarchs) or powerful private interests in decision-making and enhanced opportunities for more politicization, conflicts of interest, and corruption.

c) In almost all countries in Europe, a shift has been taking place from a stable and institutionalized policy advisory system to a more politicized, pluralized, flexible, and ad hoc policy advisory system. In the field of Human Resource Management, trends towards politicization, de-standardization, and individualization have also produced more demands for recognition of individual (political) interests. These trends are highly ambivalent and generate ever more conflicting interests.

6. Only on paper, the solution looks simple: Integrate ethical policy requirements into other policies and innovations. Start with ethics impact assessments (and not only with regulatory or impact assessments, as existing for many years in other policy areas). However, also here: In reality, integrating ethical concerns into other policies, such as in the field of Artificial Intelligence, is extremely difficult.

A. INTRODUCTION

Today, almost everything people do seems to matter. Many people try to be as ethical as possible. Also, political and administrative ethics are as detailed and complex as ever before. Overall, increasing societal complexity seems to correlate with increasing ethical complexity.

However, if people focus on individual ethical responsibilities, this can also be seen as a deflection from political and systemic responsibilities. On the other hand, if people focus too much on systemic responsibilities, they also free themselves from individual responsibilities.

In both ways, the feeling is growing that nothing seems to matter. Most great (ethical) problems of the past also seem to be today´s problems. And new ethical challenges arise.

Thus, are public ethics (in)-effective?

Following this question, one could also ask the following: Why are we spending so much time on complicated public service ethics when the great ethical problems are not solved, and when there are so many other (more) important problems that need our attention? Why are we spending our time trying to catch individual officials (who accept some small side-activities, or gifts, do not fully declare their financial interests, do not notify revolving door challenges, or do not treat their colleagues respectful) when we should be dealing with climate change, migration, the conflicts in the Middle East, war, economic crises, trade conflicts, or growing inequality?

"There is an important truth in these complaints: not only are these serious problems, but they are, in a sense, more serious than any problem of government ethics. Would you rather have a morally corrupt government that solved all these problems, or a morally pure government that failed to solve any of them? If that were the choice, I suspect that most of us would sacrifice moral purity. Ethics is not a primary goal of government in the way that (say) national defense, economic prosperity, or public welfare are?" (Dennis Thompson, 1991).

So, are ethics policies not important, although ethical considerations are as widespread as never before? The question seems almost inopportune!

Yet, upon reflection, it becomes far from obvious that ethics policies are valuable, and if it is, what precisely makes them valuable and effective?

As we will see in this study, in both ways, taking ethics policies not seriously or too seriously comes with a price tag attached.

Countries may survive without a political Government, at least for some time. However, they cannot survive without public administration. And, they cannot survive without ethics and ethics policies. Without a competent, capable, professional, ethical, and impartial public administration, nothing in society really works. Also, seeing the state and public administration only as a cost factor, as ineffective, inefficient, not successful, and not responsive, is counterproductive. Modern societies depend on (public) institutions, such as hospitals, schools, universities, courts, local administrations, inspectorates, the police, military administrations, and ministries. As such, institutions provide stability, predictability, social cohesion, and security. Moreover, a high-capacity, professional, ethical, merit-based, and impartial public administration is critical to the performance and success of any society.

As we will see later on, many country respondents to this study agreed that countries do not take ethics policies as seriously as they should, and possibly, as compared to other policies. This answer is rather puzzling because no country respondent has also questioned the importance of ethics policies. What, then to conclude about the importance and effectiveness of ethics policies? Are they subordinate to other public policies? Or, they are a precondition for effective public policies at all!

These are truly contradictory and paradoxical approaches to ethics policies. This study attempts to analyze these contradictions and sheds more light on the managerial world of ethics policies.

As we will see, during the last two decades, thinking about government performance has expanded. Recent decades have also seen a "rediscovery" of discussions about the quality of good governance to understand government performance.

In particular, since the pioneering work by Evans and Rauch (1999), characteristics like meritocracy and impartiality have empirically been found to be associated with favorable macro-level outcomes, including socio-economic development, corruption prevention, regulatory quality and entrepreneurship, scientific productivity, innovation, environmental outcomes, and government effectiveness. Looking at this literature, it is striking that, currently, in many countries, politicization, state capture (OECD, 2017; Dávid-Barrett, 2023; Kaufmann, 2023), and state failure (Hanson & Kopstein, 2024) are re-emerging as popular discourses.

A distinct approach to the quality of government was reflected in research by Dahlström and Lapuente (2017). They identified a key mechanism that drives good governance: Impartiality! Overall, Impartiality and professionalism are consistently related to positive performance outcomes, higher public trust and confidence, and lower levels of corruption. Contrary to this, too strong politicization is negatively related to government performance, employee work attitudes (i.e., job satisfaction, organizational commitment), and impartial administration, and positively related to corruption (Oliveira, Abner, Lee Kohei, Hyunkang Hur & Perry, 2023). In "*The Oxford Handbook of Quality of Government*", the authors discuss other positive outcomes of good governance policies such as higher trust levels, lower inequality, and economic growth. In the meantime, the Quality of Governance Institute at the University of Gothenberg[1] has developed a European Quality of Government Index, which also analyses the situation on the regional level. The most important conclusion is the following: "An important trait of well-functioning states are good institutions" (Ahlerup, Baskaran, Bigsten, 2021). Similar findings have been confirmed by Mungiu-Pippidi (2020).

When looking at this strand of research in the field of Good Governance, we realize that a lot of research exists about the link between the quality of good governance and government performance. However, almost no research exists about the quality of ethics policies and ethics management and governance performance.

This study will address this "black box".

However, before we engage in this debate, we wish to highlight that we do not define ethics policies as good governance policies, only because they are supposed to be ethical. For example, we will also claim that it is possible to take ethics policies too seriously. If people and

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[1] Data Downloads | University of Gothenburg

administrations make every issue a question of ethical consideration (or even of conscience), people and administrations will quickly become unable to act.

This is not a trivial observation.

According to Luhmann (2008, 156), every increase of societal complexity correlates with an increase of moral complexity. The latter means that more and more of our actions are becoming ethically relevant: flying, the ride in the car to the next supermarket, the purchase of an imported fruit, the buying of clothing that supports inhumane working conditions, the telephone call in a full train, an intimate comment, an action without consent.... Today, as it seems, more and more actions and processes are subject to ethical scrutiny.

These developments can also be observed in the field of public Human Resource Management: Today, almost all HR policies (starting from recruitment- to dismissal decisions, mobility policies, leadership communication, forms of feedback, decisions about the allocation of bonuses, homework, the management of anti-discrimination and diversity issues, etc. are subject to ethical scrutiny.

Actions that were morally irrelevant or neutral in the past now raise complex ethical questions. It is therefore important to clarify which form of ethics is justified, given today's constantly increasing (ethical) complexity. These discussions require a careful acknowledgment that societal change goes hand in hand with extreme refinement and change of ethical standards.

On the other hand, over-normativization and under-normativization also seem to run parallel. Extremely high ethical standards exist alongside extremely low standards.

Ethical paternalism and detailed moral policies co-exist with the privatization of public value.

Paternalism refers to acting for the common good, even against the will or without the consent by individuals (most commonly by public policies). Like this, paternalism can be (highly) restrictive to the liberty and autonomy of individuals. Therefore, radical liberals like Nozik argued that rational agents should be free to act in any way they choose, as long as their actions do not harm others, even if their actions do harm themselves.

However, most observers would still want to discuss what constitutes (individual, societal, or global) harm and how far-reaching public policies should be.

Utilitarians may also argue that if acting paternally, this may bring about the greatest overall utility (or happiness), then it is justified. Deontologists, in return, have argued that interference to prevent physical or psychological harm is justified, also to serve the public good.

Today, it is obvious that the definition of (the delivery of) state tasks, state paternalism, moral policies, ethics policies, and the definition of public value influence each other and interact. As we will see in this study, trends towards the privatisation of governance produce new ethical challenges, a sort of market failure. However, this is not to suggest that a strong state will solve ethical problems. Rather, trends towards a revival of "Leviathan" will also lead to new ethical state failures.

Today, in public policy analysis, Nozik´s claims in *Anarchy, State and Utopia* (1974) that the only legitimate function of the state is to ensure the free working of the market by enforcing contracts

and protecting citizens from violence, theft and fraud is as popular, as Sandel´s warnings (Sandel, 2012) against a total monetization of public values.

Indeed, it is increasingly difficult to understand the relationship between moral policies (state policies as regards life and death, sexual behavior, addiction (such as gambling and drugs), and religious values) (Knill, 2013), public ethics policies, and public value policies. Whereas countries remain active in moral policies, parallel trends are towards the monetization of public value. However, there are also limits to these trends. In the case C-181/23 as of 29 April 2025 (Commission v Malta), the ECJ stated that the "bond of nationality with a Member State is based on a specific relationship of solidarity, good faith and the reciprocity of rights and duties between the State and its citizens. Where a Member State grants nationality, and thus automatically Union citizenship, in direct exchange for predetermined investments or payments through a transactional procedure, it manifestly infringes those principles. Such 'commercialisation' of citizenship is incompatible with the basic concept of Union citizenship as defined by the Treaties".

Today, strict moral policies co-exist with the commercialisation of public values and, also, public service ethics policies in which public officials are subject to specific and extremely detailed personal scrutiny when disclosing (non-financial) private interests (in some countries and in some public organizations).

The situation becomes even more sensitive (or, contradictory?) when we discuss the relationship between moral and (public) organizations. What (ethical) role should be given to organizations?

Next, whereas in most public policies, it is opportune to question which public or private (or hybrid) actor is best suited to carry out public tasks, it would be strange to ask which actor should be best suited to carry out public ethics policies. Of course, it is legitimate to question whether it is the role of the state to oblige citizens to wear a seat belt when driving a car, to wear a helmet when riding a motorcycle, or to ban the possession of hard drugs, introduce government campaigns against smoking, for healthy eating or vaccinations, etc.

However, in ethics policies, the question is also one of the importance of public values. Here, difficult questions concern the legitimacy of selling citizenship, the selling of votes, the trading of migrants for money, or the fighting of wars by private armed forces. Should the management of anti-corruption policies or anti-harassment policies be outsourced or privatized?

Overall, ethics policies pose sensitive ethical questions to decision-makers: Where and how should the state intervene in questions of individual ethical behavior and conduct? Or should individual morals and behavior be a matter of (private) personal discretion? As it seems, the decisive issue is to distinguish between state moralism (and moral politics) and ethical paternalism. Whereas the first is the outcomes of political deliberations, the second is of crucial importance because it concerns European-wide accepted values and principles.

We are aware that, in times of multiple crises, reflecting upon these complicated ethical issues appears like a luxury.

As experts (and scholars) in the field of public administration and ethics, we are constantly asked to provide clarity, to determine what is right and what is wrong, good or bad, what is effective and what is ineffective. However, in our opinion, this world does not need more dichotomous viewpoints, black-and-white thinking, intolerance, hardening fronts, disagreements, or quick opinions. Instead, we need conflicting opinions, but also tolerance for different opinions, and

debate. However, we also need to be firm on some issues like the rule of law, the principle of meritocracy, and impartiality.

Our intention is not to produce more polarization. Instead, we are asking all sides to endure ambiguity and ambivalence. According to Aristotle: Virtues and vices are rarely simply good or bad. In this context, discussing the effectiveness of ethics management is no easy undertaking. It requires as much courage to criticize ethics policies in times of innovation as it does to defend them.

As we will see throughout the research process, a surprisingly high number of Member States, the EU Institutions, and observer and candidate countries have participated in this survey. In most countries, the national Prime Ministers' Offices, Ministries of Interior, Ministries of Public Administration, or national state agencies were our main contact partners. However, in almost all cases, competencies and responsibilities for answering to the various issues (corruption, conflicts of interest, discrimination, bullying, artificial intelligence) were highly dispersed, decentralized, or delegated. This made it extremely difficult and time-consuming for the national countries to gather information, data, and to reply to this survey. From a national point of view, it turned out that answering our survey also meant a huge amount of workload and coordination efforts. Moreover, in many instances, countries lacked data in order to respond sufficiently to many questions. Typically for other countries, Poland answered to this survey as follows: "*In answering the survey questions, we focus primarily on issues related to the government administration/civil service. By answering, we also present the opinion and the subjective assessment of the author of the Polish reply to the survey, supported by consultations with civil service leaders, institutions competent in preventing conflicts of interest and combating corruption, or those specializing in research and digital innovation in Poland*".

As authors of this survey, we learned that ethics management is not only complex. It is as concrete as it is fascinating and important. And, hopefully, also interesting!

Christoph Demmke and Anna Le Bihan, Vaasa/Salzburg, May 2025

B. THEORETICAL PART

1. CHANGE AND INNOVATION OF ETHICS POLICIES

1.1. Ethics Management over time

Claiming that public ethics are important has become a routine habit. Politicians and administrators worldwide defend ethics policies as cornerstones of democratic societies and public administrations, which should be based on the rule of law. Current trends are towards the "*ethicalization of policies*" (Frischhut, 2019, 1) and the adoption of ever more ethics rules and stricter standards, mostly after scandals took place. Also, in European Union (EU) law, one can find more and more references in different legal documents to non-legal concepts such as ethics and morality. "The term of ethicalization can refer to opening clauses (references to non-legal concepts), ethics codices, as well as ethics committees, thus including standards, procedures, and institutions in law, which themselves are not part of the legal system" (Frischhut, 2019, 1). A study by Demmke, Autioniemi, Lenner & Paulini (2021) observes these trends in the field of conflicts of interest for Ministers and top officials in the Member States of the EU. Both the number of rules and codes are increasing.

Table 1: Policy Coverage Density of Top-Officials (including Directors-General) per country in 2008 and 2020
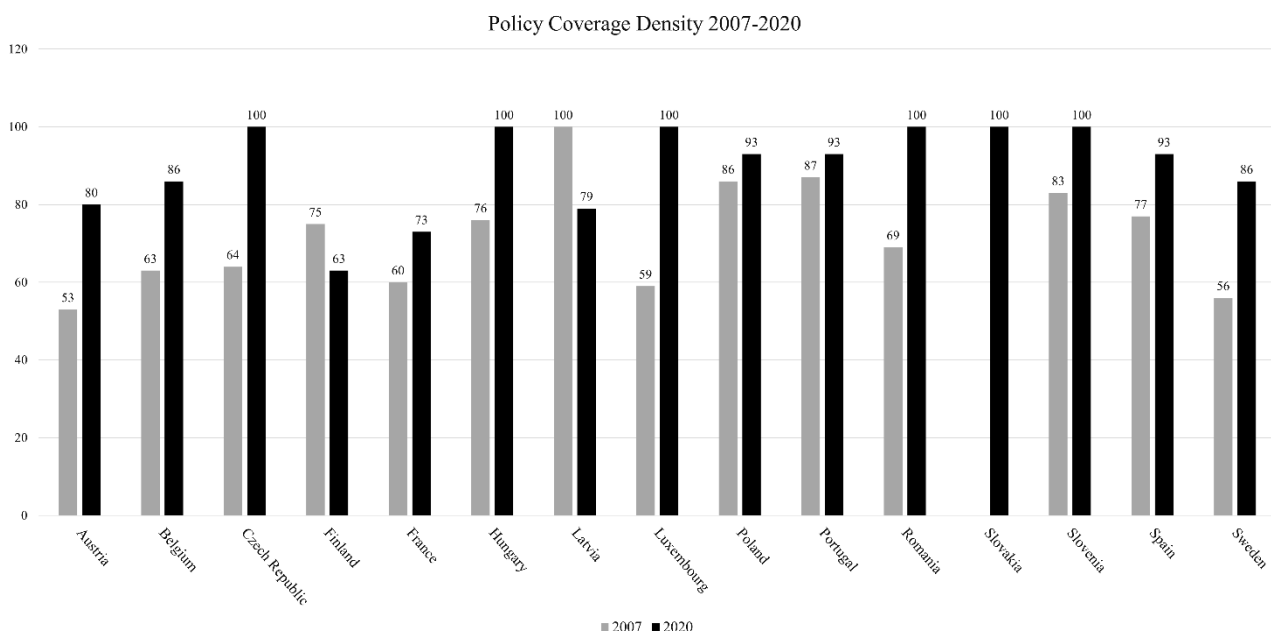
Moreover, ever more potential conflicts of interest issues are also defined as conflicts of interest. Consequently, countries have incorporated these issues into the existing conflicts of interest laws, regulations, and codes of ethics.

Table 2: Policy Coverage density of CoI policies for Ministers in 2008 and 2020 (without Belgium)

CoI by issue 2007-2020
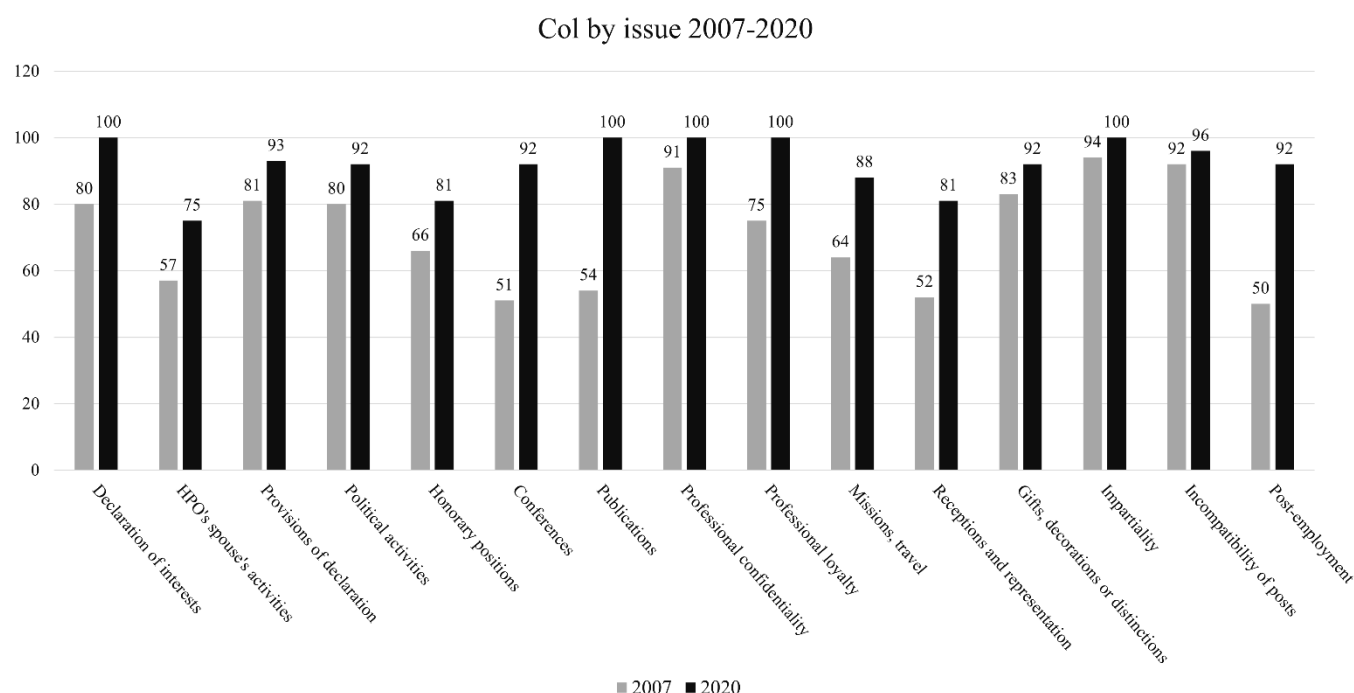
Next to the proliferation of rules, one can also observe a proliferation of soft law, such as the adoption of ever more codes of ethics and codes of behavior (Jacquemet-Gauche, 2025, 683-700). Moreover, one can also observe a constant widening, broadening, and deepening of toolboxes, concepts, definitions, and standards in the fields of (sexual) harassment, bullying, misinformation, abuse of information, unethical leadership, intrusion into privacy, violation of data protection, etc.

Despite this widening and deepening of ethics policies, perceptions prevail that not enough is done and more and stricter rules, codes, concepts, and ethical standards are needed.

Consequently, everywhere in Europe, managing ethics policies is becoming increasingly complex.

Parallel to this development, ethics policies are highly dynamic and fluid. Fluidity means that policies, standards, and ethical challenges are constantly changing. The same concerns are constantly changing ethical expectations. Take the cases of anti-discrimination, conflicts of interest, or revolving door policies. These policies are undergoing constant reform, interpretation, and innovation. The latter is influenced by changing political contexts, administrative cultures, and public management reforms.

Next, there exists no singular common ethics policy like environmental policy, social policy, or defense policy. Instead, ethics policies are an umbrella term. Ethics laws and ethics policies cover many sectoral- or functional topics such as research and patenting of human embryonic stem cells, biotechnology, cybercrime, artificial intelligence, public procurement, financial management, anti-discrimination, corruption, fraud, harassment, revolving doors, gift policies, etc.

All of these sectoral and functional topics (policies) convey certain values, principles, and unethical behavior.

Countries manage all of these policies and issues on a sectoral basis, policy-by-policy.

In reality, there exists no common government strategy, approach, policy, or law in the field of ethics policies. Instead, countries handle ethics policies within a silo approach. Each policy has its own approach, its own laws, regulations, administrative circulars, instruments, management practices, monitoring, and enforcement styles. For example, anti-corruption policies are regulated and managed differently from conflicts-of-interest policies or anti-harassment policies.

From a comparative point of view, things are even more complex: European countries have allocated different responsibilities and competencies, allocate different resources, have different organizational cultures, different management styles and practices, monitor policies differently, and measure and assess the effectiveness of policies in different ways.

Yet, from all sides and all sectoral interests, countries are interested in ethics, values, principles, and behavior. All countries accept the term ethics policies. Even more, all countries consider that ethics policies are important!

However, this does not mean that ethics policies are effective.

In fact, European countries have a long experience with the carrying out of regulatory impact assessments, various cost assessments, environmental impact assessments, total quality management, common assessment frameworks (CAF), and various other assessment tools (for example, in the field of individual performance assessment).

However, most countries have little experience with the impact assessment of ethics policies. Also, they rarely carry out cost assessments of ethics policies. Strangely enough (and differently from other public policies), it is also (politically) unwise to call for a deregulation of ethics policies or to assess the costs or administrative burdens of new rules and policies, before they are adopted.

How can this lack of interest and experience in the assessment of ethics policies be explained?

One explanation can be found in history: Ethics management is a rather new management phenomenon, both in the public and in the private sector (Maesschalck, Hoekstra & Montfort, 2024). Starting with this simple insight, this allows us to understand why so many uncertainties and knowledge gaps exist in the field of ethics management.

Take, as an example, Milton Friedman´s famous headline in the New York Times (1970), "*The Social Responsibility of Business Is to Increase its Profits*". It is still popular. Until today, many business people, economists, and lawyers reject corporate responsibility concepts and adhere to the so-called Friedman doctrine.

Still, acceptance of- and reliance on the Friedman doctrine has also widely eroded, as a growing consensus of business leaders, economists, investors, lawyers, policymakers, and important parts of the academic community who have embraced social and ethical responsibilities as the key to individual-, organizational-, company- and country performance - and sustainability.

In the meantime, concepts such as corporate responsibility are widely accepted in the private sector. Ethics management systems have also become a subject of international benchmarking (https://worldsmostethicalcompanies.com/honorees/).

As regards the reasons for the introduction of CSR systems, most companies introduced these systems because of utilitarian and instrumental reasons (Lohmeyer & Jackson, 2023), although an

increasing number of corporations have also accepted moral and sustainability responsibilities. However, many companies still engage in elaborate practices of tax avoidance and even illegal tax evasion. They bend and break laws, or pressurize politicians to change the rules for their commercial advantage…they pay workers as little as possible, lobbying against fair wages…On top of all of this, these same corporations can promote themselves as "Purpose-driven", "socially responsible," "stakeholder-driven, " and even "ethical" (Rhodes, 2021, 15).

On the other hand, "dismissing woke capitalism as just another example of virtue signaling is counterproductive…. Laughing at corporate progressiveness as a superficial and inauthentic business practice entirely underestimates its real power" (Rhodes, 2021, 171).

Overall, it seems that ethical business is also very contextual, situational, and selective. Introducing a professionalized ethics management system or compliance programme may be just one of many factors that influence decision-making and behavior. "A company's behavior is also shaped by the qualities and capabilities of its leaders, the design of its incentive and reward systems, and its structure of company members. and information flows, its decision-making processes, its members' shared values and beliefs (including those about the company's purpose and responsibilities), and the context in which it operates. It is the interaction among these and other factors that creates a company's ethical climate and drives its ethical performance" (Lynn Sharpe, 2014, 14).

Still, ethics management in the public sector differs from ethics management in the private sector. Whereas in the private sector, ethics policies have (mostly) an instrumental purpose and serve the wider company's interests, in the public sector, ethics policies have an intrinsic purpose and serve the public interests. Public bureaucracies were designed as amoral, impartial, and functional constructions, or – more critically – as machines. However, the concept of a public bureaucracy was also built on the assumption that public service values, public service motivation, and a public service ethos matter and that organizational design influences personality. Therefore, classical bureaucratic civil service features like taking an oath, job tenure, career systems, a (restricted) right to strike, specific recruitment systems, and other specific working conditions were introduced to shield civil servants from political and personal interests and to prevent conflicts of interest and corruption. Thus, it was expected that a specific ethos, organizational structure, the existence of principles and values, rules, and specific working conditions would produce certain ethical behavioral patterns of employees. Indeed, Meyer-Sahling, Mikkelsen, and Schuster (2018) and Schuster, Mikkelsen, Correa, and Meyer-Sahling (2021) showed that public service motivation supports ethical behavior.

On the other hand, classical bureaucratic countries were sceptical as to whether and how public organizations should engage in any form of moral management at all. From their point of view, integer management would be more likely to be realized in an impersonal and legalistic (rule of law-based) system. Today, it has become popular to criticize the concept of bureaucracy because it neglects the importance of individuals and focuses on rules, formalism, hierarchy, and standardization.

However, it is also for good reasons that most countries engaged in de-bureaucratization trends. Personnel management practices became more "humanized". Countries also introduced more individualized HR policies like performance-related pay and new concepts like engagement,

resilience, agility, diversity, and vulnerability. Overall, decentralization, flexibilization, and leadership, and individualization concepts flourished.

All of these de-bureaucratization trends paved the way for new requirements that organizations should also take on a stronger moral role and be more active in individualized integrity policies (Demmke, 2020). Parallel to these trends, ethics management concepts came into fashion with the so-called (good governance-) "institutional turn" which was popularized by the United Nations in the 1980s and 1990s (Evans, 2005; Evans, 2006). From now on, renewed interest in the impact of institutions and the importance of the quality of institutions became a characteristic of the "Good Governance" discourse. Increasingly, governments and international organizations acknowledged the link between institutional design, organizational behavior, and government outcomes (Rothstein, 2012).

At the same time, the popularity of new public management (NPM) doctrines in the 1990th also created popular counterreactions and accusations that new public management concepts eroded public sector values (because they focused on performance and efficiency). Growing criticism against this focus on efficiency led to the call for the need for new ethics management concepts, especially in these NPM countries. Parallel to this, also concepts of ethical leadership and related concepts like emotional and empathic leadership became popular. This, again, was also a counter-reaction against traditional bureaucratic organizations that were perceived as rational, functional, and impersonal machines and public employees, as instruments (Kuehl, 2020, 147; Lindebaum, Geddes & Gabriel, 2017). In the coming decades, new Governance and public management have been designed and implemented. Change and innovation became the new mantra.

However, the new governance reforms (including public management and HR reforms) also generated new ethical challenges and side effects. Overall, ethics management expanded in parallel to the expansion of ethical challenges.

Whatever new governance reforms had been implemented, in all European countries, the boundaries between the state of society, government and citizens, public and private sector, work and leisure time, office and homework, etc., were also changing. Every time, reforms had new ethical implications, created new challenges, and influenced the implementation landscape.

- Relationship between state, government, market and society: While popular requests for a strong state and authoritarian leadership, law and order policies and a focus on resilience influence ethical concepts such as openness, transparency, accountability, deliberation, confidentiality and secrecy, other trends towards the marketization of public services and collaborative forms of governance also produce new ethical challenges.

- Distinction between public and private actors: Conflicting interests are emerging due to the increased risk of state capture and lobbying capacities of powerful actors and individuals

- Distinction between professional and private life, office and homework: Emerging conflicting interests because of the blurring of professional and private roles and interests

- Distinction between Weberian civil service and private sector employment: Emerging conflicting interests and conflicts of interest because of the so-called

revolving door conflicts in times of increased job mobility, the extension of leave opportunities, or other side activities.

Distinction between merit-based principles and anti-discrimination: Emerging conflicts between merit-based approaches and increased responsibility and representativeness

- Distinction between cultural homogeneity, the traditional concept of nationality, and cultural diversity and dual nationality: Emerging loyalty conflicts due to developments towards more international mobility

- Distinction between traditional values such as secrecy, confidentiality, closeness, openness, transparency, right to information, accountability, etc.: (Re-) Emergence of new values and value conflicts

In the meantime, countries invest in ethics policies and ethics management as much as ever before. On the other hand, almost all change processes in public service delivery affect the effectiveness of independence and ethical policies. Ethical risks, such as conflicts of interest, shift as a result of these changes and innovations in the delivery of public services. Moreover, there is not only a shift in the delivery of public services, but also a shift in risks and the need to shift monitoring processes, monitoring costs, and the allocation of (moral) responsibilities. Thus, the expansion of ethics policies and ethics management correlates with the expansion of (ever-new) ethical challenges.

Figure 1: Shifting ethical challenges as a result of governance changes

	Very Much	Somewhat	No Changes	Decreased	Cannot Say
Ethical risks, such as conflicts of interest, constantly shift as a result of governance changes and innovations in the delivery of public services. This, again, requires constant adaptations of monitoring requirements and changes in the allocation of (moral) responsibilities	29,2%	37,5%	16,6%	0,0%	16,7%

In our survey, countries rank forms of collaborative or network governance such as mobility policies and outsourcing, as most vulnerable to integrity violations (Huiting Qi & Bing Ran, 2023). Overall, national public administrations agree that they face difficulties whenever new decisions are being taken to outsource policies, decisions to engage in public-private partnerships, or various forms of co-production. Still, outsourcing and public partnerships are not influenced by ethical considerations. Or, there exists no evidence that plans to outsource public policies have ever been stopped because of existing ethical challenges.

Table 3: Currently, HR policies are the subject of great changes and innovations. Which reform trends are considered most vulnerable to integrity violations (e.g., bribing, favoritism, conflict of interest through gifts or outside activities)?, N=21

Reform trend	Very Vulnerable	Not Vulnerable	Cannot Say
o. outsourcing	57%	10%	33%
n. competency management	9%	48%	43%
m. recruitment policies	40%	30%	30%
l. promotion policies	29%	33%	38%
k. change of organisational culture	38%	24%	38%
j. decentralisation of HR responsibilities	24%	28%	48%
i. organisational reforms (abolishment of hierarchies)	35%	15%	50%
h. enhancing mobility between public and private sector	62%	5%	33%
g. openness	14%	48%	38%
f. citizen-orientation	15%	55%	30%
e. introduction of Artificial inteligence	19%	5%	76%
d. reform of job security	20%	45%	35%
c. reforms of social security systems	10%	33%	57%
b. pay reforms	29%	38%	33%
a. generally, the implementation of new austerity measures (reduction of…	34%	33%	33%

■ Very Vulnerable ■ Not Vulnerable ■ Cannot Say

Thus, surprisingly little attention has been devoted to the management of ethical risks in outsourcing policies. So far, debates about ethical risks have been dealt with in academia (von Maravic & Reichard, 2006; Kolthoff, 2007; Mazzucato, 2023, Murcia, 2021, et al, 1513). In daily life, concerns are not taken seriously.

Managing the ethical dimension of contracting in Portugal

"...contracting authorities shall ensure, in the formation and execution of public contracts, that economic operators comply with the applicable social, labor, environmental, gender equality and anti-corruption standards arising from international, European, national or regional law. Finally, and without prejudice to the application of the guarantees of impartiality, contracting authorities shall adopt appropriate measures to prevent, identify, and effectively resolve conflicts of interest arising in the conduct of public procurement procedures, to avoid any distortion of competition and ensure equal treatment of economic operators. When a contract for the provision of goods or services is signed with a public organization, both parties must submit a declaration of no conflicts of interest, pursuant to the general anti-corruption regime. In addition, by the principle of transparency, each public contract must be registered in the public procurement database, which is available for consultation by the public. In June 2024, the government approved 32 anti-corruption measures, including the creation of a 'blacklist' of state suppliers, the provision of more information on entities that corrupt public officials (preventing access to public contracts) and an increase in the number of fines for non-compliance with the Prevention of Corruption rules".

Outsourcing can be defined as the private or voluntary sector delivering services to the public sector after a process of competitive tendering. In all EU Member States, outsourcing has been expanded over the past four decades. Beginning in local government with services such as waste collection, successive governments and public organizations have extended outsourcing to areas including front-line services and major information technology (IT) projects. Evidence shows that

outsourcing may deliver substantial benefits, such as saving financial resources and improving services in some areas or in certain policies (such as waste collection, catering, and cleaning). However, a number of high-profile failures and scandals have also put the outsourcing model under intense scrutiny (House of Commons, 2018). In our survey, European countries confirm the existing ethical challenges.

Figure 2: Managing conflicts of interest and outsourcing

	Very Much	Somewhat	No Changes	Decreased	Cannot Say
Managing conflicts of interest is highly complex in the field of outsourcing. While government employees are subject to strict ethical standards, most of these standards do not apply to contractors that deliver services, e.g., through public procurement.	21,7%	39,1%	8,7%	13,1%	17,4%

For example, while government employees are subject to strict ethical standards, most of these standards do not apply to outsourced contractor personnel. If a public official decides on a matter that could affect his/her (financial) interest, he/she could be subject not only to administrative discipline but also to criminal prosecution. Contrary to this, an outsourced contractor employee may be subject to other rules, policies, and consequences. Likewise, public authorities do not have any systematic way of even finding out if contractor personnel have conflicts of interest when dealing with outsourced tasks. The personal conflicts of interest of outsourced, contractor personnel are largely unregulated (Clark, 2012).

The case of France

In France, external service providers are not subject to the same ethical obligations as public officials. However, given the increase in criminal sanctions, for example, for illegal taking of interest, the public authorities are paying increasing attention to ensuring that the behavior of external service providers used by public authorities does not create situations of conflict of interest. (....) In France, private-sector employees of subcontractors, who are co-contractors of public authorities, are not subject to the same ethical obligations as public-sector employees. While public authorities have authority over their civil servants, this is not the case for these employees. There is therefore no systematic way of detecting situations of conflict of interest. However, as mentioned above, given the increase in criminal sanctions, for example for illegal taking of interest, the public authorities are paying increasing attention to ensuring that the behavior of external service providers used by public authorities does not create situations of conflict of interest (.....). In France, checks are carried out when the service provider is selected and then during the performance of the contract. They may be strengthened depending on the ethical risks identified. (....). As indicated above, in France, the ethical obligations imposed on private-sector companies, even when they are providing services to a public authority, are not identical to those imposed on public-sector employees.

In all countries, public authorities are constrained by specific challenges and duties. First, it is important to draw the exact line between what tasks can be outsourced. Second, it needs to specify how to control and monitor the exercise of these tasks. Third, before outsourcing takes

place, sufficient monitoring capacities and resources must be allocated to the fulfillment of the monitoring tasks. In order to contain outsourcing risks, effective contract management remains crucial to ensuring good performance. As regards the latter, risks exist if ethical challenges and potential conflicts of interest are overlooked and poorly managed (Clark, 2012).

Therefore, many countries agree that it is important to better specify how to control and monitor the exercise of these tasks.

Figure 3: Containing outsourcing risks

	Very Much	Somewhat	No Changes	Decreased	Cannot Say
Countries should better specify how to control and monitor the exercise of these tasks. For example, before outsourcing takes place, sufficient monitoring capacities and resources must be allocated to the fulfillment of the monitoring tasks. In order to contain outsourcing risks, effective contract management remains crucial to ensuring good performance.	34,8%	26,1%	17,4%	8,7%	13,0%

Still, also in the future, in the field of public-private outsourcing, public (contractor) organizations and (private) contracted personnel may be bound by different, or less strict (or clear) impartiality, transparency, confidentiality, and conflict of interest policies and rules. In light of the fact that contractor personnel may be performing the same or similar tasks that the public authority normally would perform (if the services were not subject to outsourcing), how could contractors be made subject to the same policies and rules? Thus, what to do if outside experts exercise public tasks? How to make sure that outsourced personnel are subject to the same policies and rules (this would be the case if outsourced personnel exercise important public tasks) (Clark, 2012)

Next, imposing strict conflicts of interest standards on contractors could make it more difficult to obtain the expertise it needs. As such, it is not unlikely that outside experts have conflicts of interest. In the field of ethics, the dilemma between unconflictedness (impartiality, independence) and expertise is classical. The reason is that being an expert and exercising real-life expertise is normally interest-bound.

The dilemma between the needed Expertise and disinterest then means that stricter ethical rules and policies will carry with them a risk of deterring private companies and private sector personnel from taking an interest in outsourcing tasks. Requiring that these experts be conflict-free would mean that they undergo the same kind of conflict-of-interest screening as internal staff. This may reduce the pool of possible contractors available. Imposing such a regime is also work-intensive and costly for monitoring staff. Does this legitimize the implementation of relaxation (so-called waiver policies), opt-out clauses, or more flexible ethical standards (Clark, 2012)? These important questions are still not resolved. They illustrate the ambivalence of introducing innovative management practices.

Thus, when looking back at the beginning of this chapter, it is fascinating to see how the public sector has changed. Also, new ethical challenges are constantly arising.

1.2. Innovation and the dynamics of change in ethics policies

In their study about the effectiveness of good governance policies (Demmke & Moilanen (2012), European countries responded that more rules and standards are still needed, especially in the fight against corruption, politicization, and post-employment. In this study, countries still agree that new rules and standards are needed. However, in the field of artificial intelligence, followed by post-employment, and digitalization. In the 2012 study (Demmke & Moilanen), countries responded that ethics policies are not taken seriously, that ethical leadership is lacking, and that ethics policies are not sufficiently integrated into other policies. Today, data shows that countries still criticize the lack of ethical leadership. However, they also criticize inefficient monitoring practices of ethics policies, (still) the fact that ethics policies are not taken seriously, organizational culture does not match with ethical standards, and the ineffective enforcement of codes of ethics.

Whereas in 2012, the importance of the rule of law was almost no issue, today discussions about the rule of law have become an important daily life.

Thus, within the last ten years, attitudes toward ethics policies have (somewhat) changed. However, as regards a number of issues, they are also surprisingly stable.

When looking back, we also note that countries respond to reform, change, and innovation by introducing ever more complex ethics regimes.

Overall, public ethics policies and rules have become more numerous, concepts have become wider, broader, and more complex, and ethical standards have become stricter. Overall, we also note an "ethicalization of EU and national law" (Frischhut 2019). Ethicalization means that ever more laws, regulations, and administrative provisions refer to ethical requirements and ethical standards. Take the case of health policies or other issues like digitalization or artificial intelligence. These trends correspond to the findings from Anecharico and Jacobs (1996) who already noted thirty years ago: "the public standard of morality has also become much stricter [...]. Previously accepted conduct… is now deemed unethical and previously unethical conduct is now deemed criminal" (Anechiarico and Jacobs 1996: 4).

Next, similar to the situation decades ago, the critical counterpart of modern law, the adoption of soft law like codes of ethics and informal instruments, is also expanding.

Consequently, the administrative burden in the implementation and enforcement of ethics policies is highly critical. 67% of respondents to our study confirm that central public administrations lack staff and funding for implementation. Only roughly 20% of all responding countries state that implementation challenges are considered during the adoption of new policies and laws.

As already mentioned, ethics policies can only be effective if they are integrated into other governance logics and fit into the national (cultural, political, and constitutional system. Unfortunately, during the last decades, almost all recent governance indexes show worrying trends in the fields of democracy, human rights, justice, rule of law, corruption, politicization, transparency, inequality, and freedom of the press. Many countries are confronted with a general trend toward a decline in trust, democracy, justice, public institutions, and the rule of law. These trends cannot be limited to the so-called illiberal democracies. These trends toward critical governance raise important research questions for scholars who are interested in ethics policies. Do we know enough about how these governance changes influence the reform of public administration, HRM, and ethics, and vice versa? Finding an answer to these questions is not easy at all. No government (no matter what political affiliation) has an interest in unethical public employees. However, political affiliation has an impact on the respect for values and principles and the design and implementation of anti-discrimination policies, diversity policies, the interpretation of merit-based policies, and recruitment policies.

Yet, most research so far has overlooked how critical governance relates to public personnel management (Meyer-Sahling et al. 2018, 276). However, also here, studying this link is not at all simple. Mostly, the effects of reforms depend on many variables such as budgetary constraints, leadership development skills, perception of organizational justice, organizational culture, and institutional configurations. Ethics policies are still compensatory policies that fill the gaps that other governance developments, reforms, and innovations produce. Increasing interaction between the public and the private sector also supports the emergence of new conflicts of interest, as discussed in the case of outsourcing policies. During the last decades, in almost all countries in Europe, a shift has been taking place from a stable and institutionalized policy

advisory system to a more politicized, pluralized, flexible, and ad hoc policy advisory system (van den Berg 2017). In addition, there is a large group of private, commercial advising and consulting agencies (the so-called "invisible public sector") and powerful individual actors that advise the government (based on their personal or strategic interests). These trends enable enhanced opportunities for more politicization, conflicts of interest, and corruption. Also, in the field of Human Resource Management, Trends toward de-standardization, individualization, and the acceptance of diversity have produced ever more value conflicts and demands for recognition of group and individual identity.

Therefore, in all countries, the difficulty of managing ethics policies has not only to do with the existence of shortages in the implementation and enforcement of ethics policies. Instead, current governance trends generate ever-new ethical challenges.

1.3.   **Innovation and bureaucratization of ethics policies**

Next to the expansion, the deepening and widening of ethics policies, and the continuous emergence of new challenges, we also observe that ethics policies are becoming ever more differentiated, detailed, and individualized.

In a study about conflict of interest policies in parliamentary ethics regimes (Boleyer & Smirnova, 2017), the authors conclude "that the diversity of conflict of interest regulation applicable to national parliamentarians (as well as other public officials) has grown significantly in many democracies. Defined as the range of formal-legal restrictions to assure parliamentarians' impartial or unbiased decision-making when exercising their representative function (...), CoI regulation embraces a wide range of diverse mechanisms which we capture across 11 substantive areas. These not only include (increasingly prominent) requirements for asset disclosure but also preventive rules able to impose constraints on parliamentarians' behavior, both while in office (e.g., restrictions on the receipt of gifts) and afterwards (e.g., cooling-off requirements). This growing diversity creates a major challenge for cross-national research: the development of measures capturing the different elements of increasingly complex ethics regimes in an unbiased fashion, able to 'travel' across European democracies.

The authors also note considerable differences as regards the strictness of rules, the importance of transparency, and the willingness to impose sanctions. Overall, the strictness of rules tends to be lower in old democracies than in new ones. "While we find a number of old democracies that have adopted constraining COI regimes (Ireland, Belgium, and France), most old democracies show below-average scores, such as the Scandinavian countries. (...) Of 16 democracies with a sanction score above 0.5, only four are old democracies, with France and Belgium having maximum scores, echoing the earlier picture that new democracies have more constraining regulation".

The study points to a widely underestimated challenge: The more complex, the more detailed, and the more demanding ethics policies become, the higher the administrative challenges and burdens in the monitoring and in enforcement process. Often, the enforcement of ethics policies is deficient.

We also note that ever more ethics policies are designed for specific categories of staff, specific situations, and specific issues.

For example, mostly, revolving door policies make only sense for specific top categories of staff in specific functions and who are working on specific (sensitive issues). Similar differentiation trends can be seen in the field of (sexual-) harassment, anti-discrimination, or – more recently – in the field of managing the ethical dimension of artificial intelligence.

A parallel trend takes place as regards the differentiation of issues that are considered unethical. Take the case of conflicts of interest policies. "Whereas in the past, CoI policies almost exclusively focused on nepotism and financial interests, later, CoI were classified into two very broad types: pecuniary and non-pecuniary Conflicts of Interest. In the meantime, the definition of what could be considered financial and non-financial CoI is changing. For example, current definitions include ever-new forms of non-financial CoI. We also note an increasing overlap between the concepts of conflicting interests and conflicts of interest. This contributes to increasing confusion (about what should be a conflict of interest, and what should not) and trends towards inflation of the concept of CoI".

Thus, in each field, countries address ethical challenges by "ethicalization of rules" (more laws, rules and standards in various policy fields include references to ethics and ethical standards), adopting more rules and codes, the c) widening of ethical concepts and the setting of stricter standards and requirements and the e) differentiation and individualization of policies.

These trends can also be explained and characterized as a self-reinforcing and scandal-driven logic that is highly simplistic, change-resistant and follows the logic of requesting ever more and ever stricter laws (mostly after scandals took place), calling for the setting up of ever new ethics bodies, investing in an ethics bureaucracy in the field of disclosure policies (at least, in some countries) and repeating the mantra for the need for ethical leadership without examining the concrete challenges why being a trustworthy and ethical leader is difficult in practice.

Case: Portugal

Policies on ethics in the public sector have been at the forefront of various governments' concerns since the implementation of democracy as a tool for building a fairer, more equal and inclusive society and for creating a relationship of trust between the State and its citizens. More recent reforms and innovations, however, seem to have been adopted as a response to scandals. Increased media scrutiny and public attention to cases of incompatibilities and corruption, especially among prominent politicians but also senior civil servants, has led to the strengthening of the prevention mechanisms, such as the setting up of the "Corruption Prevention Council - CPC", extinguished and replaced in 2021 by the National Anti-Corruption Mechanism (MENAC). The adoption and implementation, also in 2021, of a general regime for the prevention of corruption, which imposes on private companies, public companies, and services integrated into the direct and indirect administration of the State, with 50 or more employees, the obligation to adopt risk prevention plans, codes of conduct, internal whistleblowing channels and training programs appropriate to the prevention of corruption and related infractions. In this way, two Whistleblowing Channels (one Internal and one External) have been set up in public services as a mechanism for preventing, detecting and sanctioning acts of corruption and related infractions carried out against or through the services.
In 2021, the National Anti-Corruption Strategy 2020-2024 was approved, and it is focused on the prevention, detection and repression of corruption, identifies measures to be implemented in the coming years, centered on a set of seven priorities, including preventing and detecting the risks of corruption in public action. More recently (2024) the anti-corruption agenda was

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approved, based on 4 pillars: Prevention, Effective Punishment, Speed of Proceedings and Protection of the Public Sector. Within each pillar, measures are planned that have met with broad consensus and measures that appear to be urgent and effective in preventing and combating corruptive phenomena - Transparency in the State's relationship with the private sector, Ensuring robust public policies against corruption, Transparency in state-private business, Mechanisms of Asset Forfeiture, Extended responsibility, Whistleblowing and Whistleblower Protection, Reinforced surveillance, Criminal proceedings less exposed to delaying tactics, New evidence-gathering capabilities, Investment in the Courts' human capital, Empowering decision-makers, a more demanding civil society in the face of corruption, by reinforcing the curricular content in Basic and Secondary Education on ethics, financial literacy, the phenomena of corruption and relationship between citizens and the State.

However, scandals are rarely the only (or most important) reason (or cause) why countries reform and innovate ethics policies. For example, in the past, in many national cases, assessments and recommendations by GRECO evaluations have played a role in why governments changed policies. In other cases, new research, evidence, or studies published by the OECD can also be influential. Again, in other countries, new case law by courts puts governments under pressure to change laws and policies. Also, media attention or reports by watchdogs (NGO´s) are important causes and pressures for new reforms and innovations.

Figure 4: Reforms and innovations in ethics policies are mostly a reaction to scandals/ad hoc discussions than to carefully designed and planned strategies, N=25

	1	2	3	4	5	
Totally Agree	2	6	10	7	0	Totally Disagree
	8,0%	24,0%	40,0%	28,0%	0,0%	
Total	**2**	**6**	**10**	**7**	**0**	

Still, in most countries, reforms and innovations follow a rather simplistic logic. Simplistic means that innovation follows the logic of ever more, stricter, more complex, and wider. Discussions are rarely about effectiveness. Also, differently to other policies, it is not opportune to call for deregulation, less administrative burdens, relaxation, or differentiation of integrity policies.

Moreover, there exists very little research about innovation in the field of public service ethics. The popular narrative in all countries is still the following: More, stricter, wider – is the way to go.

Thus, while ethics policies are expanding and becoming more important, very little evidence exists about goal achievement (defined as the degree to which corruption, fraud, conflicts of interest, bullying, harassment, discrimination, or other forms of misconduct could be prevented or reduced). Likewise, it is also unclear whether unethical behavior is increasing in some policies or decreasing.

The continuous adoption of ever-new rules, standards, and polices on the one hand and the (supposed) ineffectiveness of these policies can also be explained by the gap between increasing political interest, an increasing implementation burden, and the lack of administrative capacities (Fernandez-I-Marin, Knell, Steinbacher & Steinebach, 2024). Mostly after scandals take place, politicians have strong incentives to demonstrate their responsiveness to voters by proposing new

and stricter rules and standards. The same incentives, however, do not exist as regards the needed investments in the implementation and enforcement of policies. As political responsibilities and legitimacy are less clear, political incentives to invest in administrative capacities are weaker than for the adoption of policies (Fernandez-I-Marin, Knill, Steinbacher & Steinebach, 2024, 1241).

Figure 5: The Focus of Ethics Policies from a Policy-Cycle Approach
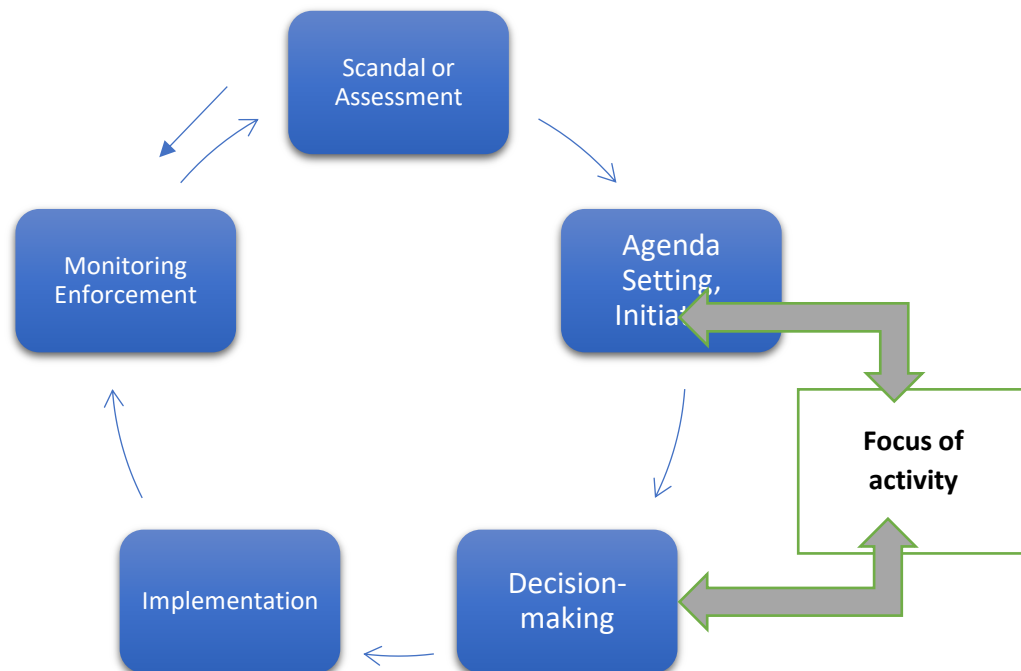
This diagnosis, as such, is nothing new (Demmke, Autioniemi, Lenner & Maros, 2021; Demmke & Moilanen, 2012). In many ways, ethics policies are no exception to other policies. Policy- and regulatory growth is a widespread feature and a consequential political development in all public policies and all countries worldwide. It is the price to pay for upholding democratic values and integer behavior in ever complex societies. Not only in ethics policies, but in almost all areas, policies are expanding and becoming more complex. However, whereas in many other public policies, the focus is also on change and (technological) innovation, ethics policies have long been regulatory and conservative.

Overall, innovation is a new phenomenon in the field of ethics management. For many observers surprising, the EU and the OECD have played a major role in this field. Take the agreement between the European Parliament, the Council of the European Union, the European Commission, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the European Economic and Social Committee and the European Committee of the Regions to set up a new inter-institutional ethics body (OJ L, 17.5.2024). Or, take the adoption of the EU AI Act (EU Regulation (EU) 2024/1689), or the adoption of the Whistleblower Directive 2019/1937, or the creation of a Network of European Integrity and Whistleblowing Authorities (NEIWA).

As regards monitoring and measuring ethics policies, take the OECD work in the field of comparative benchmarking and the measurement of various integrity indicators. Other international bodies (like the IACA) started to work on the institutionalization and effectiveness of anti-corruption bodies (and the discussion of best practices in the field).

Also, on the national level, European countries have been particularly active in the field of reforming revolving door policies, the setting up of lobby registers, the creation of new ethics bodies, and the introduction of new disclosure management systems. Elsewhere, countries test innovative risk assessment systems, ethics culture assessments, or ethics management maturity assessments (www.tei.org.za). The latter shows that trends are towards an ever better measurement of outputs and outcomes of ethics policies and ethics management.

Still, as we will see, innovation is not a magic concept. Everywhere, there exists no perfect ethical organizational recipe, no evidence about a best-practice menu of tools and instruments in the field, and no readily established accepted theory of public sector innovation in the field of integrity policies (Criado et al., 2023). Thus, innovation is not to be welcomed only because something is innovative. Also, the concept of innovative ethics policies includes many fashions. Otherwise, a more pragmatic reflection is emerging about the need to widen the existing toolboxes, test new instruments, the need to adjust traditional management and monitoring approaches, re-evaluate deterrence policies, mechanisms, and assess critically new incentives, training, guidance, and behavioral instruments. Given the huge dimension of ongoing change and innovation, it is impossible to study all innovations and reforms that have taken place in the field of public service ethics. For example, in this study, we will refrain from examining reforms in the field of lobbying, misinformation, or discussing new trends in the field of measuring corruption (as the latter is discussed in other fora).

Therefore, in this study, we discuss the concept of innovation as a neutral concept. We understand innovation based on Rogers, who defined innovation as 'an idea, practice, or object that is perceived as new by an individual or other unit of adoption' (Rogers, 2003, 12). Of course, what is perceived as innovation also lies in the eyes of the beholder (meaning the authors of this study). Similarly, defining what types of innovation exist (for exp., procedural innovation, conceptual innovation, product or service innovation, Governance innovation) is also a matter of discussion (de Vries, Bekkers, & Tummers, 2016, pp. 1 – 40).

Overall, we note that the management of innovation in ethics policies has rarely been studied (Rouet, Raytcheva & Côme (eds.), 2024).

On the other hand, this lack of clear conceptualization leaves us room to discuss and examine a wide range of innovations in the field. In this study, we are mostly interested in the effects of administrative reforms, progress as regards the assessment of the effectiveness of instruments, institutional set-ups, and procedural and governance innovations, but less in technological innovations (see Rouet, Raytcheva & Côme (eds.), 2024).

To be more precise, we study the innovation of institutional reform, processes, and procedures of ethics policies, such as the innovation of disclosure policies, policy instruments, the institutionalization of ethics policies, ethical innovations in the field of artificial intelligence, the ethical management of public management reforms, etc.

Take the case of the choice of instruments. Ideally, in the field of ethics policies, countries have the option to choose among a great variety of instruments, ranging from legal instruments to deterrent instruments. However, in the past, the focus was clearly on the adoption of legal instruments. Therefore, for a long time, ethics policies have been regulatory and *conservative*.

Figure 6: The choice of instruments: Toolbox

Legal	Economic	Institutional, procedural	Persuasive; Behavioral, Individual Virtues	Managerial	Control
(Fundamental) Principles; Common good orientation Rule of law New laws, rules, admin circulars Codification Rule Amendments Flexibilization Standard setting (legally binding) codes Disciplinary law	Incentives, wavering obligations Subsidies, grants Budgets, e.g., training, ethics Assessing costs of ethics policies and unethical behavior Assessing benefits (Working Conditions and Wellbeing)	Need new bodies Centralization/De-centralization External/Internal Independent bodies Collaboration/ Coordination Openness Organizational behavior and culture Organizational Justice, Fairness, Respect Common good orientation Anti-Discrimination Merit, Impartiality	Nudging Training Advice Awareness Raising Naming/Shaming Information, codes of ethics Personal responsibility Virtue Management Artificial Intelligence Benchmarking, Best-Practices Behavioral expectations Trust	Ethics Mgt Strategy Leadership Measuring Disclosure Evaluation Risk Management Value Assessment Reporting Artificial Intelligence Managing the delivery of public service (Working Conditions and Wellbeing)	Monitoring Inspection Enforcement, Investigation Deterrence Warnings Reprimands, Fines, Dismissal Whistleblowing Surveillance Social Credit Systems Watchdogs, Society, Transparency

Because of the strong focus on law and control, countries have been very reluctant to broaden the menu of instruments. Likewise, they have been reluctant to start assessing the effectiveness of instruments. Exceptions concerned the assessments of selected instruments, like training or ethics codes. Still, some countries replied that they do not have evidence as regards advice, training, and awareness-raising instruments.

Overall, countries have no strategic and integrated approach to the assessment of the existing tool. However, slowly, countries are widening the menu of tools and instruments. In the future, many countries envisage a further widening of the choice of instruments, mostly as regards the

choice of managerial, persuasive, and control instruments. Thus, it could well be that the law as the main instrument is becoming less important.

Figure 7: When considering the need to increase the effectiveness of ethics policies, in which of these fields are the most promising opportunities for innovations and effectiveness?, N=18
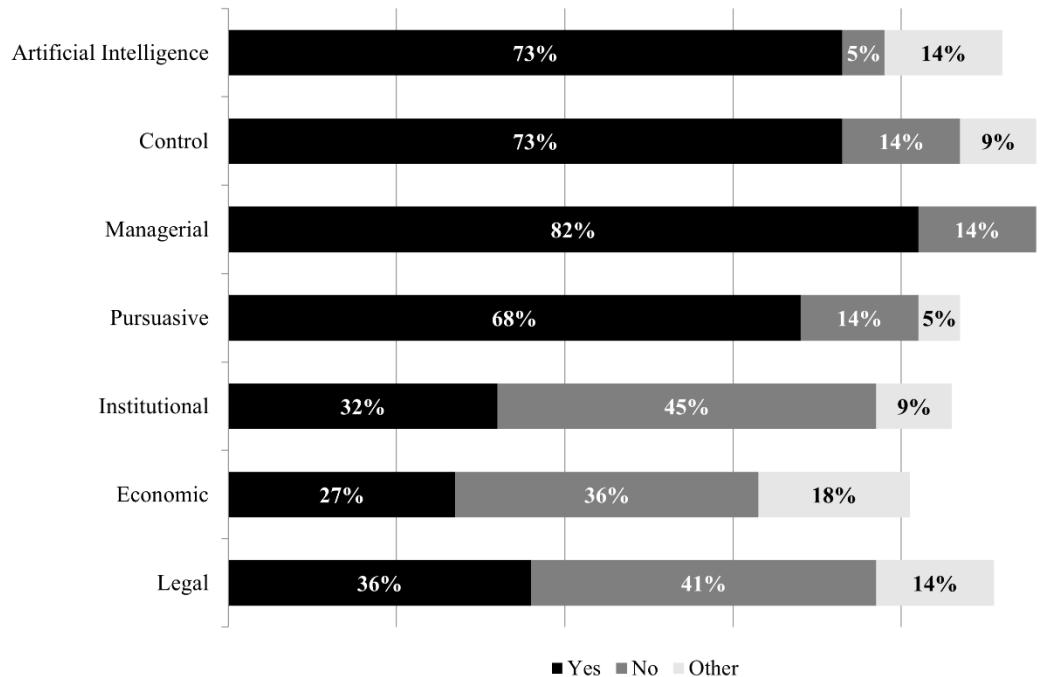
As such, the choice of instruments should be influenced by the determinants of behavior and their efficacy as targets of behavioral change interventions. For example, if the objective is that HR managers should learn more about the potentially critical effects of AI, it makes sense to offer more training. Otherwise, if the objective is to convince employees not to steal printing paper from the office, it makes sense to consider behavioral strategies (nudging). If the objective is to fight bullying, it makes sense to strictly enforce the law (zero-tolerance). As such, every instrument can also have many positive but also critical, anticipated or unanticipated effects, positive or negative side-effects, or no clear effects at all. Likewise, we also assume that innovative ethics policies, practices, and processes may also produce the opposite of what they are supposed to do: more red tape, more formalism, more administrative burdens, and more costs.

During our research, we also take note that many current innovative approaches in the field of organizational management and Human Resource management are based on the dislike of rules, although alternative instruments may themselves easily turn into bureaucratized, costly, and burdensome instruments. Therefore, it should always be carefully checked whether innovations are effective and useful counter-developments to the old bureaucratic and compliance-based approaches, or whether they can also be problematic, increase administrative burdens or are just one step away from personalized monitoring and even individualized social credit management practices, or greedy institutional behavior (Coser, 1974). As such, the link between innovation and outcomes should also not be mistaken for implying easy causal relationships. Overall, there is a risk that innovation implies a feel-good world. Innovation is supposed to lead to good outcomes because innovation is good, as such (when the reality of innovation is highly complex, conflicting, and ambivalent).

We are also concerned that, in an era of digitalization and artificial intelligence, the positive understanding of (the myth of) transparency is slowly disappearing. Instead, transparency policies in combination with artificial intelligence raise deep questions about the value of privacy, the effectiveness of monitoring, and put into question naïve requests for ever more transparency. As such, transparency is crucial and important, but one side-effect may be the creation of a transparent monitoring and surveillance bureaucracy and thus, the return of traditional forms of (Fordist) management.

Like this, innovation may be as "new" as it is "conservative". Again, this discussion should not be mistaken for a plea for traditional (bureaucratic) practices and instruments. Instead, our discussion should only raise doubts about the supposed positive nature of innovation.

Could it be that some innovations could also turn into new forms of bureaucratic management? Could innovation also cause new formalism, new administrative burdens, new forms of hierarchical management, new controls, and new surveillance opportunities? Where are the limits of innovative modes of management that build on theories of "bounded rationality "? Is innovative (ethical) leadership supposed to be "nice" and "empathic"?

If traditional standardized, compliance-based approaches are replaced by highly individualized approaches, classical bureaucratic and formalized policies by informal and soft methods, regulation by self-regulation and self-management, and transparency by surveillance, what are the outcomes and effects of these trends? Will the introduction of artificial intelligence contribute to easing administrative burdens, or is the concept of innovation nothing but a different word for the creation of a new individualized monitoring and control bureaucracy?

These critical questions not only challenge the concept of innovation in the field of ethics policies. Instead, they only put to a critical test each (new) instrument, reform, or innovation. Also, ethics policies are not *good policies* because they are ethics policies.

1.4.   Innovation – what moral responsibility for public organisations? [2]

What then is the relationship between organization and morality in times of organizational innovation? Can ethical behavior be improved if public organizations take on new moral roles? What ethical role should organizations have? How to define the limits of moral engagement of organizations?

Organizational theory claims that organizational settings influence people´s way of thinking and their behavior, and hence the content of public policy. Therefore, an organizational theory approach of integrity policies assumes that it is impossible to understand integrity policies without the way public institutions work and without analyzing how they are organized and their modes of working (Christensen, Laegreid & Rovik, 2020, 1).

Following this, organizational integrity can be defined as a quality of institutions that is supposed to promote the quality of public employees. Starting from this definition, it is highly relevant to understand the importance of organizational change and innovation for the effectiveness of ethics

policies and management. In all European countries, organizational change and innovation have been a dominant agenda in the field of public management reform. Beforehand, for a long time, almost all public administrations could be considered as (varying) bureaucratic models.

Likewise, bureaucracy was the first (ineffective) institutional model of 'institutional integrity'. Within the bureaucratic logic, it was believed that organizations should act as "functions" and as impersonal, rule-abiding machines, but not as moral and value-based agents. In most European countries, the most important objective of public institutions was to make the public sector independent from the private sector and public officials independent from personal and political interests. On the one hand, civil service laws were loaded with value requirements and ethical principles. On the other hand, public institutions were conceptualized as rational machines that should serve the common good, apply the laws of the day, respect impartiality, and function based on meritocratic ideals. This "ethics of neutrality" concept (Thompson, 1985) dominated until late in the 20th century. Some parts of these doctrines have survived until today.

However, at the end of the 20th century, almost all countries (to different degrees) started to deviate from the classical bureaucratic model, because the concept underperformed on several fronts and not only as regards the classical dysfunctions of the classical bureaucratic model (too costly, discriminatory, too rigid, too hierarchical, not innovative, not performing, de-motivating effects). Instead, countries also realized that public bureaucracies and bureaucrats were not less politicized and less corrupt only because they were bureaucrats (civil servants). According to Anechiarico and Jacobs, "Public administration did not become professionalized like law and medicine" (Anechiarico and Jacobs, 1996, 21).

Another problem with the concept of bureaucracy was that the importance of individuals was neglected because of the focus on standardized processes, hierarchical decision-making structures, and the neglect of concepts like responsibility, job autonomy, job engagement, etc. Today, trends are towards the opposite, the growing importance of individuals and all sorts of "blurry" concepts like purpose-driven management, value-based management, value scorecards, emotional management, empathic leadership, spiritual leadership, resilient management, and agile management. All of these concepts diffuse the relationship between organization and morality, as such.

Also, ethics management and ethics policies have continuously expanded and become a proper public policy. Different from the past, public employees are required to embrace values and principles and take trainings in the field of ethics, conflicts of interest, dilemma training, anti-harassment, and Anti-bullying. Overall, the content of ethics management has no clear boundaries anymore.

The downside of these trends is that classical features of the public sector, like standardized procedures and the focus of law, regulation, and administrative law, are often seen as constraints that block policy choices, innovation, competition, and individualism. Overall, the law is easily linked with the concept of red tape and rule-based treatment with rigidity and bureaucracy.

In this perspective, classical bureaucratic features are seen as cold, rational, and restricting individual discretion. Consequently, innovative public management ideas and concepts supported a certain decline of established "legalistic" principles, including the rule of law principle that originally were established in civil service acts and enshrined in many constitutions.

Parallel to these developments, new organizational innovations support new collaborative forms of governance. Unfortunately, all new governance concepts and innovations have also generated ever-new ethical challenges. In our survey, country respondents reported that collaborative models of governance (including the introduction of mobility policies, outsourcing, public-private partnerships etc.) generated new ethical conflicts, such as conflicts of interest and corruption.

Thus, compared to the traditional bureaucratic concept of integrity, it is fair to conclude that current innovations in the central public administrations have opened up towards society and the private sector. Central public organizations have become much more open, flexible, decentralized, individualized, and "humanized". Also, human resource management has moved away from a simple mechanistic understanding of personnel policies to a more sophisticated, nuanced, and contingent view of how emotions contribute to behavior (Godard, 2014, 1-18).

These trends towards the growing importance of individuals in HRM studies are in conformity with the growing popularity of behavioralism, which, again, matches with a society of "singularities" (Reckwitz, 2017).

Not surprisingly, in this context, diversity and identity politics have also gained importance. Overall, universal concepts are being challenged by the rise of moral relativism and individualism. In the field of identity politics (Fukuyama, 2018, xvi) ever ever-new forms of demands for recognition based on nation, religion, sex, race, ethnicity, or gender played an increasingly prominent role. In the field of organizational justice, experts´ discussion focuses on the responsibilities of people for their choices and the outcomes of their choices, and whether new justice concepts should be made more sensitive to individual responsibility (Knight and Stemplowska, 2014). Take the case of the changing concept of equality and equity: Equality refers to a situation where everyone is given equal resources, whereas equity refers to achieving an equality of outcomes (that is, the resources are related to needs). Today, classical interpretations of both concepts are under pressure because of recent changes in the discourse about inequality and new discussions about another fundamental moral ideal in Western societies: people should be held personally responsible for the consequences of their choices (Greenfield, 2011). The idea of personal responsibility also seems to increasingly involve considerations of merit (choices, talent, and effort) and luck. Also, perceptions of fairness and dignity are changing; employers and employees seem to re-evaluate distinctions between fair and unfair inequalities. As already mentioned, public employees also appear to relate fairness to some level of personal responsibility. And vice versa: Increasingly, employees are seen as responsible and called upon to be engaged, committed, and continuously adapt their skills and competencies. Thus, this change of (organizational justice) perceptions of values and principles has undeniably been fueled by the growing influence of right-libertarian political views and the growing popularity of post-bureaucratic management reforms (Knight and Stemplowska, 2014, 1; Demmke, 2020).

The above-mentioned "affective", "behavioral" and "individualized" approaches can also be interpreted as counter-trends to the past: From rationality to bounded rationality, from hierarchical steering to individual discretion and job autonomy, from standardization to de-standardization, from centralized concepts of fairness to individualized concepts of fairness and from ethical decision-making to bounded ethicality. Also, in the field of ethics, behavioral ethics

(Bazerman and Tenbrunsel, 2011; Bazerman et al. 2015; Tenbrunsel & Chugh, 2015; OECD, 2018) have become popular and increasingly inform policymaking. Contrary to this, approaches that are based on standardized assumptions, law, and compliance-based approaches are believed to be less effective since they guard only against intentional forms of unethical behavior (and not unintentional forms). Behavioral public policy and behavioral ethics have also become popular because these concepts offer psychological explanations about organizational and individual failure (and because people overestimate their ability to do what is right and why they may act unethically without meaning to (Bazerman & Tenbrunsel, 2011; Ewert, 2020).

As such, all of these trends are to be welcomed because they illustrate the shortcomings of the classical institutional models. However, the increasing popularity of behavioral sciences in public policies and public ethics is leading toward an individualization of integrity policies and a focus on individuals, a so-called "public-officer ethics" (Kirby, 2020), individual partiality and the "bad apple" or "focus on the person as a root cause" (Tenbrunsel & Chugh, 2015, 207).

All of these new trends are welcome as long as they do not lead to a new 'moral relativism' or the revision of rational thinking as such and the importance of classical instruments like rules, universal values and principles such as the rule of law and the importance of principles of administrative law are not being questioned. Moreover, new findings in the field are important as long as they do not only redress what philosophers (Immanuel Kant) or sociologists (such as Simon, 1997; Lindblom, 1990; Merton, 1936) said well before. Here, it is important to note that all of these experts would have been concerned about these relativist approaches to the principles of modern administration and rationality (Rutgers, 1999, 26).

Today, according to Davies in *Nervous States – How Feeling Took Over the World* (Davies, *2019)*, we are entering a new era in which generalization and assumptions that there are laws, principles, and values governing society as a whole and history as a whole, disappear (Davies, 2019, 162). Commitment to societal values, objectivity, impartiality, and expertise increasingly means old-fashioned group-thinking and the contrary of competition, speed, and novelty. At this point, it makes sense to refer back to the beginnings of our discussions and the definition of modern public institutions as depersonalized systems that differ from traditional modes of "personalized" government.

Could it be that we return and move back to personalized modes of post-modern government?

Here, we are moving back to our philosophical discussion at the beginning of our deliberations: While it is true that the shift towards a bounded rationality framework may provide scholars with more realistic models of political decision-making (Shannon & Zachary, 2019), it should not lose interest in organizational- and societal causes of wrongdoing and the importance of sociopolitical contexts and stakeholder relations (including state-capture). Overall, public institutions must remain spaces of reason. They should defend classical administrative principles that are still important, such as the principles of the rule of law, impartiality, equity, and fairness. Otherwise, they should innovate in all of those cases where it is needed to remove classical bureaucratic dysfunctions.

At best, it is time to reconsider the pros and cons of - at least – some traditional and (post-) modern institutional features (and defend rationality against irrationality and principles against

moral and cultural relativism). After all, if rationality is dismissed and universal values are rejected, then institutional ethics will be grounded on something arbitrary, and modern principles will become relative. These trends seem to give us the freedom to go with any epistemic principle we choose (Lynch, 2017, 223).

Today, research about the relationship between organizational innovation and morality finds good arguments for more organizational moral restraint, but also the need for a stronger moral role of organizations. Whatever position is taken, the relationship between organization and morality is not a Love-affair (Ortman, 2015). Starting from the complex relationship between organization and morality, it is surprising that most ethics management approaches disregard this discussion. Moreover, ethics management theories and concepts should also consider the critical effects of innovations and change. Current innovations run counter to the discussed grand administrative tradition of the ethics of impartiality, rationality, equality and equity, and standardized approaches.

1.5. **Innovation and societal (and political) value change**

Discussions about value change, moral decline, or loss of values are as old as mankind.

For example, in his book "De la Division du Travail" (The Division of Labour in Society) (1893), Emile Durkheim, a French sociologist, introduced the concept of anomie (meaning that norms and ethical standards on how people ought to behave towards one another became unclear, absent or were breaking down). Anomie therefore, refers to a breakdown of societal norms and values. This situation would lead to dissatisfaction, conflict, and deviance. Durkheim observed that periods of sudden societal change and disruption, e.g., economic depression, brought about greater anomie. A similar theory was presented later on in the USA by Robert Merton (1938), or by Robert Putnam (2001) who highlighted the importance of social capital, or the dangers if social capital gets lost under terms of polarization (as we would frame this today) or connections, social networks and the norms of reciprocity getting lost, and – following this - trustworthiness that arises from them. On the other hand, researchers like Charles Taylor started to think about what holds society together.

Today, perceptions of moral decline are also linked to the perception of state failure (in times of multiple crises), the decline of international law (and the increasing popularity of moral relativism), the acceptance of different moral spheres in time and space (MacIntyre, 2007) and a "thin" universal and a "thick" local understanding of moral issues (Walzer, 2019).

In reality, clear evidence about a (universal) moral decline is difficult to find. Rather, current studies discuss trends toward a moral backlash[3], the individualization of values, or new trends towards libertarian authoritarianism (Amlinger & Nachtwey, 2022), but no moral decline.

Also, ever more people feel an individual responsibility to address massive, collective problems (such as not wanting to contribute to climate change), despite a parallel frequent feeling of inability to act in ways that have a meaningful impact on those problems. Many ethical problems

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[3] (Norris, P. & Inglehart, R. 2019. Cultural Backlash, New York: Cambridge University Press)

seem to be too big and personal contributions too small to make a difference (Rieder, 2024). However, this does not confirm trends towards a moral decline.

Rather, this shows that people are rather (desperately) looking for moral certainty in times of growing societal complexity and crises.

Moreover, there exists a difference between moral relativism and moral tolerance. Whereas moral relativists claim that moral claims are different in time, space, spheres, and culture, this form of moral relativism can be questioned when asking whether rejecting moral tolerance would be the right (moral conclusion. Since this conclusion is not right, this also explains the danger of moral relativism.

Today, trends are rather toward moral uncertainty and, as a reaction, towards the longing for moral certainty. If, in theory, the solution to this dilemma is to endure moral ambiguity, in practice, this is difficult to do.

Studying the effectiveness of ethics policies in times of growing moral uncertainty is extremely challenging.

However, the connection between public values, value change, and public integrity has always been complex and multi-layered. As discussed, values also change over time. During the past years, efficiency (Gutiérrez & Van de Walle, 2019) and transparency (cf. Hood & Heald, 2006; Bianchi/Peters, 2018) have gained in importance, whereas equity and equality (Gutiérrez & Van de Walle, 2019) have lost in importance. Gutiérrez and Van de Walle (2019) also show that values of public employees are strongly influenced by their biography, hierarchical position, and administrative culture. Overall, Gutiérrez and Van de Walle (2019) confirm the importance of value prioritization and value conflicts in the everyday lives of public employees. For a long time, experts discuss the existence of value conflicts, the plurality of values in different administrative areas, sectors, and institutions, the constant change of values, the reality and the differences between the theoretical and the practical meaning of values in Every day's work (van de Wal, Nabatchi & de Graaf, 2015; de Graaf et al., 2016).

As regards the latter, Finland surveyed the values and ethics of state civil servants (Moilanen, 2016). The respondents to the survey included personnel employed by 12 ministries and 16 agencies, as well as the top management of the central government. Responses were received from all administrative branches and levels. Until today, this survey is one of the most comprehensive data sets on public service values and their realization in daily life practice.

Figure 8: The importance of values in the State administration and their realisation in the practices of one's own agency
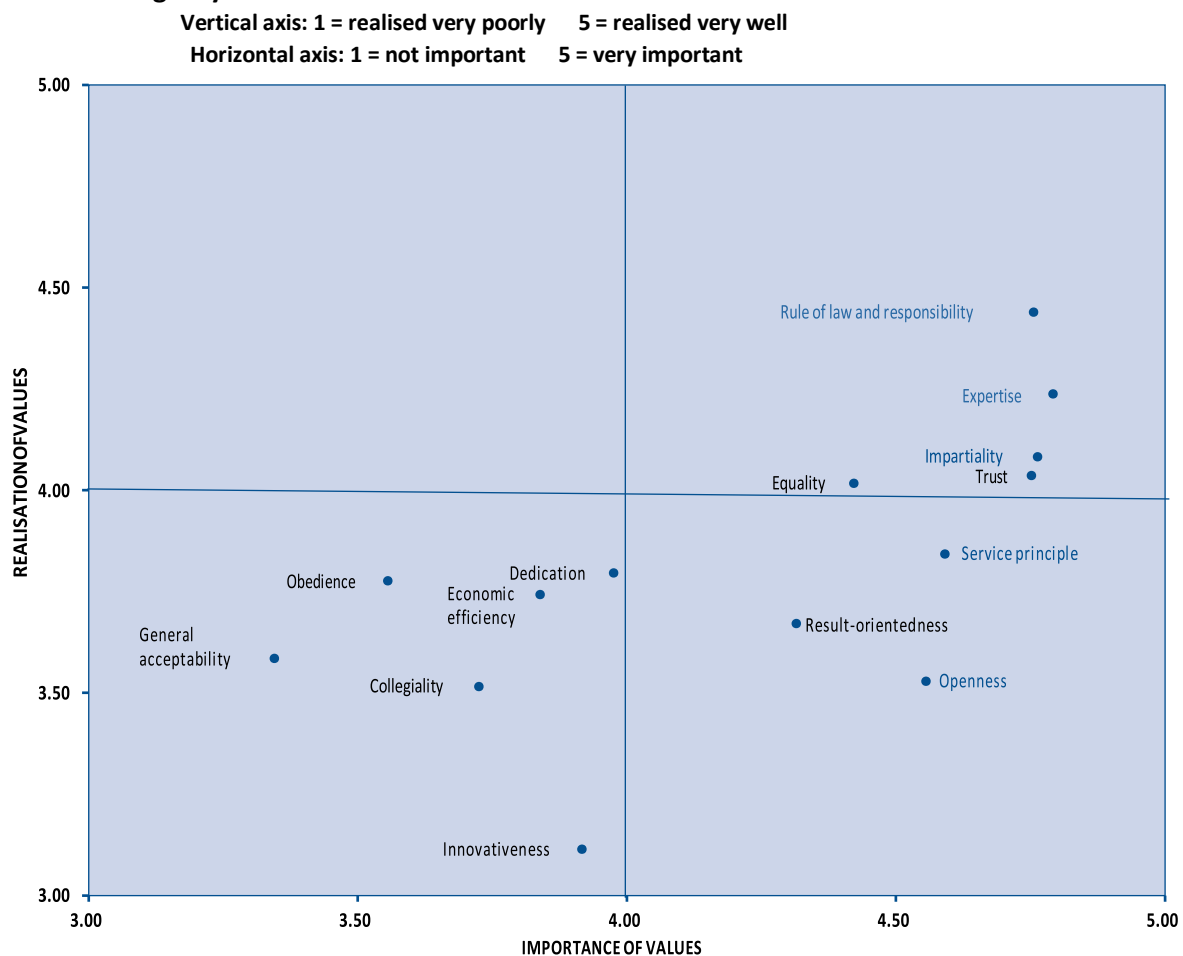
Vertical axis: 1 = realised very poorly   5 = realised very well

Horizontal axis: 1 = not important   5 = very important

Source: Moilanen, T. (2017). State of civil service ethics - a survey of the ethical values and principles of central government employees, Finnish Ministry of Finance publications 30/2017, 18

Another follow-up study about "The State of Civil Servant Ethics 2024 – a survey on the values and ethics of government civil servants" was published in 2025 (Haverinen & Ilpala, 2025). In this study, the majority of the respondents felt the values were well reflected in their agency's daily work. Overall, values and principles like legality, impartiality, and independence are most important. However, the study also shows that views on the future of good governance and civil service ethics are divided. Half of the respondents believed that good governance and civil service ethics will strengthen, while one-third thought they will deteriorate (Haverinen & Ilpala, 2025).

Interestingly, the study also shows that – while public and media discussions about unethical behavior are often dominated by serious forms of wrongdoing such as corruption, or conflicts of interest - in daily life, many civil servants struggle with many organizational- and work-related challenges such as the high pace of work or the lack of resources. Therefore, often, organizational pressures influence daily workplace behavior more than intentional forms of serious wrongdoing.

Contrary to this situation in the North of Europe, another empirical survey discusses the discrepancy between existing rules and their implementation in Bosnia and Herzegovina, Kosovo, and Montenegro (Eriksen & Ahmetovic, 2024). Whereas legal systems are well aligned with international and EU standards, the reality is highly different. For example, public employees constantly blur the lines between their personal and professional lives, "often using work hours

and public resources for their benefit" (Eriksen & Ahmetovic, 2024, 15). Only a small fraction of all employees is seen to be fully committed to the public interest. Meritocratic principles look good on paper, but not in reality. "Interviewees consistently report that the public service is affected by considerations that are in opposition to the normative standards." (Eriksen & Ahmetovic, 2024, 15). Overall, the informal practices violate the idea that public decisions should be based on the common rather than individual interests" (Eriksen & Ahmetovic, 27). Thus, public values and principles differ not only in theory and daily life, but they also "matter" differently amongst European countries.

These two examples from different European regions should not lead to the conclusion about differentiation and diversity in the field of public ethics.

In fact, in all countries, societal value change is a result of increasing individualization (Beck & Beck-Gernsheim, 1994), singularization (Reckwitz, 2020), self-optimization (Bröckling, 2013; King et al., 2021; Röcke, 2021), and continuous "acceleration" (Rosa, 2005) in all European societies.

However, this does not translate into a decline of values nor the rejection of the state or public administration. It seems more people expect too much and too little from the state, at the same time. On the one hand, they call for a strong state (a "Leviathan"), law and order, and more state protection in traditional core state functions like security and protection. On the other hand, people place less trust in the ability of the state to solve the classical state tasks, crises, and also their problems. On the other hand, public policies place more emphasis on personal responsibility (instead of state support and state responsibility). Growing individualism and enhanced self-responsibility are also linked with self-awareness. In addition, there is a growing emphasis on one's vulnerability and moral injury, defined as the quality or state of being exposed to the possibility of being harmed, either physically or emotionally, depending on the belonging of different groups and group identities (Amlinger/Nachtwey, 2022; Molendijk, Eikenaar, Gilhuis & van der Maarel, 2025).

The growing perception of being vulnerable (in the form of political-, economic-, sexual-, gender-, age-related, risk- and Technology exposed vulnerabilities, etc.) is also generating new forms of vulnerability management that should help to protect against vulnerable groups and identities against threats, attacks and other vulnerabilities. In today's risk-sensitive world, new vulnerabilities are constantly being discovered (Molendijk, Eikenaar, Gilhuis & van der Maarel, 2025). Because of the emotional dimension of vulnerability perceptions, vulnerable individuals and groups either call for more effective state interventions against being discriminated, and more "authoritarian" protection external threats, or they do not shy away from attacking public services themselves, if they feel frustrated, excluded (or not sufficiently included), not protected or even - threatened by the state.

In Germany, a study by Thoman et al. (2024) revealed that German public authorities report an increase in criticism and rejection of their administrative decisions. Almost all authorities surveyed see a sharp increase in written, verbal, physical, or online hostility or attacks on their work, around 60 percent at least once monthly to daily. More authorities also employ security personnel, too. These trends have a strong impact on the personnel, including perceptions of stress, burnout, sickness, demotivation, and intentions to leave the service. Increasing criticism and increasing conflictual encounters with the population have a noticeably negative effect on the psyche, behavior, and work of the employees (Thoman et al, 2024, 4).

These local experiences match with global trends. Studies on global value change (Norris & Inglehart, 2021) observe (increasing) polarization trends and value clashes between those holding more traditional values and those holding post-materialist and secular values. As such, polarization affects unethical behavior such as political (or grand) corruption through a variety of mechanisms (Hajnal, 2025). However, research remains fragmented and contradictory about the precise nature of these mechanisms

The question arises of how governments manage polarization and diverging value trends in fragmentized and individualized societies.

Take the case of merit-based policies. According to Wooldridge, merit is the "closest thing we have today to a universal ideology" (Wooldridge, 2023, 1). Merit is accepted worldwide and is shaping societies from top to bottom (Wooldridge, 2023, 3). Yet, politicization, favoritism, and inequality are also increasing worldwide, leading to a hollowing out of the merit principle.

Polarization and differentiation do not only happen in politics, or amongst citizens with diverging values. Similar developments can also be seen in administrative life and personnel management. Today, the era in which bureaucratic obedience, hierarchical decision-making, and treating all persons in the same way meant treating everybody fairly is no longer the paradigm of our times (Menzel 2011). "The age of standardization and the decline of patronage government were well suited for the belief in and practice that equal treatment for all is fair treatment. However, postmodern societies, along with ethnic, racial, gender, and age diversity, have challenged elected officials and administrators around the world to rethink how to treat people unequally and yet to be fair" (Menzel 2011, 122).

Yet, despite these trends, merit, fairness, justice, dignity, and equal opportunities should remain the cornerstones of all HR policies. Today, one of the greatest challenges is to design fair organizational systems under individualized conditions that still can be combined with the legalistic nature of organizations and avoid trends toward the personalization and politicization of management and law (Ben-Shahar & Porat, 2021; Demmke, Autioniemi & Lenner, 2021).

Especially, politicization has been extensively studied. A robust body of research demonstrates that increasing political control over bureaucracy tends to undermine, rather than enhance, government performance. Empirical studies around the world have found strong correlations between excessive politicization and increased corruption, decreased organizational performance, and reduced operational efficiency. Merit-based systems yield significantly better outcomes than politicized ones, including reduced corruption, improved efficiency, increased public trust, and enhanced civil servant motivation (Oliveira et al., 2024). In light of these empirical findings, current reforms warrant examination within a broader global context. Public administration scholars have increasingly focused on how populist politics affects bureaucratic capacity and civil service performance (Bauer et al., 2021), which has been termed "administrative backsliding" - the systematic weakening of bureaucratic institutions in countries experiencing democratic decline (Suzuki, 2025, 1-5). We will come back to this.

However, developments are not only towards polarization and democratic backsliding.

For example, values and trust levels fluctuate and are rarely lost or declined. Also, the question: *how much community does democracy need?* is not new, as such, and seems to be coming back in waves (Taylor, 2001). Some researchers (Mau et al., 2023, 380) show that many people have very

individual attitude patterns, but, despite all claims, there are no signs of linear and enduring polarization (Mau et al., 2023, 381). Instead, people also continue to support the traditional liberal concept of freedom (as the possibility to express individual opinions in a context of value conflicts and tolerance). Also, values like solidarity, equality, sustainability, impartiality, cohesion, tolerance, collaboration, and universalism do not go away easily (Synder, 2024). Again, whistleblowing has become more popular in times of growing perceptions of being vulnerable and growing suspicion that discrimination and vulnerability are hiding everywhere. However, the instrument has also become popular because of the perception that more should be done to protect employees and organisations against unethical behavior and discrimination. Thus, the more vulnerable a society or state institutions appear, the more likely it is also the intention is to protect vulnerable groups or people, be it through new laws, innovative instruments, or other new measures.

Unfortunately, these innovations and reforms rarely come without side effects, such as the curtailment of other freedoms, the creation of new administrative burdens, or a loss of trust and more suspicion in employees. For example, one should also note the growing number of popular books and social media that warn against an excessively developing value- or purpose-driven management, the general rise of moralism, the exaggerated commitment to political correctness, and the emergence of woke capitalism (Rhodes, 2022).

Unfortunately, in this debate, it often remains completely unclear what exactly moralism and political correctness are and which (outraged) interests are pursued in the process when warnings are given about "moralphobia" (Albig, 2022; Neuhäuser & Seidel, 2020; Neuhäuser & Seidel, 2023). Reference is often made to the rise of identity politics and gender language, and all of this is associated with excessive moralism. In addition, critics of modern democracies and supporters of so-called illiberal democracies claim that current social trends are moving towards too much diversity and identity thinking. Overall, individual autonomy and vulnerability thinking would be taken to the extreme and made absolute. These trends could destroy social cohesion within Western societies. Therefore, proponents of illiberalism advocate limiting (value) diversity and pluralism (Deneen, 2018) and argue for a return to traditional values such as family, nation, and certain religious values. These critics themselves emphasize the feeling of being vulnerable while being intolerant of other vulnerabilities and argue with the horror of either a value collapse that has gripped liberal societies or an excess of identarian moralism in the Western world.

The connection between all of these developments and corruption is as obvious as it is under-researched. Particularistic developments are suspected to promote corruption (Mungiu-Pippidi, 2016), as are anti-democratic and illiberal currents. Both developments currently seem to be increasing, but the connections are largely unexplored. For example, as it seems, moralism is less likely to be suspected of promoting corruption.

Individual values can be defined as subjective, complex, and personal standards, principles, and ideals (Bozeman, 2007, 13; Nabatchi, 2018, 60). Public service employees must represent the standards, principles, and ideals of the public service, i.e., the values of the public service. On the other hand, individual public values, such as transparency and protection of privacy, are always in tension with one another. Political goals and administrative reforms also pursue conflicting goals, for example, by aiming to achieve more efficiency and/or more effectiveness (quality) (Meier et al., 2023). Also, the provision of public values by the state (or through public-private partnerships,

outsourcing, or other collaborative forms of public service provision) is not always achieved; e.g., in the case of its violations of the rule of law, corruption, conflicts of interest, etc.

Thus, the provision of public services is not the same as the provision of public values. Rather, the concept of public value refers to the (normative) assessment of what should be created and maintained for the community by politics and administration. Public value theory has long been attributed to Moore (1995). For Moore, the goal of public service is to create public value, just as the goal of private sector leadership is to create private value (Moore, 1995). A similar definition relates the concept of public value to the evaluation of activities, actions, and results of government bodies for the common good (Nabatchi, 2018, 60).

The discussion about the provision of public values (since Andersen, 1993, 2017) is therefore also under constant suspicion of a decline in values. For example, it is argued that intrinsic common good values are increasingly being replaced by extrinsic, utilitarian, and monetary value prioritizations. In "What Money Can't Buy," Sandel (2012) discusses the damaging effects of developments from a market economy to a market society. The rules of the market have now infiltrated almost all areas of public life, including those in which other values have meaning: medicine, education, politics, law and order, art, sport, even family and relationships.

Anderson (1993) and Mazzucato (2018) discuss from different perspectives (political philosophy and political economy) the effects of monetizing public values.

Anderson (1993) criticizes the increasing importance of utilitarian thinking even in personal relationships. According to Anderson (1993), usually, the value of a personal relationship develops based on emotional experiences and regardless of any specific goals, intentions, or benefit assessments that we associate with this relationship. We experience love, trust, security, recognition, and interest, or - conversely - mistrust, insecurity, boredom, contempt, and hatred. Also, friendships, family, also employee relationships are not primarily experienced as valuable because they are beneficial. However, increasingly, human relationships are seen as valuable, as long as they produce meaning, benefits, purposes, or goals. This is problematic because different spheres of social life, such as the market, family, or the state, should also be structured by norms that express different ways of valuing people and things (Anderson, 1993, xiii). Also, the provision of some public services should not be seen from a utilitarian perspective.

Similarly, Sandel (2012) criticizes that public tasks (education, health, infrastructure) and even core areas of state action (security, security services, prisons), rights to intervene in fundamental rights, defense, warfare, space research, policy advice, etc.) are subject to a market mechanism and acquired and/or provided through monetary means. As examples, he cites the possibility of waging wars through private armies, buying citizenship, or buying and paying for reduced refugee quotas. In all of these cases, the question arises as to what consequences public values (and public service obligations) are replaced by other (utilitarian, economic or monetary) values (Sandel, 2012).

This topic is deepened - from an economic perspective - by Mazzucato (2018), who differentiates between value creation and value extraction. Mazzucato criticizes the prioritization of economic and self-interest values (Rent seeking) that lead to "the disappearance of value from the economic debate" (Mazzucato, 2018, 11).

Similarly, data-driven benchmarking focuses on those indicators and factors that can be measured. Increasingly, also, politics and administration also focus their attention on those topics, issues, values, and indicators that can be measured, benchmarked, ranked, rated, and assessed. These forms of governing and managing through numbers (evidence-based governance) support the valuation of competition and scientism (Münch, 2022).

Also, interest in ethics policies is growing, because they "pay" and produce tangible utilitarian outputs.

During the last two decades, renewed interest in the impact of institutions and the importance of the quality of institutions became a characteristic of the "Good Governance" discourse. At the beginning of the century, governments and international organizations started to acknowledge the link between institutional design, organizational behavior and government outcomes (Mauro, 1995; Knack & Keefer1995; Gupta, Davoodi & Alonso-Terme 1998; Mo, 2001; Welsch, 2004); Morse, 2006; Frey, & Stutzer, 2000; Holmberg, Rothstein & Naghmeh, 2009 & Rothstein, 2012). An "important trait of well-functioning states is good institutions" (Ahlerup, 2021, 359). These should be merit-based, impartial, participatory, accountable, transparent, responsive, and inclusive while respecting the rule of law (Dahlström, Lapuente & Teorell, 2012; Dahlström & Lapuente, 2017).

A growing body of Good Governance literature (Mungiu-Pippidi, 2015; Mungiu-Pippidi & Johnston, 2017; Mungiu-Pippidi, 2020) also backs up claims that good governance features are linked to positive governance outcomes such as lower corruption levels, higher trust levels, enhanced organizational- and individual performance, and to governance effectiveness (Meyer-Sahling et al, 2021; 2020; 2019; Bågenholm, Bauhr, Grimes. & Rothstein, 2021). A study by Suzuki and Demircioglu concludes that countries with professional and impartial public administration tend to have higher levels of national innovation outputs. The research highlighted the significance of having such a system in place for boosting innovation (Suzuki & Demircioglu, 2019, 755–782).

Other benefits of good governance and ethics policies are also discussed

Benefits of ethics policies
• Impact of Good Governance on individual, organizational, and country performance
• Impact of ethics management on reputation
• Impact on trust (amongst colleagues and in leadership)
• Impact on motivation
• Impact on engagement and commitment
• Impact on job recruitment
• Impact on image and Attractiveness
• Impact on turnover intentions
• Impact on conflicting interests

In 2024, the Nobel Prize in economic sciences was awarded to the researchers James A. Robinson, Daron Acemoglu, and Simon Johnson. By examining various political and economic systems, these researchers have been able to demonstrate a relationship between institutions and prosperity (Acemoglu, D. & Johnson, S. 2023, Power and Progress: Our Thousand-Year Struggle Over Technology and Prosperity, Public Affairs). They also developed theoretical tools that explain why differences in institutions persist and how institutions can. Overall, the researchers concluded that societies with a poor rule of law and institutions that exploit the population do not generate growth or change for the better. Contrary to this, overall, it can be proved empirically that (inclusive) democratic societies that are based on the rule of law perform better (https://www.nobelprize.org/uploads/2024/10/press-economicsciencesprize2024.pdf).

Overall, a high quality of governance is also related to the well-being of their citizens, greater environmental sustainability, lower income inequality and poverty, better education and health outcomes, and higher levels of subjective happiness.

Despite this evidence about the benefits of good governance and ethics policies, in many countries, trends have been from liberal democracies to autocracies or illiberal democracies (Nord, Angiolillo, Good God & Lindberg, 2025). "Since 2009 – almost 15 years in a row – the share of the world's population living in autocratizing countries has overshadowed the share living in democratizing countries. In the meantime, 71% of the world's population – 5.7 billion people – live in autocracies – an increase from 48% ten years ago. Electoral autocracies have by far the most people – 44% of the world's population, or 3.5 billion people. Today, only 29% of the world's population – 2.3 billion people – live in liberal and electoral democracies. Trends towards democratization are taking place in only 18 countries, harboring only 400 million people, or 5% of the world's population (Democracy Report 2024, University of Gothenburg, 2024, 6). As of 2024, almost 40% of the world population resides in Autocratizing countries (right panel of Figure below). For comparison, nearly no one lived in autocratizing countries in 1985-1988, and only 4% as late as 1997-1998. Over the last 25 years, that share has risen steeply and steadily to engulf an ever-larger proportion of people in the world (Democracy Report 2025, University of Gothenburg, 2025, 20).

This trend entails a decline in the freedom of expressing opinion, the freedom of association, the freedom of the media, justice, and other aspects of good governance. Also, the Liberties Rule of Law Report 2025 (which complements the European Commission's rule of law reports (see, for example, 2024 Rule of Law Report, COM (2024) 800 final) observes a deterioration of the rule of law across the Union. While individual countries exhibit variations, a broader observation reveals that all fundamental aspects of the rule of law – namely, the justice system, anti-corruption measures, media freedom, checks and balances, civic space, and human rights – have encountered similar and deepening challenges over the past few years (Civil Liberties Union for Europe, 2025). This highlights persistent and systemic deficiencies within the rule of law across EU Member States

2014

(chart, x-axis: Number of Countries Declining, y-axis: Number of Countries Improving)

Labels: Local Elections, Clean Elections, Elected Officials, Regional Elections, Freedom of Association, Freedom of Expression, CSO Participation, Judicial Constraints, Legislative Constraints, Suffrage, Rule of Law, Deliberation, Equal Access, Equal Distribution, Direct Vote, Equal Protection

2024

(chart, x-axis: Number of Countries Declining, y-axis: Number of Countries Improving)

Labels: Regional Elections, Clean Elections, Judicial Constraints, Legislative Constraints, Freedom of Expression, Equal Access, Local Elections, Rule of Law, Deliberation, CSO Participation, Suffrage, Elected Officials, Equal Distribution, Freedom of Association, Direct Vote, Equal Protection

Legend: ● Deliberative Component ■ Egalitarian Component ◆ Electoral Democracy ▲ Liberal Component ▼ Participatory Component

Source: Democracy Report 2025, V-Dem Institute, University of Gothenburg, 2025, 19

Since Good Governance features have always been seen as important preconditions for effective ethics policies, current trends towards critical governance and the disintegration of ethics policies from good governance policies influence the effectiveness of ethics policies. Vice versa, ethics management systems will not be effective as long as they are not integrated into other policies and management practices. Yet, unethical political leadership poses an additional burden on administrative leadership and administrative ethics. Schuster et al. (2022) show that bureaucrats with high levels of public service motivation are more likely to engage in voice and sabotage of unethical political leadership and governments with weak commitment to the public interest. Still, in reality, administrative ethics is not apolitical, and it is difficult for public administrations to correct or disregard any form of political ethics.

Moreover, the same applies if governance, public management, and Human Resource reforms are not compatible with values, principles, and ethics policies. For example, almost all countries support more mobility of employees and top officials between the public and the private sector, more outsourcing of public services (and other forms of collaborative delivery of public services), and the decentralization of HR responsibilities to line managers, more job discretion, job autonomy, and more job responsibility. All of these measures and trends may be well-intended. However, they all entail new ethical risks. Administrative ethics has little means to compensate for ethical risks that are generated by political, economic, governance, and managerial innovations and reforms.

As regards the latter, currently, value developments are towards more individualization (and state bashing) combined with a revival of the Leviathan – the interest in a strong, authoritarian, and protective state and leadership. In the future, this may also translate into a change of "moral politics" (Hurka et al. 2018, 428–447).

So far, this also means that values like "security" and "order" take an overriding importance. Still, countries may become more authoritarian and more individualistic at the same time.

1.6. Political change, political affiliation, and the effectiveness of public service ethics

Bureaucracy bashing, perceptions of increasing state failure, growing feelings of uncertainty, the lack of ambiguity-tolerance (meaning the desire to support clear and authoritarian solutions), and decreasing trust levels support the election of more right- or left-wing populists, so-called democratic backsliding, and illiberal trends.

So far, research has focused on the impact of different forms of populist rule on governance, political systems, society, and public administrations (mostly in the field of politicization) (Bauer, Peters, Pierre, Yesilkagit & Becker (Eds), 2021. For example, Bauer, Peters, Pierre, Yesilkagit & Becker (Eds.) (2021) show that, overall, favoritism, politicization, patrimonialism, personalistic rule and state capture are increasing in many countries (OECD, 2022; Bauer et al., 2021; Bauer, 2023; Hanson & Kopstein, 2024; Liz Barrett, 2021).

Despite these trends, the impact on ethics policies has remained outside the focus. It remains unclear whether more leftist, moderate-, or right-wing governments have different approaches to corruption, conflicts of interest, bullying, discrimination, or ethical leadership. Comparative research, for example, about the development of political integrity and parliamentarian integrity systems revealed (Blomeyer, 2024) that "factors such as an MP's gender, experience and political affinity do not allow establishing conclusive relationships with MP integrity" (Blomeyer, 2024, 227). As a principle, no political affiliation has an interest in corruption, fraud, bullying, or any form of individualization of interests. It is also difficult to link politicization, favoritism, and the hindrance of outside (judicial-, media-, and watchdog-) control to a specific political group or affiliation.

Likewise, it is also difficult to link ethical outcomes and ethical performance with political regimes and political systems. For example, different (good governance) indexes rank different countries differently in different (ethics) policies. Whereas Denmark and Finland are ranked as the least corrupt countries in the corruption perception index (2024), Germany, Denmark, Estonia, and Latvia are ranked best in the Impartiality Index (https://ourworldindata.org/grapher/rigorous-and-impartial-public-administration-index), and France is presented as a top performer in the OECD Integrity indicators review as regards conflicts of interest safeguards. However, research about state capture shows that corruption levels and state capture levels are linked to each other. The higher the state capture index, the higher are also levels of corruption (Kaufmann, 2024).

However, it can be shown that different types of conflicts of interest are perceived very differently by different media, populations, and by politicians from different political parties (Gimpel-Kempenaar & Kerkhoff, 2024; Blomeyer, *2024).*

One national answer to our survey mentioned that *"if you follow the public discussions in the various media, you tend to find that events that are labeled as cases of corruption are interpreted in the opposite direction by the other part of the political scene. So, we would not risk the answer that corruption and misconduct are tolerated – the problem lies rather in a certain misinformation or lack of credible sources of information in the media that leads society to misunderstand or misinterpret facts".*

Right-wing parties may want to support initiatives to stop, end, or reduce certain diversity programs or anti-discrimination programs. For example, in the United States, the election of

Donald Trump as President of the United States has also motivated major US companies like Meta, McDonald's, Walmart, Ford, and Lowe to stop or reduce their investments in diversity programs. Extreme right-wing affiliations also support trends towards authoritarian leadership, particularism, favoritism, the acceptance of state capture, patronage, and the weakening of outside and independent control and/or watchdogs. These trends may increase the risk for any form of unethical management, including corruption, fraud, and conflicts of interest.

Instead, more liberal political governance models seem to favor merit-based, impartial, and universalistic types of governance. However, again, our data does not allow for conclusions on whether political affinity determines ethics outcomes or the effectiveness of ethics policies. For drawing such conclusions, it would be important to examine political ethics, too, and a much broader set of (political) indicators and factors. For example, as we will see later on, the abuse of power, destructive leadership, or unethical leadership are independent of political interest.

Also, how power is exercised is (at least partly) independent of political interest. Take the case of hierarchical organizations as an instrument of exercising power. Despite all organizational reforms that have taken place throughout the last decades, no public organization operates without hierarchical structures. In this context, note the famous definition of power by Max Weber: Power means asserting one's own will within a relationship, even in the face of resistance. This definition applies independently of which type of form of political power (and leadership). Moreover, other forms of abuse of power (for example, Machiavellism, narcissism, etc.) exist anywhere and anytime. For Foucault, everything social is power. There is no power-free space. Any organization exercises power and with this, easily abuses power.

Still, our data suggests that political attitudes play an ever-stronger role in the fight against particular forms of unethical behavior. More countries seem to focus on the fight against some forms of unethical behavior and less on others, if they disagree politically.

Also interesting is another trend: All countries agree about the need to fight against unethical behavior. However, attitudes start to differ the closer we look at the different issues:

Take, again, the case of the fight against discrimination. In this field, all countries agree that fighting discrimination is important. Going more into detail, all countries also share the belief that fighting old-age discrimination, or fighting discrimination amongst men and women, is important. However, they increasingly differ as regards the importance of fighting discrimination in the field of sexual orientation and the definition of vulnerability. The same can be seen as regards attitudes towards the merit principle: On the one hand, all countries subscribe to the importance of the merit principle. On the other hand, more countries find it acceptable to deviate from a strict adherence to the principle and apply more derogations, flexibility, and exceptions in certain situations, or for certain persons.

Similar differences exist as regards attitudes towards transparency, the importance of privacy, independent and external control, the role of watchdogs, checks of balances, and the interpretation of the rule of law doctrine.

1.7. Technological innovation - Anticipating the impact of AI on public service ethics

Finally, when traveling the road of innovation, we end up with technological innovation: What is the relationship between technological innovation and the effectiveness of public ethics policies?

Obviously, this issue exceeds our ability to assess the effectiveness of ethics policies in national central public administrations. Therefore, we decided to focus on one development, which is of urgent importance for all European countries. Assessing the ethics of the introduction of artificial intelligence in the national central public administrations, with a focus on HR management.

This alone is a huge and ambitious undertaking. Currently, Artificial Intelligence (AI) systems are rapidly expanding (and continuously changing), with their influence reaching far and wide, profoundly shaping not only the national public administrations but also professional and personal lives. These systems have a pervasive presence across all sectors and for all categories of employees. Also, AI's role in HRM is increasingly significant. It influences recruitment decisions, workforce planning, performance assessment systems, and social interactions.

Although the EU AI Act entered into force as of 1 August 2024, so far there have been no comparative studies about the ethical effects of the introduction of AI in the national central public administrations.

Take the assessment of the emerging EU governance system in the field of artificial intelligence and the emergence of an entirely new AI bureaucracy. Here, the EU AI office (alone!) is expected to employ approximately 140 persons. So far, there have been no assessments about the management of ethical challenges (such as assessments of EU AI independence policies, conflict of interest policies, and CoI management within the EU AI office and the European Artificial Intelligence Board (Art. 64 and Art. 65 AI Act) and the ethical handling of dossiers by the comitology committee (Art. 97 and Art. 98 of the AI Act etc)) within this emerging EU AI governance system.

For example, we note that Art. 65 (7) of the EU Act states that the European Artificial Intelligence Board shall be organized and operated so as to safeguard the objectivity and impartiality of its activities. Both the European Data Protection Supervisor and the AI Office shall attend the Board's meetings but have no voting rights. However, the AI Office shall provide the secretariat of the Board (Art. 65 (8)) and also prepare the rules of procedure (which may also include rules as regards the (internal- or external) management of conflicts of interest).

As such, the EU AI Office shall encourage and facilitate the drawing up of codes of practice at Union level (Art. 56 (1) EU AI Act). By doing so, the EU AI office *may* invite all providers of general-purpose AI models, as well as relevant national competent authorities, to participate in the drawing up of codes of practice (Art. 56 (3) EU AI Act). Civil society organisations, industry, academia, and other relevant stakeholders, such as downstream providers and independent experts, may support the process. Thus, while drawing up codes of practice, the EU AI office has not only a very wide "networking" discretion. We also witness the emergence of an entirely new networking and lobbying system.

Overall, all of these new institutional features in the emerging EU AI governance system present their own ethical challenges, both on the EU and on the national level. As such, the newly

emerging AI bureaucracy on the EU level only mirrors what is happening on the national level. Central public administrations in the EU Member States are also required to set up a new ethics management system in the field of AI.

To this end (and amongst other existing global objectives), a first International AI Safety report was published in 2025, which summarizes the research and findings of 96 Artificial Intelligence (AI) experts, including an international Expert Advisory Panel nominated by 30 countries, the OECD, the EU, and the United Nations (UN). The report aimed to provide scientific information that will support informed policymaking.

In the report, most experts agree that AI is capable of several tasks (such as finding and summarizing information relevant to a question or problem from many data sources), whereas it is not yet capable of some other tasks (such as consistently avoiding false statements). It also concludes that general-purpose AI systems have markedly improved at tests of scientific reasoning and programming. Otherwise, the report is highly critical and much more critical than national answers to our survey questions about the critical effects of AI (which, again, may be explained due to the existing uncertainties as regards effects, as such).

Overall, the report finds that the future of general-purpose AI is remarkably uncertain. There exist technical methods for addressing the risks of general-purpose AI, but all of them have limitations. Risks and vulnerabilities can emerge at many points along the development and deployment process, making the most effective interventions difficult to pinpoint and prioritize. Advances in model development are also happening rapidly and are difficult to predict. This makes it difficult to articulate robust policy interventions that will age quickly with rapidly evolving technology. Not only are the risks and vulnerabilities associated with general-purpose AI likely to change, but the demands of model development are, too. The report concludes that "AI does not happen to us; choices made by people determine its future" (The International Scientific Report on the Safety of Advanced AI, 2025, p. 214).

As regards the role of AI in the national central public administrations and HRM, the management of artificial intelligence (AI) concerns humans' interaction with algorithms performing managerial tasks in organizations. In this field, research is continuously evolving (Hillebrand, Raisch & Schad, 2025).

The ethics of artificial intelligence cover a broad range of topics within the field that are considered to have particular ethical stakes. This includes algorithmic biases, fairness, automated decision-making, accountability, privacy, regulation, risk management, bureaucracy, and governance. It also covers various emerging or potential future challenges such as machine ethics (how to produce machines that behave ethically), AI safety, AI and technological unemployment, AI-enabled misinformation, AI and risks, the morality of AI (can you train AI to act ethically?), AI in recruitment policies, AI in performance management, AI in career development policies etc. As regards public sector policies, some AI application areas may also have particularly important ethical implications, like in the fields of personnel management, healthcare, education, or in the military, for exp., as regards the development of lethal autonomous weapon systems, and arms race dynamics.

Because of the fast spreading use of AI, there is an urgent need to discuss whether AI is capable of making ethical decisions and whether it is possible to create moral robots that process information similarly to humans (Swoboda & Lauwaert, 2025). Inevitably, this also raises the question of the

context (country, culture, language, religion) in which such robots would learn about ethics, ethical decision-making, and values, and whose morality they would inherit.

The relationship between ethics and AI in the public sector merits a proper, more detailed survey. However, given our limitations, we suggest to focus on the most important challenges in central public administrations and in the field of Human Resource Management (Keppeler, 2024; Kayas, 2023; Lukaszewski et al., 2024; Stone et al., 2024; Marler & Boudreau, 2017; Wirtz, Langer & Fenner 2021; Andrieux, Johnson, Sarabadani, Van Slyke, 2024; Eurofound, 2020; European Agency for Safety and Health at Work, 2023; Tursunbayeva, Pagliari, Di Lauro & Antonelli, 2022; Giermindl, Strich, Christ, Leicht-Deobald & Redzepi (2022); Wachter, 2024). Elsewhere, research about the link between artificial intelligence and ethics is also growing fast! (Smuha et al., 2025).

1.8. Managing the ethical challenges of innovative data-driven HR, HR analytics, and AI-enabled HR

The terms data–driven HR, AI-enabled HR, or people analytics do not refer to a technology, but to novel, quantitative, evidence-based, and data-driven approaches to manage and measure Human Resource Management policies.

Overall, the explosion of data, coupled with AI-driven progress in analytics, means that HRM can extract insights that generate many new effects. Already today, almost everything people do at work can be measured.

In the field of public management, Human Resource Management (HRM) and Ethics, organizations increasingly rely on data-driven HR and AI-enabled instruments such as people analytics to optimize human resource management practices in areas such as recruitment, performance evaluation, personnel development, health, and retention management. Currently, European central public administrations use data-driven HR analytics in various HR policies, but mostly in recruitment policies, as regards the anticipation of retirements (and demographic shifts), career development and training policies, workforce planning, job turnover, and – to a lesser extent – in the assessment of individual performance.

Thus, already at this stage, AI is being applied in most HR policies.

Figure 9: In which of the following HR fields do public organizations in your country intend to use data-driven people HR analytics/AI-based instruments?, N=24

	Yes	No	Other	Total
Workforce Planning	16	5	2	24
Recruitment policies	20	2	2	24
Career development and training	17	4	3	24
Individual performance assessment	9	8	5	24
Health Management	8	8	6	24

Job Termination	4	12	6	24
Anticipating retirements and demographic shifts	17	1	5	24
Job turnover	13	5	6	24
Mobility policies	11	6	5	24
Integrity management and measurement	3	13	5	24
Anti-Discrimination policies	2	11	8	24
Diversity Management	4	11	6	24
Others	1	5	7	24
Total	**125**	**91**	**66**	**24**

However, as such, trends in the field of data-driven management, machine learning, measurement, and artificial intelligence (AI) are considered to be highly ambivalent. While they produce huge opportunities, they also bring high risks and challenges. For example, the relationship between ethics and AI raises the questions whether AI can be safe, whether AI can respect privacy, whether AI can be fair, whether AI can be responsible, and whether AI can incorporate human morality (Schaich-Borg, Sinnott-Armstrong & Conitzer, 2024). All of these issues are uncertain.

To this end, the EU Artificial Intelligence Act (EU AI Act) tries to strike a balance of risk management and protecting critical infrastructure from potential pitfalls, while promoting the innovations that general-purpose AI can bring with it.

The EU's Artificial Intelligence Act (AIA) sets out four risk levels for AI systems: unacceptable, high, limited, and minimal (or no) risk. As such, High-risk AI systems referred to in Article 6 (2) are systems used for recruitment or selection, particularly targeted job ads, analyzing and filtering applications, and evaluating candidates; promotion and termination of contracts, allocating tasks based on personality traits or characteristics and behavior, and monitoring and evaluating performance. The EU Act also refers to the so-called EU Data Protection Regulation 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data¨. In February 2025, the European Commission also published a Communication with Commission Guidelines on prohibited artificial intelligence practices established by Regulation (EU) 2024/1689 (Commission (2025) 884 final as of 4 February 2025).

When considering the wide use of AI in most HR policies, it remains unclear how countries manage the risks in those HR areas and sectors, as mentioned in the EU AI Act.

For example, a study by Jiang, Park, Xiao & Zhang (2025) concludes that "higher AI exposure—whether stemming from the ChatGPT shock or broader AI evolution—is associated with longer work hours and reduced leisure time, primarily due to AI complementing human labor rather than replacing it" (Jiang, Xiao & Zhang, 2025, 1). Since this study is one of the first existing empirical studies about the link between AI and work hours, the topic merits further investigation in European public administrations.

This study investigates how occupational AI exposure impacts employment at the intensive margin, i.e., the length of workdays and the allocation of time between work and leisure. Drawing on individual-level time diary data from 2004–2023, we find that higher AI exposure, whether stemming from the ChatGPT shock or broader AI evolution, is associated with longer work hours and reduced leisure time, primarily due to AI complementing human labor rather than replacing it. This effect is particularly pronounced in contexts where AI significantly enhances marginal productivity and monitoring efficiency

Overall, it is widely accepted that treating employees as quantifiable data objects, rather than as cultural, social human beings, can be ethically questionable. At times, human engagement can also be too complex to be measured, evaluated, and analyzed in a data-driven way similar to other parts of the organization. Because human behavior is much more complex and much less predictable than that of machinery or other tangible assets, reducing complex human characteristics and behavior for representation by data points and numbers is problematic.

Therefore, AI systems should be Data-responsible, and employees should agree about the processing of their data. However, requiring consent does not solve the problems. For example, people rarely have free choice to reject privacy-threatening technologies. Moreover, even if people were informed or read the terms of use policies, it is unlikely that they would understand them. As such, AI technologies are becoming so complex that most people will not have sufficient knowledge to understand the implications of using AI.

On the other hand, HR offices should only use what they need and delete when the data is no longer needed. Likewise, data should only be collected in an authorized manner, and employees should give their consent. Overall, AI systems should only collect and use data in accordance with (EU- and national) privacy and data protection laws. European countries agree on this, although there is still some disagreement about what exactly privacy is. Still, the EU-wide definition agrees that some objects, experiences, and types of information should be kept hidden if people want to, especially when they are inherently sensitive, personal, or make people vulnerable to exploitation or intentional harm. Thus, privacy can be defined as the extent to which people "have control over whether others observe us, or determine our reality. We lack privacy to the extent that we do not control information...." (Schaich-Borg, Sinnott-Armstrong & Conitzer, 2024, 81). In reality, "AI´s promise has contributed to a cultural ecosystem where our privacy is violated so continuously that many in society no longer do much to try to stop it" (Schaich-Borg, Sinnott-Armstrong & Conitzer, 2024, 108).

Compared to other forms of data-driven analytics, data-driven HR analytics has the potential to be more invasive to employees, also in interfering with the individual's way of working and living in several ways: The data collected for HR analytics may tend to be by their nature, very sensitive, granular and personal. Today, HR departments have the tools to extract personal data in various ways. These types of HR analytics concern image and video analytics, text analytics, sentiment analytics, and voice and speech analytics. Thus, HR departments are in the position to trace activity data, conversation data, and photo or video data, which immediately raises privacy and data protection concerns that result from increasingly intrusive actions of people analytics.

However, again, the introduction of AI and data-driven analytics also presents huge opportunities. In our survey, we suggested to the Member States a list of the most important discussed positive and critical effects of HR-analytics. We asked the Member States about the anticipated effects of

the introduction of Artificial Intelligence in the national central administrations, with a focus on the field of HR policies.

Most countries replied that the given responses are exploratory and reflect the current state of foresight. As such, AI is gradually being used in public HR. Most countries are in the process of developing government strategies for the use of AI in human resources management. In some countries, like in France, several ministries are experimenting with cases (htps:/w.fonction-publique.gouv.fr/files/Publications/Publications%20DGAFP/2024/guide-strategie-usageinteligence-artificiele-EN.pdf).

Most countries (would possibly) subscribe to the French answer to our survey: *"While AI-based HR tools offer promising potential, their deployment in the public sector requires the involvement of all stakeholders, appropriate governance, awareness-raising and training initiatives, and an ethical framework to guarantee transparent, responsible and secure use (...). Concerns about privacy and the potential impact on the autonomy of public servants, for example, underline the importance of an ethical framework and enhanced social dialogue around these technologies".*

In our survey, we offered the European countries and the EU a menu of potential positive and critical effects and asked them to reply which of these effects are anticipated.

Managing the ambivalent effects of HR analytics

Positive Aspects

- HR analytics can decrease costs, enhance efficiency, effectiveness, fairness, and objective decision-making, and improve individual and organizational performance
- Decision-making suggested by AI is often more objective, superior to human decision-making, and less prone to error and bias
- HR analysis can quickly process large amounts of data
- HR analytics is thought to increase fairness and justice
- HR analytics is better able to predict, modify, and manage HR developments than human HRM
- HR analytics can better design individualized solutions to career development needs
- HR-Analytics can also be used for ethical advice
- HR-Analytics are useful and potentially effective tools in the field of recruitment policies, training, and career development
- Increasingly, HR Analytics can also be used as an instrument in the field of moral and ethical advice
- Large language programs can be used as moral experts in providing guidance and advice in dilemmas
- HR analytics software is developing fast and is constantly improving
- Increasingly, algorithmic decision-making is less biased decision making by human
- In a time of remote working, the use of some AI monitoring systems is legitimate and useful

Critical Aspects

As such, the EU AI Act defines HRM as a high-risk area

- Overall, AI-Analytics/AI-Intelligence system requirements are in conflict with data protection and the protection of privacy. Collecting data by AI software may be very intrusive, sensitive and personal.
- Deep and even dangerous invasions into privacy are possible through facial expression analysis, voice analysis and computer tracking. Like this HR analytics can be used for employee surveillance.
- Often, HR officials lack the required skills to manage HR analytics, and this will continue because HR analytics develop and change faster than skill developments
- HR officials are not sufficiently trained and lack the skills to interpret HR analytics suggestions. Also, this challenge is likely to continue because of constant technological developments in the field of AI
- HR departments lack insights as regards which HR analytics software to use and which software can be trusted
- HR departments are not yet equipped with (interdisciplinary) experts who can design, implement, monitor, and interpret HR analytics and outputs
- Often, organizations are constantly running behind the need to implement a fully fledged risk assessment and ethical governance system
- Overall, when implementing HR analytics, there is a danger that HR departments and AI experts mindlessly use new software/instruments without proper ethical considerations (risk assessment)
- HR decision-making and engagement are too complex to be measured and analyzed in data-driven ways. Overall, treating employees as quantifiable data objects is ethically questionable
- In the past, HR analytics have created concerns of biases in recruiting people, performance assessment, and compensation decisions.
- By measuring people´s motivation, skills, competence and performance through a set of measurable indicators, AI systems risks oversimplifying complex (human) features
- Overall, HR analytics present an illusion of objectivity
- Despite the fact that algorithmic decision-making is perceived as more objective, decisions made by humans are regarded more favorably.

Most country' responses can be summarized as follows:

Overall, countries anticipate

- several positive effects of the introduction of AI (HR analytics). At the same time, they are also aware of the emergence of
- some critical effects, mostly as regards conflicts between the introduction of AI and data protection issues.

Countries also mention that HR officials are

- not yet made sufficiently aware of the nature of HR analytics. They are also not (yet) sufficiently trained. Most countries also
- anticipate a new and/ or added wave of administrative burdens that comes along with the implementation of the EU AI Act.

As regards the anticipated positive effects, countries expect positive effects as regards the possibility to improve organizational decision-making, the possibility to raise efficiencies in the

field of HRM, a better anticipation of workforce developments, retirements, and turnover intention, the optimization of recruitment procedures, and the professionalization of training policies.

Figure 10: Potential positive effects of AI in the field of HRM

	n	Percent
Optimization of human resource management practices in recruitment policies	18	78,3%
Professionalization and individualization of training needs	17	73,9%
Improvement of individual performance through enhanced performance evaluations	7	30,4%
Enhancing the organization's performance	16	69,6%
Raising the efficiency of core human resource (HR) functions	19	82,6%
Better anticipating and predicting workforce developments, retirements, and turnover intentions	18	78,3%
Better understanding of individual motivation	5	21,7%
Measuring workplace behavior and integrity	2	8,7%
Improving organizational decision-making with the support of data-driven assessments	20	87,0%
Increasing fairness, transparency and objectivity through people analytics	7	30,4%
Generating ethical advice on ethical risks in the organization	4	17,4%

As regards the anticipated critical effects, most countries agree that the instrument of data-driven AI and AI analytics raises privacy and data protection concerns (see also Dewitte, 2025, in Smuha et al (ed., 2025; Nisevic, Cuypers & De Bruyne, 2025). This is also in conformity with a study from the Institute of Business Ethics (IBE, 2025, 5) about the Future of the Workspace which concludes that 48% of all surveyed employees are concerned about the misuse of AI for unethical behavior (and, amongst others, 43% are concerned about a loss of human interactions at the workspace and 39% about increased surveillance and monitoring at the workplace).

Other than these concerns, our data does not suffice to provide a comprehensive overview of the critical implications of AI systems in central public administrations. Nor is it our purpose to propose concrete solutions to specific problems arising in that context. Rather, it aims to walk the reader through the main concerns of the European countries, as mentioned in the study.

For example, many countries do not see an absolute contradiction between data protection and the introduction of HR analytics.

European Commission: EU AI Act and GDPR – different goals, but complementary

HR analytics and the EU AI Act, in combination with the GDPR have different goals.

The first aims to provide data for informed decision-making on HRM to optimize and enhance its efficiency.

The GDPR serves two purposes: the first is to ensure the defense of the fundamental rights of data subjects, and the second is the free but secure movement of personal data. The GDPR therefore exists to allow the processing of personal data, which is essential to the pursuit of HR policies. What the GDPR requires is that the collection and processing of data within the scope of 'data-driven' HR policies be carried out in strict compliance with the principles of the GDPR and other applicable data protection legislation.

It must be ensured that the collection and processing of data respect the principles of purpose (a legitimate and specific purpose related to human resources management must be pre-established), data minimization (only data that is strictly necessary for the purpose in question may be collected), transparency/information (employees must be informed clearly and transparently about the collection and processing of their data, including the purpose, recipients and their rights), the legitimacy of the processing (in most cases for the performance of a contract, but it could be any of the other lawful grounds set out in Article 6 of the GDPR). The rights of data subjects (employees must be able to exercise their rights of access, rectification and, where applicable, erasure, restriction of processing and objection).

In what regards the AI Act, one of its aims is to promote the uptake of human-centric and trustworthy AI, while ensuring a high level of protection of health, safety, fundamental rights enshrined in the Charter, including democracy, the rule of law and environmental protection, against the harmful effects of AI systems in the Union and supporting innovation. As such, it provides AI developers and deployers with clear requirements and obligations regarding specific uses of AI. High-risk AI systems, which include HRM (employment, management of workers, and access to self-employment), are subject to strict obligations such as adequate risk assessment and mitigation systems, high quality of the datasets feeding the system to minimize risks and discriminatory outcomes, clear and adequate information to the deployer and high level of robustness, security and accuracy, among others.

The EU AI Act and the GDPR set out the obligation to implement impact and risk assessment to identify and mitigate threats to people's personal information, rights, and freedoms.

Therefore, it seems to us that HR analytics tools could be designed to ensure compliance with data protection rules (data protection by design and by default) and the obligations stemming from the AI Act (preventing bias and unfair treatment).

To summarize, HR 'data-driven' policies and data protection policies are not contradictory, but complementary. Both must be reconciled by implementing measures that guarantee the lawful, fair, and transparent processing of workers' data by the GDPR.

However, most countries expect clear tensions between these two policies. It, therefore, seems to be high time to clarify how to balance AI and data protection objectives. This may be challenging, for one simple reason: Of course, countries are eager to benefit from the introduction of AI, as much and as fast as possible. In this context, it will be difficult to "halt" developments, even if they are risky, because countries want to enjoy the benefits first. In this context, we suggest coming back to one of the central findings in this study. Whereas countries consider ethics policies as important, they are nonetheless less important than other public policies, such as climate change policies, security policies, or migration policies. However, precisely because of this, ethics policies are a precondition for good public policies. One could apply these findings to artificial intelligence.

While the benefits of AI policies are considered highly important, critical side effects are seen as less important. However, precisely because of this, ethics policies are a precondition for good artificial intelligence policies.

Figure 11: Critical effects of the introduction of AI in the field of HRM

	n	Percent
The data provided by data-driven/AI instruments can become too complex to be fully understood by HR employees and managers	12	63,2%
HR decisions based on data-driven/AI instruments raise the question of who is accountable for a managerial decision and its ethical implications	8	42,1%
Human behavior can be too complex to be measured, evaluated, and analyzed by data-driven analytics/AI systems. Therefore, reducing complex human characteristics and behavior to representation by data points and numbers is problematic.	8	42,1%
Compared to other forms of data-driven analytics, AI analytics is more invasive to employees, for example. Increasingly, employees face more and more invasive information collection, processing, and dissemination.	7	36,8%
The instrument of data-driven and AI-based HR management raises privacy and data protection concerns that result from increasingly intrusive actions of people analytics.	15	78,9%
Increasingly, employees might not have the opportunity to object to their data being evaluated or to stop their data being shared with external analytics providers.	7	36,8%
Data-driven HR instruments (such as People Analytics) do not sufficiently address the issue of surveillance, constant tracking, and algorithmic control of workers.	3	15,8%
Tracking and collecting individual data can foster feelings of being controlled, and can impede workers' autonomy.	9	47,4%
Data-driven and AI-based HR policies rely on an overly strong belief in the algorithms' processes, results and capability to predict reliable outcomes correctly.	10	52,6%
Algorithms represent a simplified model of human behavior that is restricted to a set of measurable dimensions or proxies of behavior. Such an oversimplification of complex features can misrepresent reality.	12	63,2%
Data-driven and AI-based HR policies fail to consider the complex, decisive nature of knowledge work and human interaction. They reduce valuable qualitative aspects of employees' performance to quantifiable metrics, thus failing to adequately consider all aspects of performance, engagement, and motivation.	9	47,4%

Another conflict can be seen between the introduction of AI and HR analytics in the field of HRM and the need to, as fast as possible, train employees and make HR staff aware of the potential of AI and the risks involved, as mentioned in the EU AI Act. Most countries mention that HR officials are not yet sufficiently trained about the potential high risks existing in the field. Here, one should also mention that, given the high speed of change in the field of AI, in the future, countries will have to invest more resources in training (also, because training must itself be adapted to the changes in the field).

The case of France

"In France, training courses on the use of high-risk AI systems in HR have begun, notably public service schools and ministerial institutes as part interministerial digital campus. The aim these initiatives is to raise awareness among supervisors, managers al employees' issues, opportunities risks associated with tools, provide them tools for ethical use, accordance requirements Act. view acceleration technology, which quickly renders skills learned obsolete, against a backdrop longer careers, ability to adapt and train throughout one's life will become more important".

European countries are increasingly confronted with new and ever-evolving challenges arising from technological change in the area of AI (and, corresponding to this, also the creation of ever-new opportunities and risks). As innovative technologies are moving targets and constantly changing, so is the need for ever-new regulatory adaptations, administrative provisions, and training needs in countries that see themselves out of step with the latest technological developments.

Figure 12: Training sufficiency of HR managers in the field of AI

	Yes	No	Do not know	Average	Median
HR managers/officials are sufficiently trained/made aware of the potential high risks of the introduction of AI systems in the field of AI	5,0%	65,0%	30,0%	2,3	2,0
HR managers/officials are not yet sufficiently trained/made aware of the potential high risks of the introduction of AI systems in the field of AI	68,4%	5,3%	26,3%	1,6	1,0
While implementing the EU AI Act, national administrations have started to invest in providing guidance, advice, and training in the field	45,0%	10,0%	45,0%	2,0	2,0
Total	**39,5%**	**26,8%**	**33,8%**	**1,9**	**2,0**

Another neglected topic, so far, in the discussion about the implementation of the EU AI Act and the introduction of AI management in administrative life is the emerging administrative burden.

The EU AI Act requires deployers and/or providers in section III and IV to set up a new AI administrative and management infrastructure, for example through the establishment of national competent authorities (Art.70), the setting up of risk management system (Art. 9) and quality management assurance systems (Art. 17), a fundamental rights assessment (for deployers under public law - Art. 27, the introduction of conformity assessments (Art. 43 and Annexes VI and VII), the creation of sandboxes (Art. 58) and the need to draw up codes of ethics including new governance mechanisms (Art. 95).

We, therefore, asked countries about the anticipated administrative burdens.

Figure 13: The introduction of AI and anticipated administrative burdens

	n	Percent
These new administrative, managerial, and monitoring requirements are in the process of implementation and are likely not to cause additional administrative burdens and administrative challenges	4	25,0%
These new administrative and managerial requirements are in the process of implementation and cause new administrative challenges, such as new administrative burdens, monitoring costs, and a new monitoring bureaucracy.	8	50,0%
These new administrative and managerial requirements will cause new administrative burdens and will add to the legal and administrative fragmentation in the field of ethics management, for exp., as regards the implementation of Art. 27 that (specifically) applies to deployers under public law.	7	43,8%

Most countries confirmed that the new administrative requirements will create new and/or add new administrative burdens. This development, as such, could be added to our above-mentioned discussion about the costs and benefits of ethics policies. So far, no country foresees the exact costs for the implementation of the new administrative requirements in the field of artificial intelligence.

Countries find themselves in a conflicting situation.

On the first hand, they eagerly embrace the opportunities that AI and HR analytics may bring. As such, the introduction of AI is also seen as a competitive factor that promises huge efficiency gains. If countries want to remain competitive, they need to embrace AI, and fast. Like this, AI is also seen as offering many chances, opportunities, and positive effects.

On the other hand, almost all existing academic research warns against the critical potential of data analytics. And, precisely, because of the critical potential, the EU–AI Act has set out four risk levels for AI systems: unacceptable, high, limited, and minimal (or no) risk. High-risk AI systems referred to in Article 6 (2) are systems used in the field of HRM (for recruitment or selection, particularly targeted job ads, analyzing and filtering applications, and evaluating candidates; promotion and termination of contracts, allocating tasks based on personality traits or

characteristics and behavior, and monitoring and evaluating performance). While most academics also welcome the potential of AI, they discuss the great potential of abusing AI in the field of HRM. This matches exactly with the risk methodology applied in the EU AI Act.

However, as such, the issue of digital monitoring and surveillance of employees is also not a new phenomenon. For example, why should employers not have legitimate reasons for surveilling their employees? "for example, to protect an organization's assets and property rights, track performance and optimize processes, ensure occupational safety and compliance with legal and regulatory requirements, and prevent criminal or fraudulent activities. In some sectors, there may be a legal or regulatory requirement for employers to carry out a certain degree of monitoring" (Eurofound, 2020).

Still, most researchers argue that new forms of HR analytics could be easily abused by political interests and have serious negative impacts on workers' privacy, dignity, and autonomy, particularly in the case of misuse of AI. According to a report by the European Foundation for the Improvement of Living and Working Conditions (2020), "technological change has opened the door to more intrusive employee monitoring and surveillance – going beyond the use of conventional forms of monitoring, such as closed-circuit television (CCTV) cameras and the monitoring of emails, internet usage, and telephone calls. Digital technologies are increasingly ubiquitous and allow for connectivity anytime and anywhere. (....). These issues are likely to become more prominent as technologies, such as wearable and biometric technologies, quickly develop and become more sophisticated and increasingly affordable, enabling increasingly powerful and intrusive employee monitoring (...). The implementation of intrusive and excessive monitoring in the workplace can have unintended consequences and can be counterproductive, not only by leading to a deterioration of aspects of job quality but also by negatively affecting organizational performance. Research suggests that the type and extent of monitoring, as well as employee involvement, are important variables that can influence outcomes. All in all, there is a fine balance to be struck between the legitimate business interests of the employer and employees' right to privacy and expectations in this regard" (Eurofound, 2020, 3 and 41).

In our survey, several countries confirmed that they are using AI analytics in the field of performance assessment. We also observe that some countries include the assessment of employees' ethical conduct in the yearly performance appraisal (and, often, within the scope of competency frameworks). We also note the quickly developing AI performance management software on the market. Often, companies selling this software as huge opportunities, but do not inform about the challenges. The software allows highly granular monitoring practices and assessment methods.

Thus, increasingly, countries also assess individual behaviors, personal values, personal dimensions, group identity, public service orientation, and how employees contribute to organizational trust and the image of the national public service. Assessing these criteria is difficult but may be facilitated with the support of AI. However, when doing so, this also opens more possibilities for the surveillance of individual personal behavior.

Doomsday scenarios do not help. Instead, what is needed is awareness and clarity about both opportunities and challenges. For example, better insight is needed about the impact of human oversight on countering discrimination in AI-aided decision-making for sensitive tasks (European Commission, Joint Research Centre, 2024).

Again, the dilemma should be noted: Opportunities are tempting, and critical effects are dragging.

For example, promising opportunities concern developments in the field of virtual recruitment, virtual training, virtual workspaces, and virtual meetings. Contrary to these, *"virtually"* everything an employee does (on the computer) will be possible to monitor and to measure. AI analytic tools available to HR- and AI teams like image and video analytics, text analysis, sentiment analysis, voice analysis, language programs, AI- supported performance monitoring and time management programs can track almost every human activity and change HR- and performance management to the better, and the worse (Marr, 2024).

Ultimately, the way countries use AI and HR analytics is not only a management decision, but also a political decision.

Both deal with a dilemma: In the field of data-driven HR analytics (and AI, as such), the benefits of using AI are obvious and important. Contrary to this, dealing with the ethical challenges is complex and highly challenging. Ethical challenges also differ in the various HR policies, ranging from HR planning, Recruitment, Employee Selection, Training, Compensation Management, performance Management, and Assessment. Moreover, the possible applications of AI in the field of HRM are almost endless, and numerous ethical perspectives lead to different conclusions (Andrieux, Johnson, Sarabadani & van Slyke, 2024, 4). Therefore, countries may be tempted to enjoy the benefits and find it difficult to consider and manage the critical aspects. Indeed, AI offers as much the image of a dream of a better society and the greatest "happiness of the greatest number". However, it also offers the development of a Panopticon, the perfect theatre in which everything and anybody is visible (Jeremy Bentham, 1748-1832).

C. METHODOLOGICAL APPROACH – CHALLENGES AND LIMITATIONS

1. Focus on central public administration

The purpose of the study is to compare and analyze the effectiveness of existing rules, policies, instruments, and the management of ethics policies in central public administrations in Europe. Moreover, the study takes an interest in how the national central public administrations respond to new ethical challenges arising from public administrative reform and innovation, with a focus on the link between the introduction of artificial intelligence in central public administrations and the management of ethical challenges.

As such, there exists no commonly agreed-upon definition of key concepts such as public sector, public services, civil services, and public administration, not to mention 'central' public administration (Sommermann, Krzywon & Fraenkel-Haeberle (eds.), 2025). This absence is problematic when comparing distinct public administrative systems, civil services, public institutions, or when addressing central public administration from a sectoral (government, education, health) or functional (central, regional, local) approach

Without entering into a lengthy discussion about the pros and cons of the various definitions and concepts, we have decided to define central public administration as excluding deconcentrated government levels at the regional and local. However, CPA can include agencies and public service bodies supervised by the central government, but depending on the country's definition (thus, Sweden would exclude the situation of the Swedish independent agencies for this study).

Table 5: The concept of central public administration
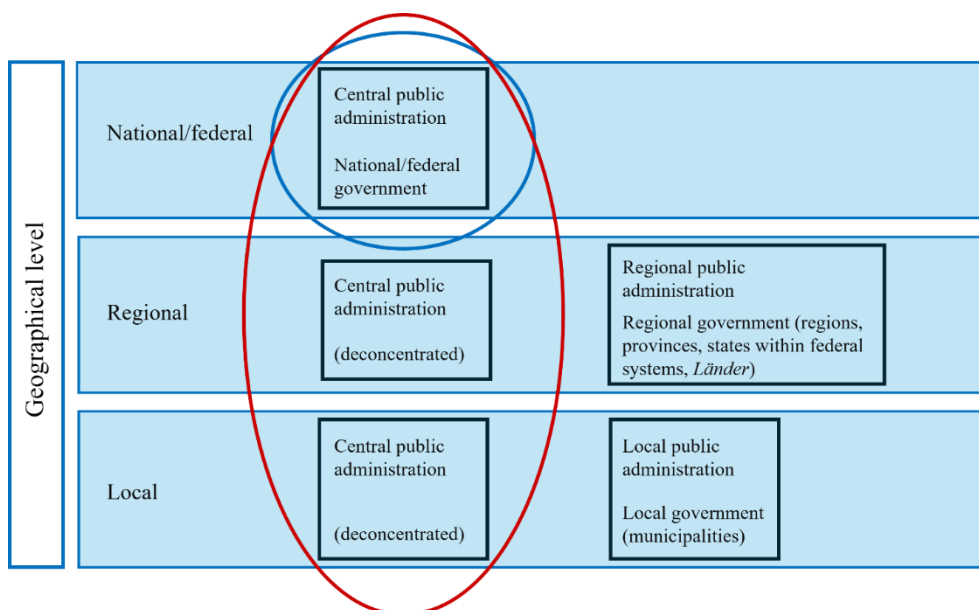
Central public administration excluding deconcentrated levels
Can include agencies and public service bodies supervised by the central government, depending on country definition

Central public administration including deconcentrated levels
Decisions are made at central (government) level and can be implemented at central, regional or local level

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P.S. European Foundation for the Improvement of Living and Working Conditions, 2013, Eurofound's definition of central public administration, Working Paper, Eurofound, Dublin

This study also builds on an earlier study (Demmke & Moilanen, 2012)) about the *"Effectiveness of Public-Service Ethics and Good Governance in the Central Administration of the EU-27"*. However, research (and survey questions also differ and are adapted to the changing context (especially as regards the developments in the field of Artificial Intelligence). Moreover, the contributing countries are not the same.

Therefore, it is difficult to produce longitudinal data that compares the situation in 2012 with the situation in 2025. Overall, extracting longitudinal data and analyzing the effectiveness of ethics policies over longer periods of data poses great methodological challenges. Take the case of the continuous developments and changes of definitions, policies, and instruments. For example, in 2012, the term "revolving door" was rarely used. Instead, countries focused on "post-employment". Moreover, terms like anti-discrimination, vulnerability, and diversity had other meanings. Again, the relationship between artificial intelligence and ethics was not discussed at all.

Also, today, more disciplines study the effectiveness of ethics policies from different angles, with different interests, methods, and use different approaches: Typically, lawyers focus on (the interpretation and enforcement of) legal instruments and easily ignore political, organizational, HRM, or psychological aspects, or the socio-economic context. Psychologists easily ignore interests, power relations, and the political context of ethics policies. Political scientists underestimate the grand tradition of "law" in the field of ethics. Management focuses on processes, procedures, and leadership, and easily neglects the importance of HRM (theories) or organizational theories. During the last years, trends have also been very strong in the field of behavioral ethics and, of course, in the field of digitalization and artificial intelligence and ethics.

Thus, we note that a full understanding of the study of (in-) effective ethics policies can only emerge as a result of a highly ambitious multidisciplinary effort. Therefore, we consider this study only as the beginning of this endeavor.

2. Research questions and hypotheses

Given these restrictions (and our limitations), we have decided to define our research interest as follows.

Our main research questions in this survey are the following:

> 1. What do we know about the effectiveness of ethics policies as regards unethical outcomes such as corruption, fraud, conflicts of interest, bullying, (sexual) harassment, and other forms of unethical (workplace) behavior (definition Leo Huberts et al.)?

> 2. What do we know about the effectiveness of individual ethics policies, such as revolving door, disclosure policies, whistleblowing policies, and anti-discrimination policies?

3.	What do we know about the effectiveness of instruments used in the field, such as ethical leadership, rules, codes of ethics, training, enforcement, behavioral instruments…?

4.	What do we know about the effectiveness of ethics management and the institutionalization of ethics policies, such as centralization/decentralization, self-regulation/management vs. independent management, and coordination amongst ethics bodies?

5.	What do we know about the effectiveness of measuring ethics policies (measuring corruption, measuring conflicts of interest, measuring harassment, etc.)?

6. What do we know about innovation/change processes of governance and public administration, and the impact on ethics and unethical behavior, such as outsourcing, public-private partnerships (PPP), collaborative forms of governance, and artificial intelligence?

While all these six research questions merit being treated equally in our analysis, neither time nor resources have allowed us to study all of these elements in full detail. We suggest that further research is needed to investigate in more detail all of these issues.

Next, we operationalized the research by developing the following hypotheses, which were tested case by case while analyzing the existing empirical data. We will (empirically) test our hypotheses at the end of this survey.

Hypotheses

H 1 Reforms and innovations in ethics policies are mostly a reaction to scandals rather than to carefully designed and planned strategies. Scandals are typically followed up by the adoption of more detailed and stricter rules/standards without considering implementation challenges

H 2 Instead of condemning all forms of unethical behavior, there exists a great diversity of judgments (ranging from gravely condemning to openly tolerating) for different cases and forms of unethical behavior.

H 3 During the last decades, governments have increasingly introduced changes in the delivery of public services like the introduction of public-private partnerships, outsourcing, and co-production management. etc. Public authorities have difficulties managing conflicts of interest in cases of constantly evolving public-private partnerships, outsourcing or co-production.

H 4 Countries assess leadership as the most effective instrument in the fight against unethical behavior, while it is also the greatest pressure and source of unethical conduct. Countries admit that trying to be an ethical leader in practice is constrained and dependent on a number of contextual and situational factors.

H 5 In the field of ethics policies, trends are towards the adoption of ever more policies, rules, wider concepts, stricter standards, and the institutionalization of ethics policies, but not necessarily towards improvements in the monitoring, measuring, and enforcement of policies

H 6 In the field of ethics management, the greatest challenge is the enforcement of policies, the management of revolving door policies, and the measurement of policies.

H 7 Ethics policies are managed by ever more ethics institutions, committees, bodies and offices. There is a high risk that the institutionalization of ethics policies is leading to institutional fragmentation and growing coordination challenges amongst the responsible ethics bodies.

H 8 The field of disclosure management is characterized by increasing complexities and difficulties as regards the monitoring of disclosure information.

H 9 In the field of HRM, austerity policies, pay, recruitment, and mobility policies are most vulnerable to integrity violations

H 10 Measuring ethics policies is progressing in the field of corruption, but not in other ethics policies. However, the whole field is suffering from ongoing shortcomings in data management.

H 11 As regards the innovation of ethics policies, countries place high trust in non-regulatory approaches, although the most popular instruments so far are regulatory approaches

H 12 Countries support the introduction of AI in public administration because of the supposed beneficial effects of AI and because countries are uncertain about potential critical ethical challenges

H 13 Whereas in academic literature, most risks are associated with the introduction of AI in the field of performance assessment (as this may allow for additional forms of employee surveillance, control, and violations of privacy rights). Contrary to this, countries are eager to introduce AI in this field

H 14 The development of data-driven HR analytics and data protection is contradictory

H 15 The Implementation of the EU AI Act increases administrative burdens

H 16 The organization and institutionalization of ethics management are linked to the different constitutional, legal, administrative, and organizational structures in the various countries. There exists no best-practice model in the field

H 17 Countries do not carry out integrated assessment cost assessments about the costs of ethical misconduct in the various policies. Best known are cost assessments in the field of corruption.

H 18 Ethics policies cannot be effective as long as they are not integrated into other (good) governance logics, organizational cultures, and organizational justice, and aligned with political interests supporting these policies. Current trends are towards the instrumentalization of ethics policies for political purposes.

H 19 Generally, factors such as political affinity do not allow for establishing conclusive relationships with different approaches to handling corruption, conflicts of interest, bullying, or ethical leadership. However, centre-right, or right-wing governments are more critical towards the introduction of strict er) concepts in the fields of diversity, vulnerability, and anti-discrimination policies. Also, politicization, favoritism, and the hindrance of outside (judicial-, media-, and watchdog-) control are vulnerable to political developments.

H 20 Today, countries have developed much more sophisticated and complex ethics management systems than (during our last assessment, more than) ten years ago. Also, ethical standards and ethical expectations have grown. However, (mostly) because of existing gaps in measuring ethics policies and monitoring ethical outcomes, we cannot conclude whether trends have led to more effective policies.

3. Data collection, data analysis

As regards the operationalization of our research, the research team at the University of Vaasa decided to design an international survey (see attached to this study). During the first phase, we tested the relevance of the topic and the survey questions for their relevance and clarity

In order to do so, we send the draft survey to a number of experts and central public administrations.

Overall, countries signaled a great interest in the topic and, also, as regards the relevance of the topic. However, when carrying out the empirical survey in the national central public administrations, we noted that countries faced several difficulties. Overall, countries had (almost) no factual evidence or data on some issues in the field. This (mostly) concerned the questions about the monitoring of ethics policies, cost developments, the measurement of ethics policies, and questions about the ethical effects of the introduction of AI in the national central public administrations. Or, take the question about the effectiveness of instruments in Q 4.1 in this survey. Many countries never carried out research as regards the effectiveness of some instruments, like the effectiveness as revolving door policies. Thus, as regards some (few) questions, national respondents could not, or only tried to, give indicative, personal, or highly subjective answers to these questions. Still, countries agreed that discussing these issues and generating more evidence about the effectiveness of ethics management, as such, is highly valuable and appreciated. Ultimately, effectiveness also means the ability of an organization to learn continuously, to adapt, and to change (Dhoopar, Sihag & Gupta, 2023).   Therefore, countries accepted the importance of the topic (question), even if this means entering into unknown territory. A true dilemma.

Elsewhere, while designing and carrying out the survey, we were confronted with several other challenges and questions (see the overview in the box).

Studying and measuring the effectiveness of ethics policies - challenges

1. Is studying the effectiveness of ethics policies relevant?
    a. Overall, there exists a great need to generate more evidence about the effectiveness of ethics policies. So far, very few comparative studies exist in the field.
    b. Studying the effectiveness of instruments, the effects of reforms, innovation, and management practices meets great interest and is welcomed by the Member States and the EU Institutions
2. What are the main challenges?
    a. Ethics policies are an umbrella concept and differ in many ways from other (more concise) public policies
    b. The definition of ethics policies includes many different policies, such as corruption, fraud, CoI, abuse of organizational resources, misinformation, misconduct, harassment, and discrimination. Mostly, these policies are regulated differently, managed differently and different authorities manage and monitor these issues
3. Methodological challenges

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a. Countries use different definitions of unethical behavior, for example, as regards sexual harassment (the latter is already related to the existence of different cultures, values, and the readiness to report violations)
b. Countries have difficulties in assessing the effectiveness of policies because concepts and policies (continuously) change over time (revolving door, discrimination)
c. Mostly, concepts are overly complex and broad, such as conflicts of interest (incl. revolving door, side-activities, gifts, (financial) interests) – countries have no integrated data on the various issues
d. Often, data on the revolving door is not available at all
e. Countries manage and monitor ethics policies very differently and rarely on a central level, mostly, admin structures and the distributions of competences are decentralized (or even individualized), and therefore, often, there exists no centralized, coordinated, or integrated data
f. In some countries, like in Nordic and Scandinavian countries, management differs from organization to organization
g. Therefore: countries monitor ethics policies differently, if at all
h. As such, EU countries do not measure certain policies, and if so, differently
i. National data is not comparable
j. Data and results about the development of unethical behavior differ in studies from public administration, academics, and media
k. Often, data is created by asking about the perceptions of people
l. Sometimes, data is created by measuring incidences (based on whistleblowing or disciplinary violations) or the measurement of violations

Other challenges concerned the need to send the survey to the national ethics bodies, ethics organizations, agencies, committees, and experts. This was another crucial step in our survey. Overall, we took note from (for example) upper echelon theory (Finkelstein et al., 2009) that respondents to this survey, so-called administrative elites, reflect specific values, socialization, and attitudes. Therefore, it was in our interest to spread our survey as much as possible to a wide range of experts and institutions. This, however, was out of (our) control.

After acceptance of the draft survey, the Polish EU Presidency sent the survey - on behalf of the researcher team - to a list of main respondents in national ministries with responsibilities for the public administration (mostly to Ministries of the Interior, Ministries of Finance or Prime Minister's Office) in all Member States, observer states, candidate states and the EU Institutions.

In a second step, these responsible contact points sent the survey to the responsible institutions (anti-corruption agencies, ethics, and artificial intelligence bodies.

This networking approach allowed us to reach hundreds of national institutions and responsible (ethics and artificial intelligence) bodies/units that contributed to answering this survey. However, we had no control over the wider distribution of the survey on the national level. For example, in Latvia, the survey questions about ethical leadership were also sent to 10 institutions and 270 Secretaries of State and deputy Secretaries of State of the ministries, as well as heads and deputy heads of public institutions. 84 of these leaders agreed to answer the questions about ethical leadership (Q 4.4.1- 4.4.4) of the survey.

Overall, the survey contained seven chapters and 59 questions. In the survey, member states and the responsible ethics bodies were asked to provide information, ranging from questions about the effectiveness of rules and instruments, the institutionalization of policies, the implementation and enforcement of ethics policies, and more forward-looking questions about how countries and institutions address new ethical challenges, e.g. arising from the introduction of artificial intelligence in the central public administrations. Overall, most countries answered most questions, but to a lesser extent as regards questions regarding the effects of artificial intelligence (see in the Data matrix the right rubric at the bottom).

Table 6: Overview of country responses per survey question

Data Matrix – very active country responses, slowing down on questions on AI (last questions)

Other objectives were to gather more information about changes in the delivery of public services and the impact on ethics and conflicts of interest, the management of disclosure policies and attitudes towards the effectiveness of ethics bodies and oversight mechanisms, for example, through the setting up of new (independent) ethics committees.

We believe that the great interest in contributing to this study and its findings – several are very promising, others rather disappointing (for example, due to the lack of existing data), and others are surprising in that they contradict some common-sense doctrines of ethics policies.

This study had to be accomplished within less than one year. Without a doubt, this requirement presented the biggest challenge. The authors of this study would like to express their gratitude to the various national experts within the member states for their help in carrying out this study. Often, this was no easy task. National respondents had to engage in complicated discussions about the internal distribution of responsibilities. As such, this study deals with an integrated research issue (Effectiveness of Ethics policies), whereas national administrations manage ethics policies from a silo-logic approach. More concretely: In many countries, different ministries, institutions or authorities were responsible for answering different questions.

Therefore, any dialogue about the effectiveness of ethics policies requires coordination and communication, as ethics policies are managed by different authorities, agencies, administrative units, and persons. The institutional landscape is highly fragmented.

As such, ethics policies are the sum of individual integrity policies such as anti-corruption policies, conflict of interest policies, anti-discrimination, anti-harassment, or anti-bullying policies.

In the national central public administrations, these (seemingly) integrated terms "ethics policies" or "integrity policies" meet a highly decentralized and fragmented allocation of responsibilities and competences, and often, the so–called silo-thinking logic in the national public administrations.

In the field of ethics policies, often, different institutions, organizations, agencies, committees, or HR offices are responsible for different policies. For corruption, corruption policies may be managed by ministries or agencies, but conflicts of interest by the auditing office or human resource management offices. Moreover, often organizations (or HR offices) have a high degree of autonomy to manage certain ethics policies, like as revolving door policies, or disclosure policies. For example, these policies fall under the autonomy of each (organizational) employer.

In some countries, different institutions are responsible for monitoring different rules and policies and for different categories of staff. Whereas in some (more centralized) countries, the country respondent faced few coordination challenges and responded, after the consultation with a few internal ethics bodies, on behalf of the central public administration. In other, more decentralized countries, internal coordination challenges were extremely challenging. Some countries even responded that they would not be ready, nor entitled, to respond to other administrations or organizations. As it turned out, in some cases, responsibilities in the field of public ethics are not only decentralized but also individualized. Every ministry, or every agency, pursues its policies and adopts its instruments.

Of course, this does not contradict the obligation to implement some (international, EU-) or national rules and policies. However, also here, some ethics policies are regulated at the EU level, whereas others are not.

Thus, even if a huge number of public authorities contributed to this survey, this does not mean that we are able to present a full and coherent picture of the situation of central public administration in all countries. We will, therefore, refrain from benchmarking countries or ranking and rating countries.

Internally, the most important challenge concerned access to reliable data about the various survey questions. The authors of this study carefully avoided any overlap with other studies carried out by the OECD, or the Council of Europe/GRECO. Our objective was to generate new data and avoid duplicate work for the central public administrations. The latter was difficult as regards our survey questions in the field of Artificial Intelligence. Here, we noted not only a huge speed of change. Instead, we also noted that academic evidence about the (ethical) effects of the development and deployment of Artificial Intelligence (AI) systems is rapidly expanding and continuously changing. Also, the OECD issued its survey about the use of AI for strengthening information integrity (in February 2025), which contained several similar survey questions on AI as in our survey.

Overall, in this study, not only the availability of data but also the quality of data was a sore point in the development of this comparative work. In our survey, this mainly concerned open questions about the impact of administrative reforms and the introduction of artificial intelligence, and the effects on ethical challenges. Of course, some countries could not answer all survey questions. We also noted that, despite the intensive work of the OECD in the field of integrity indicators, overall, data about the effectiveness of ethics policies is scarce, and it is also vulnerable to change and manipulation.

Again, we note that the sending of the survey to respondents in the national central administrations means that we followed partly the tradition of elite studies. Respondents were higher officials who were supposed to provide official data and factual information that did not reflect personal opinions. These respondents were asked to further distribute the survey to experts and the competent ethics and AI bodies. In administrative elite studies, top officials are members of organizations with expected higher reliability, institutional knowledge, and experience. Despite this, we took note that some questions in our survey were answered rather on an individual basis. In these cases, the official country's answer was "distorted" and not accepted by the research team. Unfortunately, it was not always possible to check which questions in the survey were answered in a personal capacity or influenced by other subjective (and political) considerations. Experience with this type of survey shows that official responses to empirical surveys differ according to the choice of the target groups. For example, top leaders respond differently from middle managers, and middle managers respond differently to technical staff. Also, official sources differ from academic sources.

We acknowledge that the responses in our survey represent official government sources and that answers to the survey necessarily differ if we had collected perception samples, or from citizens.

We also opted for the possibility for countries to comment on each question. This type of allowing for open comments should allow the countries to discuss the questions internally and in a coordinated way, and provide opportunities to better explain the national context.

Therefore, in this survey, we acknowledge the danger of significant sources of bias. Official respondents to the survey may have had an interest in reporting favourable outcomes to present a positive and successful image on the international scene. As such, it is difficult to assess the quality of national answers to the survey questionnaire. However, we took note that whereas countries invested a lot of (coordination) time and work before answering this survey, other countries responded in an ad hoc manner and consulted fewer colleagues, ethics experts, and ethics bodies before replying to the survey.

As this study shows, any honest dialogue about ethics requires an ability to communicate about difficult, complex issues and the courage to engage in dissenting opinions. It is well known that corruption, conflicts of interest, discrimination, and other forms of unethical behavior happen more or less frequently in different European countries. This presents one important challenge for a comparative study: Many of the issues that are discussed are complex and sensitive. Consequently, governments, organizations, and even national experts may easily shy away from discussing them openly. Next, in this type of comparative survey, independent datasets do not exist.

It should also be mentioned that each methodological approach has its limitations: Again, almost everywhere, the availability of (good) data is a sore point. Only a few countries are engaged in

measuring other forms of misconduct other than corruption and fraud (Question 6.2 of the survey). In the field of artificial intelligence, countries have only started to generate data in the field.

As already discussed, no country provides data on the development of ethics policies over time (although some countries, like the Netherlands or Finland, have started to do this). However, this makes any research difficult and somehow even subject to speculation. Still, this study should be seen as another major step in generating more insights into comparative ethics policies.

For sure, this survey provides completely new quantitative and qualitative data regarding the design and implementation of ethics policies. It compares the measures taken, analyses reform effects, and discusses possible future trends. As one of the largest comparative public management research projects in the field of the effectiveness of ethics policies, this study, therefore, intends to provide one step forward in our understanding of the challenges facing public administrations in a turbulent context.

In carrying out this study, it also became evident that there can be too little or too much attention on theoretical issues, too little or too much focus on historical explanations, or a too general analysis without taking into consideration the many existing specific features of the national systems, avoidance of different linguistic meanings and definitions, etc. Moreover, the existing national arrangements are in a constant process of change, and it seems that change is happening at ever faster speeds. If decades ago, public administration and politics were synonyms for stability, today it is a symbol for hasty change, especially in the field of artificial intelligence. Parallel to this, ethics management is a very young discipline, both in the private and even more in the public sector.

In this study, we noted that, overall, studying the effectiveness of ethics management requires an interdisciplinary and integrative approach. Contrary to this, the implementation logic in the national administrations follows a so-called silo-approach. Whereas corruption, conflicts of interest, harassment, abuse of power, misconduct, discrimination, etc. are different forms of unethical behavior, they are all dealt with in a sectoral and fragmented logic.

4. Main steps in survey implementation.

The emerging data set was the result of a joint effort of the researcher team at the University of Vaasa, the Polish EU Presidency and the national partners in the various countries and EU Institutions.

Within the University of Vaasa, a core survey group was created, which worked intensively on the survey design. After each feedback discussion, the draft survey was adjusted accordingly. The guiding principles of the design process were to achieve reliable, accurate, relevant, and comparable results by applying established theoretical and methodological standards.

Given the scope of the survey, the conceptual phases focused on three main challenges:

a)   Clarifying concepts and definitions to allow for countries to respond to comparable concepts

b)   Designing a questionnaire fitting to the goals of the research project, the various interests of the stakeholders, while considering the different national administrative contexts worldwide. The draft survey was sent to experts for testing and commenting.

c)   After a final re-drafting and validation of the survey, the survey was conducted by means of an electronic survey software (webropol). The link to the survey was included in the invitations sent, so that only the addressed respondents had the possibility to visit the webpage and fill in the questionnaire online. Each country was invited to answer all questions.

d)   Once the survey was launched, the research group had access to the survey, allowing them to check the response rates and to clean the data and to contact the countries on issues/answers that were missing, unclear, or contradictory, but not allowing them to intervene in the survey implementation. To avoid any inconsistencies or technical problems, the research group also managed the survey infrastructure and covered all technical difficulties.

c) The research team engaged in the data cleaning process, which took place from November 2024 to January 2025. In this period, we analyzed and filtered all answers and identified those that were either still missing or unclear.

d) Building the survey on a theory-driven basis, integrating different research disciplines and interests: the content of the questionnaire is therefore linked with central research concepts in different disciplines such as public administration, HR management, ethics, organization theory, management theory, and psychology.

e) Allowing for analysis of different levels/perspectives: the survey combined questions at the macro-level (central public administration) and policy level (Public Management, HRM).

f) Focusing on current management practice rather than on past reforms and placing less emphasis on normative assessments (for example: How it should be?) and not on personal views on the future of the public sector, including the positive effects of reforms.

g) With some exceptions as regards the effects of reforms, avoiding questions asking directly for a specific impact of certain management practices on particular outcomes, as well as questions on causality (to avoid putting pressure on respondents, but also to avoid producing subjective and hard to verify replies).

h) Describing management practices and outcomes generically, simply and clearly, avoiding public management jargon, to ensure a clear understanding of the concepts used in the survey by the respondents targeted.

i) Employing scales for answers. Starting from the examples of other public OECD surveys, the survey team considered that (in many cases) a five-point scale would allow for sufficient variation in responses, while not burdening respondents with irrelevant scale values.

j) Allowing respondents to add comments, but as far as possible, as distinct to the survey questions to avoid interpretation issues during the data validation and analysis phase.

k) Use multi-item variables, reflecting the complex research dimensions of the survey.

Overall, 26 countries, more than 100 national institutions or ethics and AI bodies, and the EU EU-Institutions (for the statutory staff) responded to this survey, which demonstrated a huge interest in this study. One should also note that 24 of the participating 26 countries (and the EU-Institutions) are member states of the European Union. Thus, more than 90% of all EU countries participated in this study.

After completion of the questionnaire, the research team started with the data cleaning process, analyzed and filtered all answers, and identified those that were either still missing or unclear. In those cases, the respective countries were contacted on a bilateral basis in a "third round".

In order to cross-check, validate, and discuss the national answers and the final draft survey, another discussion with representatives from all European countries was organized by the Polish EU Presidency in Warsaw on 13 March 2025.

5. Exploring the data and interpreting the data

While studying and exploring the data, we came across several difficulties and challenges. As already mentioned, the greatest difficulty concerned the great decentralization of competences and responsibilities in the field of ethics management.

In particular, when comparing countries and analyzing policies, reforms, and innovations, challenges stem from the question of whether definitions, different reform concepts, and reform instruments mean the same thing in the countries and whether the comparison is comparing the same issues and topics. While carrying out this survey, we are aware of the fact that the discussion around the effectiveness of ethics policies is also related to many other issues that are seen as political, sensitive, confidential, or even secret. Therefore, some countries were reluctant to release sensitive data, which is becoming a subject of comparative research.

In analyzing the raw data, it also became evident that there can be too little or too much attention on theoretical issues, too little or too much focus on political and constitutional features, historical explanations, or a too general analysis without taking into consideration the many existing specific features of the national systems, including different linguistic meanings and definitions, etc. As regards the latter, we used the terms "ethics" and "integrity" interchangeably, as some countries are more or less familiar with the terms "ethics management" or "integrity management".

Also, in our data set, the availability and reliability of data were sore points in the development of our comparative work. This mainly concerned open questions. Overall, as regards these issues, comparative data is vulnerable to bias and manipulation as it is difficult to address "effectiveness" issues and outcomes of ethics policies. Countries used the opportunity to comment to a great extent but also in very different ways.

(We apologize if countries "feel" that comments are not sufficiently taken into consideration, or not mentioned in the study. As such, we took note of all comments in the same way (and, for this purpose, listed all comments in a specified matrix).

Due to the focus on the study of instruments, resources, structures, processes, innovations, and much less on (legal) traditions, policies, or culture, this study never intended to assess which countries or administrations are more successful or better than others.

Instead, during this work, we became increasingly aware of the difficulties and challenges involved in comparative research. Due to the importance of national definitions, the distribution of competences and responsibilities, national traditions and contexts, structures, processes, and HR reforms, this study is not in a position to assess which countries or administrations are more successful or better than others.

Therefore, we also refrained from ranking or rating countries or introducing any form of national competition and censorship. We are aware that this approach contradicts present trends towards the quantification of social life, the measurement of ever more aspects of life, and trends towards a "metric society" (Mau, 2021).

Instead, this study aims to initiate a critical, open, and constructive dialogue on positive and negative developments in the reform of the central public administration level. Such a dialogue necessitates the ability to address difficult issues and the courage to express openly dissenting opinions. We believe that the interest in contributing to this study and its findings—several are very promising and others are surprising in that they contradict some common-sense doctrines — can be interpreted as an indicator of the increasing level of awareness, as well as the growing care and diligence devoted to the implementation and handling of innovation and reforms, and of the willingness to engage in such a dialogue.

6. Measuring ethics in a context of poor quality data

Organizational reforms and innovative developments can only be effective if they fit into the various international, national, regional, local, or even cultural contexts. Take the case of the setting up of a new inter-institutional ethics body on the EU level. The tasks, composition, competences, and resources of this body are adapted to the specific institutional system at the EU level. However, it is difficult to imagine that this body also serves as a model for the EU Member States. Likewise, it is highly unlikely that the French institutional model could also serve as a model for a federal country, like Germany, where ethics policies (and conflicts of interest policies) are managed in a highly decentralized setting.

However, parts of the French ethics management model could very well be a model for the EU, or vice versa.

This Best-fit thinking is associated with a contingency approach and argues that organizations must adapt their strategies and implement reforms to the specific local context, situation, and to their environment. As we have seen, in the field of ethics policies, the political and institutional world is currently moving towards more differentiation, individualization, and also more pluralistic and fragmented institutional configurations. For example, currently, in the field of ethics management, countries are eager to set up ever more ethics bodies, institutions, or designate ever more persons with ethical responsibilities. Parallel to this, the concrete implementation and institutionalization is highly diverse, and depend on the national constitutional, political, and institutional logic. Overall, European countries organize ethics policies very differently. As such, we note centralized systems as well as highly decentralized, or deconcentrated, systems.

For example, disclosure policies are highly regulated and detailed in Romania and much less regulated and less detailed in other countries, such as Sweden or Finland. Or, take the concept of whistleblowing policies, which has, despite the existence of a legally binding EU Directive in the field, a different meaning in the EU countries. Take, for example, the concept of "*Missstanden melden*" in the Netherlands and the concept of "*Remonstrationspflicht*" in Germany). Also, the meaning and legal status of "codes of ethics" differ amongst the countries (and, mostly, between France and Luxembourg (on the one hand) and most other countries (on the other hand). As we will see later on, the same differences exist in the fields of revolving door policies and side activities.

Consequently, the choice of policy instruments is pluralist, non-deterministic, and flexible, and varies from one country to the next, from one institution to the next, and from one policy to the next. Here, there is no logic. For example, it is impossible to state that more bureaucratic countries, or countries with rather) classical career system countries (like Germany) have also

chosen a more centralized or decentralized approach in the field of ethics management. Likewise, it is impossible to state that, for example, revolving door policies are managed according to a specific public management or organizational model.

Consequently, the effectiveness of any particular institutional integrity system can only be determined by the degree of consistency amongst its proper constituent elements, practices, procedures, instruments, and resources and how these fit into the specific constitutional-, legal-, and political system, the culture, organizational design, organizational culture, and leadership styles. This different understanding and varying *engrenage* of concepts in different cultures also makes it difficult to measure and assess concepts and policies.

This also means that it is very difficult to determine the effectiveness of one national system by comparing it to another national system. Still, this does not mean, of course, that countries could benefit greatly if they were interested in exchanging experience, for example, as regards the management of revolving door policies.

At present, the benchmarking of countries, concepts, policies, or instruments is as popular as ever before. Still, benchmarking studies are attractive because statistics, rankings, and ratings enable easy comparisons, competition, the possibility for evidence-based learning, and reduce complexity: Figures and statistics promise objectivity. They also promise the possibility of fact-based learning. At present, one can observe the emergence of a truly globalized comparison, scores, rankings, likes, and grades. As a consequence of data-driven benchmarking, ever-new rankings and ratings of various governance indicators come and go with remarkable rapidity, new techniques come into fashion and old ones go out, much like the outfits modelled in Paris, Milan, and New York" (Aberbach & Rockman, 2000, 9).

Benchmarking studies rate and rank countries, as well as regard Governance policies, instruments, processes, or procedures. Benchmarking raises the question of which indicators and factors to use as the basic features for comparing policies, instruments, and structures. This again raises the question of whether and how some phenomena can be measured at all. Finally, we need data, comparable data, good data, and data that is based on the same definitions, reliable and accurate data.

However, often, it is not always clear what is being benchmarked and whether what is being benchmarked is comparable: The whole country (state-centric approach), the political level, the senior civil service, central public administration, the civil service, or the whole public sector. Often, benchmarking studies in the public sector compare highly different concepts and definitions of Government, central public administration, civil service, etc.

In this survey, most countries informed us about their challenges when monitoring ethics policies, the non-existence of data, and the challenges when it comes to measuring ethics policies. We also learned about the important link between national administrative culture and the management of ethics policies. Should we rank some countries better than others, because they have centralized monitoring structures or more detailed disclosure requirements or stricter revolving door policies than others (in some instances, because they are more reluctant in the field because of privacy and data protection issues)? Should be applauded countries because they have adopted stricter legal requirements, introduced new ethics bodies, or have been ranked more positively in the CPI index, or by the OECD (or by GRECO)?

These issues constitute only a fraction of the existing challenges in the field of comparing and analyzing the effectiveness of ethics policies. If we ranked countries as top-performers or low-performers, laggards and forerunners, we risk basing our judgments on problematic indicators, poor data, value judgments, unclear assumptions, and on different definitions. Again, take the case of disclosure policies in the field of conflicts of interest. Today, despite laudable progress in the field of corruption, it remains an extraordinary undertaking to generate, measure, compare, and analyze data in conflicts of ethics policies. Thus, while we welcome any progress in the field of measuring integrity, we nonetheless remain cautious in our temptation to generate data-driven comparisons in fields where the quality of data is scarce, difficult to compare, or not yet fit for comparison. The decentralized and, often, individualized management of ethics policies has important implications for the quality of comparative and benchmarking studies and the possibility of measuring and monitoring ethics policies. For example, research demonstrates that benchmarking via performance rankings reduces cognitive processing of the underlying performance information, demonstrating the existence of a substitution effect (Hohensinn, Willems, George & Van de Walle, 2025, 1-23).

Therefore, after carefully studying the highly different institutionalization of ethics policies and the varying distribution of internal responsibilities, we have decided to refrain from benchmarking, ranking, and rating countries. We are aware that this decision runs counter to the present explosion of benchmarking studies, rankings and ratings, and trends towards the quantification of governance and even of ever more aspects of social life (Mau, 2020).

Still, we welcome trends towards the benchmarking of countries as in the case of the OECD Integrity Indicators (https://oecd-public-integrity-indicators.org/?country=EU_AVG&year=LATEST,2023).

Work on the OECD integrity indicators represents, so far, one of the rare professional attempts to monitor and measure international integrity policies. However, the OECD Integrity Indicators suffer from huge shortcomings due to the lack of existing national data or a lack of quality of data.

Take the case of national accountability policies, and here, the case of conflict of interest management in practice.

In this field, the OECD is collecting and analyzing data regarding 9 indicators. So far, many countries have not submitted a full data package to the OECD. However, even when submitting full data about all 9 indicators, this would not allow for conclusions about the effectiveness of conflict of interest and disclosure management. For example, out of the nine indicators, four indicators are about submission rates (which, of course, do not allow for any conclusion about the effectiveness of disclosure systems at all). Also, the remaining five indicators do not allow for a full assessment of the effectiveness of conflict of interest (and disclosure policies).

Overall, there exists no commonly agreed-upon definition of effective disclosure policies. Should these be systems like those applied in the Nordic countries (with a high degree of consideration for privacy and data protection rights) or like those applied in the United States or in Romania (with very detailed disclosure requirements and less consideration for privacy)?

Therefore, there exists no benchmark to normatively judge, rank, or rate these systems.

Figure 14: OECD Measurement of integrity indicators in the field of conflicts of interest

OECD Measurement Integrity Indicators	Criteria, Indicator, Data
Six sections **Section: Accountability** • conflict-of-interest management, • lobbying, • political finance, • transparency of public information	**15 indicators**
Conflicts of interest safeguards in practice for senior officials as a share of ministers, parliamentarians, high-level judges, and senior officials	**9 sub-indicators** 1. **The submission rate** of interest declarations from members of the Government is 100% for the past six years. 2. The **submission rate** of interest declarations from members of parliament is at least 90% for the past six years. 3. The **submission rate** of interest declarations from members of the highest bodies of the judiciary is at least 80% for the past four years. 4. The **submission rate** of mandatory interest declarations from newly appointed or reappointed top-tier civil servants of the executive branch is at least 80% for the past four years. 5. Declarations to be verified are selected **according to a risk-based approach** 6. At least 60% of declarations filed during the latest two full calendar years were **verified** by the responsible authority. **8 countries** 7. The **responsible authority has issued recommendations** for resolution within 12 months for all cases of conflict of interest detected for the past three years. **12 countries** 8. **A range of sanctions has been iss**ued during the past three years in cases of non-compliance with disclosure obligations, non-management, or non-

| | resolution of a conflict-of-interest situation. **19 countries** |
| | 9. **All declarations are submitted electronically**. |

The OECD agrees that the monitoring of ethics policies (here: the field of conflicts of interest policies) suffers from serious shortcomings in data management and the field of monitoring and measurement, as such. Countries find it difficult to provide integrated data sets to the OECD. With few exceptions, countries do not measure, monitor, and enforce conflicts of interest policies (if so, countries collect data and measure policies in the field of corruption, and – increasingly – in the field of (sexual) harassment). Still, countries progress in the field of measuring the disclosure of (financial) interests. However, also here, evidence is scattered and fragmented. For example, Denmark is not collecting data or monitoring disclosure policies. As such, the implementation of disclosure policies is the responsibility of each employer.

Still, despite the existing fragmentation of responsibilities, the decentralization of competences, and the existing shortcomings in the monitoring and measurement of policies, most existing public management benchmarking studies and classifications are state-centric models.

Also, the OECD integrity indicators offer country comparisons. According to the OECD, "the first-ever set of internationally agreed indicators helps promote good practices by comparing countries' performance to the OECD average and individual countries. The objective, evidence-based, and actionable data of the platform allows for a clear and robust analysis of countries' integrity systems" (https://oecd-public-integrity-indicators.org/countries).

In fact, (if, again, we take the example of the management of conflicts of interest, or post-employment policies) the existing data focus on ministers, parliamentarians, high-level judges, and top-tier civil servants. Therefore, if data (about policies, implementation, and enforcement) is available at all, it only sheds light on the situation of several holders of public service on the central/federal level within countries. The OECD admits that a lack of effective monitoring and data collection makes it impossible for countries to know whether their policies and processes mitigate corruption risk and improve integrity in practice (https://www.oecd.org/en/publications/anti-corruption-and-integrity-outlook-2024_968587cd-en.html). However, this precisely makes benchmarking and a clear and robust analysis of countries' integrity systems so difficult, too.

The forthcoming OECD benchmarking about "*Meritocracy in the public sector*" in 2026 even promises the identification of international best-performers in the public sector. Indicators are (amongst others) the "*Objectivity and transparency of HRM processes*", the "*Effectiveness of oversight and resource mechanisms*", the "*Use of Integrity risk management tools*", "*Dismissal decisions confirmed by the Courts*" or "*Perceived level of meritocracy in the Public Sector*". While these efforts to benchmark meritocracy in the public sector are laudable (and attractive), it will be interesting to see what type of data will be forwarded, displayed, and how the data will be interpreted (and for what sectors of the public sector).

Not surprisingly, also, in our study, many countries noted: *"There is no data or research available on this"*.

> **The case of Austria**
>
> The regulatory impact assessment ensures that decision-makers in politics and administration are provided with a comprehensible, transparent presentation of the desired effects of measures on the one hand and the expected costs and undesired effects on the other. All draft laws and ordinances (regulatory projects), as well as larger projects (other projects), are discussed based on desired objectives and measures. By defining indicators, the achievement of objectives is made measurable. Answers to this question are based on subjective perceptions. *There is no data or research available on this.*

Existing data only allows us to examine a limited number of issues and factors from a rather traditional goal-oriented point of view.

7. The popularity and challenge of data-driven Benchmarking - Case studies

Today, data-driven comparisons of countries, governments, policies, institutions, and sectors play an ever-important role in public policies. Overall, rankings and ratings become ever more professionalized and sophisticated, and inform world politics, international politics, national, and local politics. This trend towards the quantification of social life is expanding and ranging from the measurement and benchmarking of individual fitness to the benchmarking of hospitals, governments, civil services, happiness, the rule of law, equality, to ethics. In the meantime, it sees, everything is quantified, compared, ranked, rated, and put into a competition context.

Yet, scholars, commentators, and citizens have not fully appreciated their scope, importance, and impact on state behavior, governance, and citizenry. Moreover, little knowledge exists as to why so many people are fascinated by these rankings, although they are just an accumulation of data, numbers, indicators, factors, and statistics. As it seems, the focus on statistics gives an impression of objectivity. Moreover, rankings and ratings suggest that complexity can be made visible through numbers. Are we sure that the choice of these indicators and classifications captures reality? How can we be sure that we have the right data, comparable data, and high-quality data in a field where data-based governance is only in the beginning?

In the field of public ethics, countries apply different concepts: Whereas the Dutch use the term "integriteit", in France, the term déontologie is used, and in many other countries, "Ethics". Although these terms mean similar things, they are not easily compared (benchmarked). Moreover, whereas the Dutch concept of integriteit is holistic, the French concept of déontologie and the German concept of public service ethics are largely legalistic concepts. Elsewhere, concepts of public service ethics have another cultural meaning (for exp., in the UK, the term ethics is also a largely informal (and not a legal) concept).

Still, also in the field of integriteit, déontologie or public service ethics, these differences are easily overlooked.

Instead, the attractiveness of benchmarking easily overlooks small but important differences. Instead, "quickly" comparing ethics policies is highly popular. Of course, it is also becoming ever more professionalized and institutionalized. But also highly complex and problematic. Like this,

benchmarking studies easily give a very distorted perception of reality, if not interpreted in the right cultural context.

Let's illustrate this with the case of the Nordic countries!

Take the case of the EU Gender-Based Violence survey (Eurostat 2024), which discusses that countries with the highest overall prevalence of violence are Sweden, Finland, and Denmark (Eurostat 2024, 14)

Table 7: Women who have experienced Physical Violence or Threats and/or Sexual Violence by any Perpetrator in their Lifetime (in %).

% of women (aged 18-74 years)
- ≥ 45.4
- 37.9 – < 45.4
- 29.1 – < 37.9
- 22.5 – < 29.1
- 16.7 – < 22.5
- < 16.7
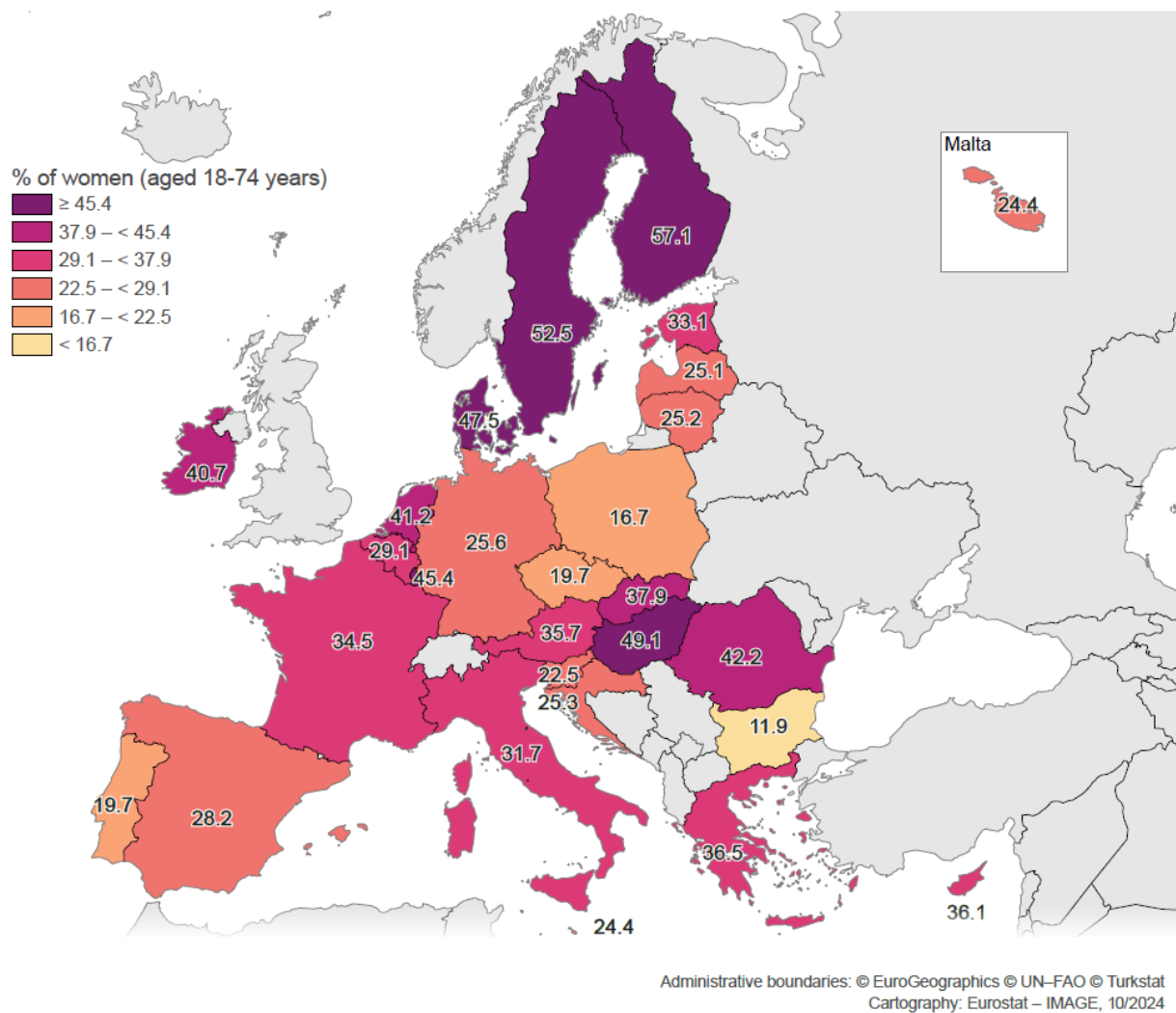
NB: The results from Italy are based on a national survey that did not follow the EU-GBV methodology.
Source: Eurostat, EU-GBV survey, 2021 wave, data collection coordinated by Eurostat, FRA and EIGE. Eurostat online data code: gbv_any_type.

Source: Eurostat 2024, 16

These results, however, must be carefully interpreted and can only be understood in the right cultural context. Thus, reality may be somewhat (or even very) different.

In the field of ethics management, we note that the Swedish system places a high importance on the protection of privacy, which also means that Sweden is reluctant to adopt strict and detailed

disclosure requirements (and if so, only for a few holders of public office and top civil servants). This is opposite to the situation in Romania, which has adopted a highly detailed legal system and a sophisticated disclosure system for the monitoring of thousands of employees. In the fourth evaluation round, GRECO noted that "Romania has a solid system for the declaration of assets and interests in place. Law no. 176/2010 (on integrity in the exercise of public functions and dignities, see paragraph 54 above) lays down the obligation on all PTEFs, including the President (except honorary advisers), to disclose assets and interests on appointment, each year, and on leaving office" (https://rm.coe.int/grecoeval5rep-2022-4-final-eng-evaluation-report-romania-public/1680ac7782). As regards strictness, detailedness, and also as regards the number of public employees (Greco notes approximately 800000 declaration files per year) are concerned, this is probably the opposite system to the Nordic countries. Not surprisingly, monitoring challenges are also different when comparing Romania and the Nordic States: GRECO recommends that the Romanian "National Integrity Agency be provided with increased resources and means, as well as robust and effective cooperation/interaction with other relevant control bodies/databases". In Finland and Sweden, GRECO recommends the setting up of an obligatory and operational disclosure system. However, for the above-mentioned reasons (and others), both countries are reluctant to do so

Finland and Sweden place high levels of trust in the effectiveness of their integrity systems without investing substantial resources in the setting up of a complex ethics management system. So far, both countries have been reluctant to establish detailed disclosure or revolving door policies (for example, as recommended by GRECO in its fifth evaluation round (GRECO, 2021)) or establish independent and external ethics committees or agencies. Should we, therefore, rank these two countries below other countries that have established highly detailed and sophisticated disclosure systems?

Take other examples: The Netherlands and Belgium invest heavily in awareness-raising and whistleblowing policies, which, despite the existence of EU legislation, play a less important role in other countries. Germany and Luxembourg place high trust in a strong public service ethos, a strong legalistic culture, and an integer and stable bureaucratic system. Ethics policies are rather subordinate to the fight against corruption and fraud. Consequently, the term "integrity management" is rarely used in Germany. Again, different from this approach, the European Union (and, partly, France) has developed a professional, (semi) centralized and holistic ethics management system that combines soft and hard strategies in almost all integrity policies.

These few cases show that European countries have very different ways of regulating, managing, monitoring, and enforcing ethics policies.

Also, the understanding and interpretation of ethics policies and ethics instruments are different. For example, whereas countries use similar definitions in the field of conflicts of interest (disclosure – side-activities-gifts-revolving door, etc.), they apply different concepts, for example, by applying very broad concepts or highly narrow concepts.

Take, as an example, a comparative study about side earnings (European Parliament and Malan, Dimauro & Cacciaguerra Ranghieri, 2022), which concludes that definitions of side earnings are similar in terms of rationale and ultimate purpose. However, there are quite different rules on the type of outside activities that can be undertaken by a public office holder alongside their job. Most EU Member States have all-embracing restrictions but provide some specific exemptions, whereas

in other cases, the emphasis is on a list of specific permitted or forbidden side activities. In a few cases, there is no ex-ante definition of prohibited outside activities, and all cases are assessed on a case-by-case basis. Only a minority of EU Member States have financial thresholds (this contrasts with the EU Institutions, which in almost all cases have thresholds) or place limits on the time that can be devoted to side activities" (European Parliament and Malan, Dimauro & Cacciaguerra Ranghieri, 2022, 43). In general, the financial and other restrictions in force in the EU Institutions are stricter than those applying in the EU Member States "(European Parliament and Malan, Dimauro & Cacciaguerra Ranghieri, 2022, 46).

The study illustrates what can be learned from comparing ethics policies. As such, comparisons are difficult due to the a) different nature and concepts of these policies, b) the different degree of regulation of these policies, c) the different distribution of legal and organizational competences on the national level, d) the different ways of monitoring these policies and the existing different enforcement structures and enforcement styles. As regards the latter, enforcing side activities is mostly the task of HR and judicial offices within the different organizations. Often, there exists no centralized monitoring mechanism that coordinates the different enforcement styles of the HR offices.

We also believe that decentralization and fragmentation of responsibilities are only a problem if there is a need for centralized oversight and coordinated approaches. The latter is the case in the field of corruption and conflicts of interest because both policies are interrelated. Moreover, within the field of conflicts of interest, this is the case in the fields of gift policies, side activities, disclosure management, and revolving door policies. In all of these policies, it makes sense, at least to a certain degree, to have effective coordination structures. The same is true for anti-harassment and anti-discrimination policies. Or, for data protection policies and artificial intelligence policies.

Still, countries may continue and pursue different approaches and apply different instruments, as long as this fits into the national context and is no obstacle to organizational performance.

D. EVALUATING THE EFFECTIVENESS OF ETHICS POLICIES

1. Introduction

As already mentioned, the effectiveness of ethics policies and ethics management has been rarely discussed, so far (Mackenzie, 2002; Demmke & Moilanen, 2012). This stands in sharp contrast to the study of governance effectiveness, organizational effectiveness (OE), effectiveness of public management reforms, or the effectiveness of HR reforms, which have been important and prominent research topics in academia, by public organizations and international organizations (Dhoopar, Sihag & Gupta, 2023).

If so, public ethics policies have been linked to the study of (public) organizational justice and fairness (Demmke, 2019; Adamovic, 2023)) and, to a lesser extent, to the field of HRM (which focused, so far on HRM in the private sector (Greenwood, 2002; Greenwood, 2013; Pinnington, Macklin & Campbell. (eds.), 2007; Bogale et al, 2023)).

Overall, research about the link between ethics management and HR theories (identity theory, motivation theory, paradox theory, contingency theory, self-determination theory, and social capital theory exists only sporadically.

Initially, most experts approached organizational effectiveness from an economic perspective, focusing on transaction costs and internal concerns of efficiency, measured in terms of a balanced ratio between input, output, and outcomes.

In the meantime, the concept of organizational effectiveness is also discussed at the intersection of efficiency, goal attainment, societal values, and customer and/or employee satisfaction. Moreover, the measurement of organizational effectiveness considers the perspective from which it is being examined, such as the domain of activity, the focus of analysis, the level of analysis, the timeframe, the type of data used, etc.

Given the great diversity of ethics policies, studying their effectiveness requires a Policy – to - Policy approach and the study of the many contextual factors such as leadership, organizational culture, the degree of ethical awareness, the degree of integration of ethics policies into other policies and governance logics, the institutionalization of ethics policies, the monitoring of ethics policies and the enforcement of policies.

Next, studying the determinants of organizational and individual behavior requires an in-depth analysis of the effects of the various ethics instruments.

Finally, it is important to generate better insights into the obstacles for effective policies. Here, a discussion about obstacles may overlap with a discussion about the opportunities for effectiveness.

For example, while countries consider the lack of active leadership or the lack of leadership commitment as the most important obstacle for an effective policy, they also consider ethical leadership as one of the most important and effective instruments in the fight against unethical behavior.

Table 8: Overall, what are the major obstacles and difficulties for an effective policy in your national public service?, N=24

Obstacle	Major Obstacle	Minor Obstacle	No Obstacle
Ethics policies are not integrated into other policies (e.g. through unfair recruitment, pay, promotion policies)	9%	43%	48%
Lack of sanctions/deterrence for administrative	4%	52%	44%
Lack of evaluation of violations	18%	41%	41%
No independent ethics examinations (e.g., through ethics commissions)	17%	33%	50%
No monitoring (registration of ethical violations lacking)	33%	29%	38%
Ethics policies are not taken seriously-not enough awareness and knowledge of ethics rules	21%	46%	33%
HRM policy is not strictly merit-based (exceptions for politicians, top-managers, public employees, minorities, women, disabled persons)	4%	39%	57%
HRM policy contradicts with ethical requirements (no independent selection and recruitment procedures, politicized administration, control of diplomas and references,...)	4%	26%	70%
Organisational culture does not match with ethical standards	17%	54%	29%
Lack of ethics-related training	8%	50%	42%
Lack of active leadership and leadership commitment?	31%	52%	17%
Enforcement of codes (if codes exist)	25%	37%	38%
Poor quality of existing laws, regulations and codes	9%	30%	61%

■ Major Obstacle ■ Minor Obstacle ☐ No Obstacle

Despite the popularity of the concept of ethical leadership and the existence of a growing body of research in the field of ethical leadership, this conflict between the relevance of ethical leadership in theory and the lack of ethical leadership in practice is under-researched.

This discrepancy between they and practice also exists elsewhere.

So far, the focus of public and scholarly attention has been clearly on the effectiveness of anti-corruption policies (and, to a lesser degree, on the effectiveness of conflicts of interest policies). As one example in the field of corruption research, Johnston & Fritzen (2021) note: "We know far more about the issue than we did 30 years ago, and we have a network of policies, organizations, and researchers on a scale, and level of sophistication, few could have imagined in those earlier days (....). Still, most reforms have met stiff headwinds (for evidence suggesting that most countries have made little or no progress against corruption over the last 20 years..." (Johnston & Fritzen (2021, 5)).

As regards the study of the broader topic "ethics policies", some early exceptions concern Mackenzie (2002) and Anechiarico & Jacobs (1996) in the US and Canada, and Demmke & Moilanen (2012) in the European Union.

The highly critical study by Mackenzie (2002) concludes: "Is there more integrity in government today than there was before 1961? No one knows because no one can measure what cannot be observed" (Mackenzie, 2002, 150). Anechairico & Jacobs (1996) note that "the public standard of morality has become much stricter, and the gap between the mythical system and the operating system much wider. Previously accepted conduct (...) is now deemed unethical, and previously unethical conduct is now deemed criminal..." (Anecharico & Jacobs, 1996, 16). Demmke & Moilanen (2012) are less skeptical but also conclude that ethics policies produce several side effects, unintentional effects, and paradoxes.

In the field of conflicts of interest, Peters & Handschin (2012) discuss trends toward the widening of the concept of conflicts of interest and the blurring of the concept of conflicts of interest with the notion of conflicting interests. As a consequence of the constant widening of the concept, it is difficult to assess the effectiveness of the concept. Similar methodological challenges exist as regards the (changing) concepts of (sexual) harassment, bullying, and anti-discrimination.

We also take note that the concept of effectiveness is highly contingent. It cannot be explained without considering the environmental, legal, political, economic, and cultural dimensions within the different countries. This makes research even more complicated. Whereas all people commonly agree that ethics policies and ethics management cannot be effective as stand-alone policies (and must be integrated into other management logics and governance styles), this important insight is rarely fully acknowledged in sectoral policy-analysis research. Take the case of research about state capture. In times of growing state capture by influential super-rich people, companies, or political groups, it is unlikely that corruption and conflicts of interest can be reduced more effectively (Elizabeth Dávid-Barrett, 2023). However, so far, little research exists about the link between state-capture and the effectiveness of conflicts of interest policies. Instead, the focus is on corruption.

Figure 15: The Integration of ethics policies into other contexts and policies
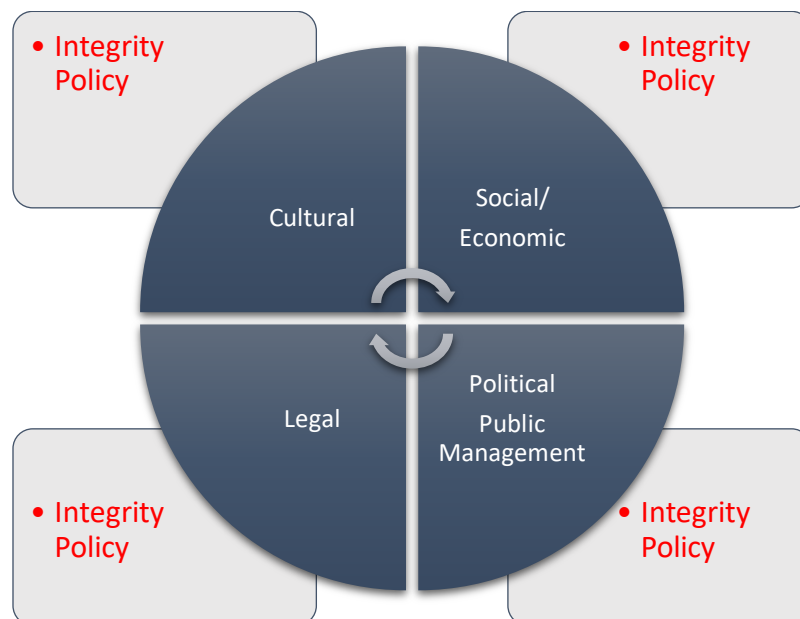
However, as such, this challenge is also well known if we look into other public policies. For example, for many years, it has been accepted that environmental protection requirements must be integrated into other policies.

Article 11 of the Treaty on the Functioning of the European Union (TFEU) states: *"Environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development"*.

Of course, it is well known that the realization of Article 11 TFEU in practice is a huge challenge. However, the importance of Article 11 is also well accepted. Why then not take the environmental

integration clause/principle as a model for the integration of ethical requirements into other (EU-) policies?

2. Effectiveness as goal achievement – linking effectiveness and outcomes of ethics policies

Applying a coherent concept of effectiveness to the study of ethics policies requires exceeding our capacities in terms of time, resources, skills, and capacities. Therefore, to limit the scope of analysis, we decided to restrict our research interest to the study of goal achievement. As regards ethics policies, this means that we are mostly interested in finding out whether and how ethics policies contribute to the prevention (and reduction) of the different forms of unethical behavior.

This approach requires us to define unethical behavior. Here, various concepts exist, ranging from insidious behavior, unethical work behavior, and harmful behavior to unethical behavior (Giacolone & Promislo, 2013). Despite this existing variety of concepts (and the constantly evolving definitions), the concept of unethical behavior is the most commonly used on the international level. Here, the definitions by Lasthuizen, Huberts & Heres (2011) and by Huberts & Lasthuizen (2014) are widely accepted. Therefore, we have decided to use the following definition.

1. **Corruption**: Misuse of (public) power for private gain: asking, offering, and accepting bribes

2. **Favoritism:** Decision-making and use of authority/position to favor family (nepotism), friends (cronyism), or party (patronage) - violation of merit-based principles

3. **Fraud and theft of resources:** Improper private gain acquired from the organization or colleagues and citizens

4. **Conflict of (private and public) financial interest,** such as gifts, sideline activities, assets, or other financial interests the interference (or potential interference) of personal interest with the public/organizational interest because of gifts, services, assets, or promises taken

5. **Conflict of (private and public) non-financial interest** through job mobility (revolving door), professional activities, affiliations, memberships or other activities practiced outside the organization

6. **Improper use of authority,** the use of illegal/unethical means or methods to achieve organizational goals (sometimes for 'noble causes'), like surveillance, intrusion into privacy, control

7. **Misuse and manipulation of information, data and internet** the intended or unintended abuse of (access to) online information, such as hate speech, internet aggression, disinformation, shit storms, violation of secrecy rules, breaching the confidentiality of information, or concealing information

8. **Indecent treatment of colleagues, politicians, or citizens** Unacceptable treatment such as discrimination (based on gender, race, or sexual orientation), intimidation, sexual harassment, improper behavior like bullying (protection of personal dignity, vulnerabilities)

9. **Waste and abuse of organizational resources** Failure to comply with organizational standards

10. **Misconduct in private time** Conduct during private time that harms people's trust in the (public) organization

(Source: Lasthuizen, Huberts & Heres, 2011 and Huberts & Lasthuizen (2014) as adapted by the author)

The definition was slightly adapted by the author to consider the most recent developments in the field of artificial intelligence and misinformation, fake information, and so-called post-truth (Farkas & Schou, 2024).

These types of unethical behavior occur at any time, place, and in all countries. Also, the definition of unethical behavior is understood in all languages and administrative cultures.

By studying the effectiveness of ethics policies and focusing on the *variable* unethical behavior, we focus on the development of counterproductive behavior (Neuberger, 2006, 60). However, as such, we also note that deviance can be interpreted in many ways, and also in positive ways (Neuberger, 2006). For example, positive deviant behavior includes forms of prosocial behavior, extra-role behavior, commitment, top-performance, organizational citizenship behavior, whistleblowing, altruism etc.

Deviant behavior	
Counterproductive Behavior	**Extra-productive behavior**
Misconduct	Prosocial behavior
Bullying	Extra-role behavior
Misbehavior	Commitment and Engagement
Deviance in Organizations	Top-performance
Antisocial behavior	Organizational citizenship behavior
Intentional poor performance	Whistleblowing
	Altruism

Source: Neuberger, 2006, p.60 (slightly modified by authors)

We claim that assessing the effectiveness of positive deviant behavior is (almost) not possible. Take the following cases: If we focus on the development of positive deviant behavior, does this mean that normal behavior is unethical (take the cases of working from 9 to 5, implementing the orders of the superior, fulfilling duties, implementing the law, working correctly, not being creative, innovative)? Moreover, not every extra-productive behavior is always positive. Take the case of top performance in cases when employees work 12 hours a day and are also highly productive, but this behavior may have critical side effects on colleagues who may be pressured to exhibit the same behavior.

Therefore, not every extra-productive behavior should always be viewed positively. Zeal can develop into overzealousness, diligence into pedantry, obedience into submissiveness, and creativity into violation of norms. Overall, positive deviant behavior can also have egoistic, or self-serving, motives. Also, characteristics that would once have labeled public officials as 'corrupted' (Buchan & Hill, 2014), such as homosexuality, divorce, or atheism, are nowadays usually no longer taken as signs of someone's lack of integrity (Kerkhoff & Overeem, 2021). The case shows that, overall, the concept of integrity is rather fluid and flexible. Once unacceptable behavior becomes acceptable. Likewise, once acceptable behavior has become unacceptable.

Likewise, the concept of deviant behavior is always a deviation from the ideal image of the correct, "normal" employee. Unfortunately, in most cases, we only know afterward whether extra productive behavior should be viewed positively or critically. Different from this, counter-productive workplace behavior (Neuberger, 2006) is destructive and unethical behavior.

Thus, in the field of ethics policies, the definition of effectiveness can be defined as the degree to which (central) public authorities are successful in preventing and reducing (contra-productive) unethical behavior (outcomes) through the design, adoption, implementation, and enforcement of (new and innovative) ethics policies (input, process, and capacity-building).

They could be achieved by two types of results: immediate and long-term results.

• Immediate results would be if unethical conduct like corruption, fraud, and conflicts of interest were prevented.

• Long-term results would include a decrease of unethical behavior in the office holder's institutions.

However, the question then arises of how to measure result achievement.

Concerning the immediate results, there is no evidence as to the number of "ethics violations" an ethics regime helped to prevent, or, put the other way around, the number of times an office-holder behaved ethically because of the requirements set out in an ethics regime. It is, of course, possible to count the number of sanctioned infringements of ethics rules; however, this does not tell the full story. Applied to the situation of politicians and top officials, there is no knowledge about the number of ethical violations the policies in place have helped to prevent.

Looking at the long-term results, i.e., there are problems over the availability of data as well as over causality (i.e. to what extent can a policy, instrument, or process account for the reduction of unethical behavior.

Typically, unethical behavior is measured with the support of perception studies. Take, as an example, a study from the Institute of Business Ethics (2024) about Ethics at Work. This study surveys the perceptions of 12067 employees in the public and the private sector. As regards the question "*During the last year, have you been aware of any type of misconduct of your employer or colleagues that violated the law or ethical standards?*", 28% of all Spanish-, 25% of all Dutch-, 19% of all French-, and 18% of all German respondents reported that they had witnessed misconduct. As regards the question "*During the last year, have you been aware of any type of misconduct of your employer or colleagues that violated the law or ethical standards?*", national respondents reported very differently according to the following various forms of misconduct.

Figure 16: Reporting misconduct in four countries by forms of misconduct

	D - 18% of surveyed employees report misconduct	NL - 25% of surveyed employees report misconduct	ESP - 28% of surveyed employees report misconduct	F - 19% of surveyed employees report misconduct

abuse of authority	20% = 3,6% of surveyed employees)	26% (6,5% of surveyed employees)	31% (8,5% of surveyed employees)	39% (7,5% of surveyed employees)
stealing	(18%, 3,5%)	18% (4,8%)	15% (4,2%)	19% (3,6%)
bullying	(29%, 5.4%)	25% (6,25%	21% (5,8%)	26% (4,9%)
discrimination	(28%, 5,3%)	22% (5,5%)	16% (4,5%)	23% (4,4%)
sexual harassment	(12%, 1,9%)	21% (5,25%)	10% (2,8%)	12% (2,25%)
environmental violations	(15%, 2,7%)	16% (3,85%	32% (8,7%)	23% (4,4%)
fraud	15%, 2,7%)	13% (3,25%)	12% (3,35%)	11% (2,1%)
safety violations	(24%, 4,5%)	22% (5,5%)	16% (4,5%)	23% (4,4%)
misreporting hours worked	(38%, 7,1)	30% (7,5%)	43% (12,5%)	22% (4,2%)
data misuse and privacy breach	(18%, 3,5%)	11% (2,75%)	10% (2,8%)	15% (2,85%)
improper hiring practices	(20%, 3,6%)	13% (3,25%)	23% (6,1%)	21% (4%)
Bribery/corruption	(6%, 0,9%)	3% (0,75%)	10% (2,8%)	5% (0,95%)

The method used (and the restricted sample of respondents) does not give a precise and representative overview of the occurrence of unethical behavior in these countries.

For example, in the Netherlands, in the yearly Monitor Integriteit en Veiligheid survey, similar (but not the same questions) had been asked to Dutch employees at the decentralized level ("*How often did you witness during the last twelve months the following behavior amongst your colleagues?*") (Monitor Integriteit en Veiligheid, 2024, 53). This time, the results are highly different.

- Intertwining of interests of the work with interests of family, friends, and former colleagues (18% (2024))
- Abusing or not dealing confidentially with sensitive information (17% (2024)
- Making improper use of personnel arrangements such as childcare, leave arrangements, travel expenses arrangements, etc. (17% (2024))
- Dubious, informal contacts with third parties (10% (2024))
- Accepting gifts, rewards, offers, and compensation that conflict with the rules of the organization (8% (2024))
- Responding to invitations for trips, conferences, events, and dinners that are not relevant to the organization (6%, 2024)
- Falsification of documents or writings (3%, 2024)
- Embezzlement, destruction, or unusability creating evidence (3%, 2024)
- Taking bribes (2%, (2024))
- Embezzlement, destruction, or unusability creating evidence (2%, 2024)

As far as the Dutch central government is concerned, the 2023 *Jaarrapportage Bedrijsvoering Rijk Report* showed a decreasing trend when it comes to the number of integrity violations in the period 2019-2023: from 570 in 2019 to 391 in 2023. However, when looking into details, these positive figures can be explained by the (sharp) decreasing number of integrity violations in private life and the abuse of organizational resources (https://open.overheid.nl/documents/ebfff0c4-e406-4f7d-972a-f1f08be64ff0/file, page 30). They also stand in sharp contrast to reports in the media that suggest that integrity violations are increasing (*Rijk Business Operations Annual Report* 2021, 18). These relatively positive figures are in stark contrast to a media analysis that was also carried out (*Jaarrapportage Bedrijsvoering Rijk Report 2021*, 19). An analysis of all newspaper articles from national and local newspapers since the 1990s showed that the number of news reports about integrity violations has been significant and increased over the years. Scientists and administrators also have the impression that there have been more integrity violations in the past period, but that registration leaves much to be desired (*Centre Government Annual Report 2021*, 20).

Thus, all of these figures confirm the need for better measurement, monitoring, and the need for better insights into the scale of the problem. As it seems, no other country is monitoring and measuring "integrity policies" and integrity violations as much as The Netherlands. The yearly published monitor-reports are based on perception surveys and interviews of holders of public office and/or employees ("medewerkers"). The Dutch Government is also publishing yearly the "Jaarrapportage Bedrijsvoering Rijk", which informs about (amongst others - public employment) trends in the Dutch public administration. Finally, the Minister of the Interior and Kingdom Relations is informing yearly about the Dutch Integrity Policy ("Integriteitsbeleid openbaar bestuur"). Also, in the Netherlands, efforts are being made to improve the measurement of incidences, e.g., through the separate counting of the number of incidences and the number of victims of ethical violations.

Still, despite being a forerunner in the field of monitoring, considerable measurement challenges remain, also in the Netherlands. Still, it is difficult to "mathematically" measure ethical outcomes

or long-term results. However, compared to only) years ago, measurement was also clearly important.

Take the above-mentioned study from the Finnish Ministry of Finance (Moilanen, 2017), which measures the occurrence of various forms of unethical behavior. Too many surprising, it concludes that serious forms of wrongdoing like conflicts of interest, sexual harassment, nepotism, ethnic discrimination, and inappropriate lobbying (almost) do not occur in the Finnish State administration.

Table 9: Grouping of unethical practices

Chart axes: vertical axis labeled 5 = "COMMON", 4,5, 4, 3,5, 3, 2,5, 2, 1,5, 1 = "DOES NOT OCCUR". Horizontal axis labeled 0, 10, 20, 30, 40, 50, 60, 70 with "HARMLESS" at left and "SERIOUS" at right.

Data points: Insufficient resources in relation to the scope of the duties; Excessively hectic pace of work; Tending to personal matters during working hours; Withholding information; Excessively difficult official lanquage; Unwillingness for reforms; Complicated processing of a matter; Inefficient use of resources; Overemphasising one's own range of duties; Deficient preparations; Deficient communications; Unnecessary delaying of a duties; Absences without cause; Identification with an interest group; Favouritism of persons with the same political views; Workplace bullying; Protecting the inappropriate conduct of colleagues; Conflict of interest; Discrimination on the basis of gender; Inappropriate lobbying; Nepotism; Misuse of tools or premises; Ethnic discrimination; Sexual harassment; Bribery.

Source: Moilanen, T. (2017), State of civil service ethics - a survey of the ethical values and principles of central government employees, Finnish Ministry of Finance publications 30/2017, 35

As we noted earlier, the study by Eriksen and Ahmetovic (2015, 15) about the situation in the Western Balkan comes to totally different results. Here, for example, officials are strongly oriented towards serving their private interests rather than the public interest. Thus, conflicts of interest are a common (and serious) feature of daily life.

Thus, despite improvements in the various fields, difficulties in measuring corruption, fraud, conflicts of interest, (sexual) harassment, bullying, or ethical leadership prevail. Therefore, we cannot be sure (accurately and precisely) about the development of unethical behavior. This, again, has to do with the abundance of existing concepts that deal with different concepts of unethical behavior that are used in surveys (see above) or different definitions such as misbehavior in work organizations, misconduct at work, workplace deviance, counterproductive work behavior, antisocial behavior, illegal and criminal behavior, and mobbing or bullying.

We also note that the concept of unethical behavior should not necessarily be seen as negative, or something that needs to be avoided, or prevented. Instead, powerful theories exist that support unethical behavior in certain contexts and certain cases. Most famously, in *The Prince* Machiavelli claimed that rulers must learn not to be good and sometimes breach moral principles to bring about more valuable political ends. Or, take the case of the most difficult form of conflict in political life: The Dirty Hands Conflict!

A dirty hand is, if it is right, even obligatory, but it is nonetheless wrong and shameful (Stocker, 1986, 36-61 There is no escape from both understanding and rejecting dirty hands. Walzer famously discusses the case (Walzer, 1973, 160-80) of torture and whether torture can be legitimate and justified, in some extreme cases. Walzer also legitimized the concept of *just wars*. Or, take the most famous case: The dropping of the atomic bomb to stop further mass killing. Was the dropping of the atomic bomb in 1945 legitimate?

In Political Ethics, discussions are about the ethicality of compromise, lying, the ethics of partisanship, the ethics of interest, and power. They are also about "dirty hands".

Walzer´s central point is that, sometimes, good politicians must engage in unethical behavior. In other words, there can be dilemma situations in which there is no right thing to do, but only right and wrong at the same time. However, the point is not that making dirty deals is morally right and morally good by the utilitarian consequences of so doing. These acts remain wrong. As such, Walzer rejects moral absolutism but also decision-making out of purely utilitarian motives (and the legitimacy of making unethical decisions, if the results are beneficial (Hall, E. & Sabl, 2022, 1-21).

As regards most of these issues, administrative ethics differ from political ethics. In the field of administrative ethics, discussions are rather about the legitimacy of asking public servants to be fully integer.

3. Does effectiveness mean achieving full integrity?

„Een niet integere overheid kan de rechtsorde niet handhaven. De overheid is of wel of niet integer. En een beetje integer, dat kan niet."

In the Netherlands, these words from the former mayor of the city of Nijmegen, Ian Dales, are famous.

To make it short: In 1992, Ian Dales claimed that it is impossible to be a little bit integer. There can only be full integrity, or none.

What does full integrity mean? And, should full integrity be an objective of ethics policies and ethics management?

According to Huberts in "The Integrity of Governance" (Huberts et al., 2014) even "though integrity is crucial for all individuals and organizations, its actual nature is far from clear and uncontested. On the contrary, the many scholars in the disciplines already referred to fundamentally disagree about its essence. In the literature on ethics and integrity, however, it is possible to distinguish at least eight perspectives" (…)

1. Integrity as wholeness

2. Integrity as being integrated into the environment.

3. Integrity as professional responsibility.

4. Integrity as conscious and open acting based on moral reflection.

5. Integrity as a (number of) value(s) or virtue(s), including incorruptibility.

6. Integrity as accordance with laws and codes.

7. Integrity as accordance with relevant moral values and norms.

8. Integrity as exemplary moral behavior" (Huberts et al. 2014, 39).

Thus, according to Huberts, integrity can be defined as being integrated, complete, consistent, harmonious, not conflicted, not compartmentalized, and coherent with principles and values. In public administration, this translates into the requirement to act loyally, and impartially, to act according to the rule of law, administrative values, and principles, to act in the common interest, and not to act in a non-discriminatory way, to perform well, to respect the principles of hierarchy and to respect leadership.

According to Dobel (1999), "Personal Integrity builds upon the unity of people´s lives. (....). It forces individuals to consider themselves as a moral unity over time and establishes a causal continuity both across actions over time and within the person. Personal integrity, then, arises from people´s ability to build a moral coherence by shaping their activities and roles to values and commitments that they view as centering their selfhood" (Dobel, 1999, 4).

Both definitions are close to the Platonic ideal of agency and the concept of an integrated person. They also remind us of the Weberian conceptualization of a committed person who takes full ethical responsibility before God (in the Calvinist protestant ethics)[4].

Discussion about the need (or not) for full integrity leads us into a fascinating (but also highly complex) discussion about agency, virtues, vices, and conflicts. Is being an integrated mind an important precondition for living a happy and harmonious life? Or, contrary to this, is a compartmentalized and conflicted life not integrated and, therefore, not harmonious? What are virtues and vices? Is it possible to act virtuous (and integer) at all? If not, what does this mean for our discussion about the effectiveness of ethics policies and the goal of achieving integrity?

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[4] In the *Protestant Ethic and the Spirit of Capitalism* (original: Die protestantische Ethik und der Geist des Kapitalismus), Max Weber alludes to the full ethical commitment and ethical responsibility of the individual before God. Weber argued that Calvinism played a key role in social change towards capitalism. Calvin preached the doctrine of predestination: God had already decided who was going to heaven before people were born. Similarly, God had also already decided who the damned were. This fatalistic situation raised the question of how people could know who was going to heaven and who, not. According to Calvin, there were indicators which could tell people who was selected and who not. Simply put, the harder people worked, and the less time they spent in unimportant activities, the more likely it was that they were of those pre-chosen for a life in heaven. This is because, according to Calvinist doctrine, God valued hard-work and a 'pure-integer - life'. Differently to this, Plato´s concept of Eudaimonie also comes close to the concept of full integrity.

To begin with. Many people believe that a virtuous person is a good person and a good person is an ethical person. Thus, virtues are one-dimensional and positive traits.

In reality, Aristotle claimed that virtues are a condition intermediate (a "golden mean" as it is popularly known) between two other states, one involving excess, and the other deficiency (Nikomachean Ethics, 1106a26–b28). The courageous person, for example, judges that some dangers are worth facing and others not. Aristotle holds that this balanced attitude applies to all virtues. He adds to this that the right golden mean must always consider the particular circumstances and the situation of the individual (1106a36–b7). *There is no universal rule, for example, about how much food an athlete should eat, and it would be absurd to infer from the fact that 10 lbs. are too much and 2 lbs. too little for me that I should eat 6 lbs. Finding the mean in any given situation is not a mechanical or thoughtless procedure, but requires a full and detailed acquaintance with the circumstances*…. (Nikomachean Ethics, 1104a7 10).

Similarly, in *After Virtue*, MacIntyre posits that virtues are not static or universal. Instead, they are deeply rooted in the historical and cultural milieu of a society. This means that virtues are:

- Context-dependent: What is considered virtuous in one culture may not be seen the same way in another.
- Varying across historical periods: Virtues evolve over time, reflecting changes in societal norms and values.
- Practiced within societal norms: A virtue is only meaningful within the context of the society that practices it.

Thus, human virtues are never unequivocally good (Seel, 2011, 242). One of the harshest critics of virtue ethics was philosopher Immanual Kant and sociologist Niklas Luhmann. "Everywhere in the world, yes, even outside of it, it is not possible to think what could be considered good without restriction" (Kant's Foundation for the Metaphysics of Sites).

Seel claims that, only at first glance, virtues and vices are strictly contrary attitudes in human behavior: Virtues are good, while vices are seen as bad for good human coexistence, hindering people's self-respect and self-determination. With vice we miss and with virtues we achieve the required orientation towards values and the good. "A malicious act is always the act of a malicious person" (Seel, M., 2011, 243). Virtues such as intellect, wit, judgment, courage, determination, perseverance, etc. are undoubtedly good and desirable. In most cases, however, almost all actions are often ethically ambivalent (Seel, 2011, 243). Curiosity can be positive, but not excessive curiosity. Punctuality, courage, moderation, and modesty can be exaggerated on the one hand, but also understated. Even stinginess is midway between thrift and generosity, and can be positive as well as critical. Kindness can curb the willingness to outrage or the courage to criticize. Passion can mix with fanaticism and opportunism at the same time. Fanaticism can be a vice, but it can also serve humane passions. Aggression can be interpreted in many ways. Greed is a vice, but it can also turn into lust. Modesty with a handle on self-confidence.

These examples show that it is not at all easy to determine what the right, or wrong, good or bad behavior. In all cases, it is a matter of dispositions to act under often contingent and complex circumstances. This also means that the boundaries between morality and immorality, virtues and

vices are not always easy to determine, and defining values as "good values" is problematic. In reality, virtues and vices are intertwined and easily reversed. Rather, values are always context-dependent. "A virtuous man does not have weaknesses, but is virtuous despite his weaknesses" (Seel, 2011, 253). Therefore, to be a more or less good person, or to be an ethical leader, means to combine more or less many virtuous and vicious character traits (...). Anyone who would be sure of always doing the right thing (...) would have to stay out of all situations in life..." (Seel, 2011, 254).

Next to the definition of virtues, it is also difficult to define what ethical character, or ethical personality is (Harman, G. 2003, 87-94). People behave differently in different situations. "Evidence indicates that people may differ in certain relatively narrow traits but do not have broad and stable dispositions corresponding to the sorts of character and personality traits we normally suppose that people have" (Harman, 2003, 92). According to Doris (2005), people often grossly overestimate the behavioral impact of character and grossly underestimate the behavioral impact of situations. Instead, circumstance often has an important influence on what people do, whatever sort of character they may appear to have. Like this, there is little consistency in people's friendliness, honesty, or any other personality trait from one situation to another.

However, this does not suggest that people are unethical or unable to accept and exercise responsibility (Harman, 2003, 93)

People have many roles and react differently to different contexts. They may be a civil servant, a father, a mother, a friend, a lover, an academic, a gardener, a lawyer, a political scientist, a football fan, etc. Having multiple roles may be beneficial. However, usually, it is not easy to manage multiple roles. As such, the compartmentalization may be in tension with integrity. Of course, in our offices, our role is to be a civil servant (or public employee). However, often, it is not easy to meet the demands of our roles and keep them apart. Also, our social roles are bundles of different expectations for different roles. These expectations are broken down into behavioral expectations. Our role as a civil servant also situates us in other contexts and other people in other roles – to my boss, my colleagues, or my subordinates. For a civil servant, the expectation will be to act impartially and in a rational way. But a changing context and other role expectations may influence our behavior (Brunning 2023).

Also, conflicts and ambivalences are normal features of personal and professional life. In the "Magic of Conflict" (2020), Spengler claims that conflicts are as necessary as they are productive. Conflicts invigorate, enable progress, and success. According to Spengler, the problem is that people have never learned how to act appropriately in a conflicting world, because conflicts are always seen as something that needs to be avoided. Instead, people try to avoid conflicts and achieve harmony because the absence of conflicts and ambivalence is seen as a precondition for personal virtue, for integration and agency. However, "if individuals are acting with integrity, the company as a whole can have an integrity problem" (Lynn Sharpe, 2024, 8/15).

Thus, mental states are rarely pure and integrative. In reality, conflict, instability, and ambivalence preclude the kind of psychic strength and harmony required for virtue and integrity. If conflicts and ambivalences are a normal feature of private life, in social relationships, friendships (and even loving someone is rarely about unconditional love (Razinsky, 2017), so conflicts and ambivalences

are also normal in professional life. Therefore, leading a perfectly ethical life is also neither possible nor necessary[5] (Rieder, 2024, 208).

Instead, ambivalence is a common experience at work, particularly for leaders who need to manage contradictions and tensions at work, amongst targets, by making strategic decisions, solving problems, and when managing employees. While it is commonly assumed that leaders´ ambivalence is not helpful, even harmful, and has critical effects on individual and team performance, research evidence shows that the opposite is the case: "leaders who experience subjective ambivalence increase team performance" (Guarana, Rothman & Melwan, 2023, 937).

Also, our study confirms that the management of conflicts is a daily feature of political and administrative life. In our study, 72,2% of all national respondents agreed with this statement. Also, from this point of view, claiming full integrity is unrealistic and does not correspond with daily administrative life.

As Rieder claims (2024, 2008), the request for full integrity easily develops into a totalizing concept. An extreme illustration is the discussion about "Greedy Institutions" (1974) and the dangers and challenges that can arise when "greedy institutions" demand total (behavioral) commitment, personal engagement, emotions, and loyalty from their employees. Similarly, Anderson discusses the critical consequences if moral management informs employees how to behave, how to stress, and also controls weight, consumption patterns, etc. (Anderson, 2017, 25). Here, we note that some European countries have started to assess the performance of employees by including ethical behavioral criteria in the annual assessments. This practice can also be problematic.

The purpose of social credit systems is exactly this: Introducing ethical and moral management in the name of the good. Often, social credit systems are supposed to educate citizens and to reduce unethical behavior, such as corruption. Therefore, too strong a focus on bounded rationality,

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[5] The concept of integrity examines the plausibility of an ideal of mental organization, which can be called the integration ideal. Advocates of this ideal argue that one's mind is better, in respect of one's agency and well-being, to the extent that it lacks conflicts and ambivalence. The maximalist form of the integration ideal has a eudemonistic character. Advocates of this view, such as Plato, argue that an integrated mind is inseparable from practical rationality and personal well-being, and that a disintegrated mind underpins unethical conduct. If one is integrated, then one will not be subject to conflicting desires, for example, and thus struggling to act. Thus one will not struggle to enjoy life as a result of one's impaired agency. Moreover, since conflicts are typically understood as generating negative emotions, one will also be free of unwanted phenomenology. Secondly, to be integrated, one needs to be aware of what is good and valuable, both in terms of what one knows oneself to value, and in terms of what is actually valuable. This knowledge arguably aids one in avoiding conflicts that involve judgements of value, and prevents one from self-sabotage. Disintegrated people, people with emotional conflicts, people who are ambivalent or hesitant, or whose judgements of value conflict with their desires, are not prevented from being agents in this minimal sense, but lack a form of agential excellence. Integration can also be defined as the possibility to act stably. From this point of view, ethical leadership is as important, as it is an overly broad and idealistic concept, promoting the idea of agency and an ideal of individual mental personality, a strong personality without ambivalences and inner conflicts. To be short: an idea of a wise leader. As such, ethical leadership is an ideal with an *eudemonistic* character. Advocates of this view, such as Plato, argue that this ideal is possible and leadership can free itself from conflicts and ambivalence. Moreover, they can make themselves aware of what is good, ethical and valuable, in terms of what one knows oneself to value, and in terms of what is actually valuable. This knowledge helps leaders in avoiding conflicts that involve judgements of value, and prevents one from self-sabotage. In this study, we criticize this concept. See: Luke Brunning (2015).

cognitive limits, and bounded ethicality makes the planning of a rational ethics management system impossible. Of course, this does not mean that (factual) evidence should be neglected.

If we move back to the organisational level and organisational integrity, are organisations supposed to be fully ethical? From a first point of view, this is the case.

Classical (bureaucratic) organizational behavior was always supposed to be fully rational, amoral, functional, and impersonal (Kuehl, 2020, 147). However, this assumption has changed.

Today, organizations are neither considered fully ethical, conflict-free, nor rational agents. Instead, organizations are considered as having multiple, and sometimes conflicting, goals, interests, values, and identities (Fiorito & Ehrenhard, in Kaptein, 2024, 257).

This contradicts the concept of bureaucracy. Whereas, for a long time, classical bureaucratic theories conceived people as fully rational and goal-oriented, evidence from the field of behavioral sciences shows that organizations and people are, instead, endowed with cognitive limitations that limit their ability to decide and to pursue goals rationally.

Also, in the field of central public administration, theories of bounded rationality have become popular. Parallel to this, more experts claim that it is impossible to separate organization, morals, and emotions. These insights about bounded rationality are also in conflict with the ideal of a conflict-free life, the possibility to adopt decisions that are based on full information, the ideal of rationality and the existence of an integrated and conflict-free mind that still has a wide appeal and a long philosophical tradition (best illustrated by Plato´s conception of the soul, and Aristotle in the eudemonistic character and virtue, etc.).

Also, theories of moral justification (Bandura, 1999) show that people reframe an individual decision or an individual act as acceptable, even if it is unethical. Every day, people use moral, economic, cultural, political, social, environmental, organizational, or personal justifications (the so-called desire to restore justice) to rationalize their behavior. In many ways, employees excuse their own unethical decisions. They appeal to higher loyalties to save the country, and excuse their unethical actions because they need to implement the superior´s orders, help colleagues, or serve shareholders' interests. Moreover, the threat of management dismissing employees, the setting of unrealistic job targets, too little job control and job autonomy, too high stress levels, etc. can motivate people to act unethically. Thus, in daily life, all of us use various types of individual moral reasoning and workplace morality (Kvalnes, 2015; Kaptein 2013; Kaptein 2022) that are also highly contingent and situational in different administrative cultures.

As regards the various types and forms of moral reasoning, experts distinguish between

• Denial of responsibility – People justify an unethical decision by shifting the responsibility to those who have adopted the laws or rules

• Denial of Injury – People try to minimize or deny that their decisions create any harm or that negative consequences of the action are spread so thinly onto a larger part of people, or society so that no individual is being damaged.

• Denial of victim – People justify their decisions because they did not mean to cause any harm and not mean this way ("Actually it was just fun", "it was a joke", "we did not mean it this way", "it was not that bad", "we had good intentions", "it was for the good")

•	Appeal to higher – People made an unethical decision because of loyalty towards the boss/organization/country.

•	Moral blindness – Moral blindness in organizations can occur when organizations and people develop routine ways of managing/looking at things and gradually fail to see the moral aspects of their conduct.

Thus, behavioral insights place doubts about whether rational decision-making and full integrity are possible at all. Moreover, research about altruistic behavior, organizational citizenship behavior (OCB), the good-soldier syndrome (Turnipseed, 2002), or (unethical) pro-social behavior conclude that - even - the desire to act with full integrity can nonetheless have negative organizational consequences (Turnipseed, 2002; Spector & Fox, 2010; Bolino & Klotz & Turnely & Harvey, 2013; Gino, 2015, Bolino, 2016). De Bruin, Russell, Kaptein & Meijs (2022) showed that moral goodness may also generate unethical behavior, for example through moral justification, moral superiority, moral naivety, and the own glorification of knowing what is moral and right. Employees can also pro-socially in ways that break rules, commit injustice, demonstrate dishonesty, or simply violate ethical standards (Bolino & Grant, 2016, 3). Overall, employees who are subject to various forms of organizational injustice, unprofessional and disrespectful treatment career pressure can commit organizational evil (Scharpf & Glässel, 2022).

All of these findings support the view that, often, neither organizations nor individuals act in rational ways. Therefore, it is difficult to claim that organisations and people are rational and integer. Examining today´s public institutions from the perspective of individual emotions and bounded rationality leads quickly to the understanding that imperfect decision-making and individual emotions affect the institutions they inhabit (Shannon, McGee & Jones, 2019).

Take the case of discrimination.

Discrimination is not always the result of intended discrimination (which does not mean that we wish to excuse this type of behavior). Instead, discrimination is often not the result of intended behavior, and not always committed by bad people. Rather, it may also be the result of unintended behavior that results in unfair treatment of groups, for example, in the recruitment process. This can be the result of unintentional bias. Unconscious bias, or implicit bias, refers to the assumptions and associations that influence a person's judgements of others. Even the most professional leader is not free from unconscious bias. However, awareness of its nature and effects can help in overcoming biased judgments.

Different types of unconscious bias can affect performance assessment decisions:

•	In-group bias can lead to assessments and decisions that are more favorable towards people who are similar to the decision-maker in attributes such as gender, culture or background, experience, interests, or personality.

•	Anchoring bias can convince the assessor to rely on information or beliefs they associate with the situation at hand, but which are irrelevant, for example, where a decision-maker has assessed the person previously with a poor outcome.

•	Confirmation bias can lead to decisions that take account of information that conforms to existing beliefs and convictions, which are not relevant or not the case.

• Availability bias can cause decision-makers to rely disproportionately on readily available information and data, rather than relying on new or a complete set of information and data.

Overall, it is vital that central public administrations should be more interested in how to overcome bias and the belief that "bias" cannot be changed (Nordell, 2021). Public administration could invest more in training, awareness raising, and guidance on how to deal with biased decision-making.

Behavioralism easily exaggerates the importance of limited rationality and "excuses" decision-making flaws in daily administrative life (because of the claim that it is impossible to realize fully informed decision-making).

It is not too difficult to ensure that organizational behavior is becoming more robust and rational, even in complex situations like the field of anti-discrimination policies (Trondal, 2022). Contrary to this, perceiving institutions and decision-making processes as irrational may create more harm than good.

Thus, despite the view that there exists no perfect form of organizational behavior and no possibility for individuals to act fully integrous, organizations can design structures, processes, and strategies to encourage and support individual ethical behavior. What matters is that public employees are not treated as rational machines or instruments. Likewise, the existence of bounded rationality does not automatically mean that organizations have become hosts of irrationality. Equally, functional and impersonal behavior, hierarchical structures, and law obedience are still important ingredients of organizational life. From the ethical point of view, applying the law or superiors' orders is usually not problematic. It is still a very relevant guideline for public officials, as it highlights the importance of the rule of law and loyalty to the democratically elected government.

Thus, our study findings challenge rational (public) choice institutionalists in their strong reliance on rational, individualized, and self-interest shaping approaches. We also confirm that countries rarely follow a rational strategy towards the integration of ethics policies into other governance logics, and vice versa. Consequently, ethics policies are rarely aligned with other public reform management and Human Resource Management reform trends (Bauer et al, 2022). However, we also state that administrative behavior is more robust and rational, as is claimed by behavioralist theories. We also believe that it is important to avoid a too strong focus on individual bounded rationality. Instead, the focus should be on organizational integrity and the discussion about how much rationality as possible can be built into today´s organizational (ethical) decision-making. This objective should be pursued more vigorously. Still, aiming at full individual and organizational integrity should be avoided.

Today, one way out of the two discussed concepts (1. rational and fully decision-making is not possible, and 2. organizations and individuals should act rationally) may be to accept that organizations (and people) often do not act in rational ways (and behavior is characterized by biases). However, this does not mean that people and organizations are cognitively incapable of doing the right thing.

Evidence from the field of bounded rationality does not automatically mean that organizations have become hosts of irrationality. In reality, impersonal and impartial behavior are still important

elements of organizational life. From an ethical point of view, applying the (rule of) law is not problematic, but should be a normal and accepted feature of organizational life. Public institutions should continue to be spaces of reason and stick to classical administrative (law) principles.

4. The purpose and objective of ethics policies are important – Trust, but what trust?

If we reject the need for full integrity, how else can we justify the goals and the need for effective ethics policies? Why take ethics policies seriously if it is not possible to achieve full ethicality?

As regards the latter, we note that 67% of all respondents to our survey mentioned that Ethics policies are not taken seriously because there is not enough awareness and knowledge of ethics rules.

Therefore, why be interested in public service ethics if a) full integrity is not possible, b) ethics policies are not taken seriously, and c) there are so many other, more important problems that need our attention?

As Dennis Thompson claimed: "There is an important truth in these complaints: not only are these serious problems, but they are in a sense more serious than any problem of government ethics. Would you rather have a morally corrupt government that solved all these problems, or a morally pure government that failed to solve any of them? If that were the choice, I suspect that most of us would sacrifice moral purity. Ethics is not a primary goal of government in the way that (say) national defense, economic prosperity, or public welfare are? (Dennis Thompson, 1991).

On the other hand, what would happen if public service ethics did not exist?

Take the *Leviathan* by Thomas Hobbes (1588): According to Hobbes, the very reason why states and governments exist is because of the need to end the state of nature (and a situation of permanent conflict and war). If people want peace, security, and prosperity, they need a social contract.

On the one hand, citizens give up rights and support and serve the state. In exchange, the state provides for protection and peace.

In this scenario, ethics policies appear as unimportant. However, any social contract will not work without commonly accepted values and principles, both by the ruler and by the citizens. "But from this truth (...), it does not follow, as many people seem to think, that ethics is unimportant, or even that it is always less important than other issues. Ethics may be only instrumental, it may be only a means to an end, but it is a necessary means to an end. Government ethics provides the preconditions for the making of good public policy. In this sense, it is more important than any single policy, because all policies depend on it" (Dennis Thompson, 1991).

In Europe, this logic was accepted doctrine for many centuries: Ethics policies, values and principles are important because of the specific accountability of democratic government, the specific tasks of government and public services, specific responsibilities, the right of government to interfere into human rights, send people to war, into prisons, the right to sanction people and, simply, because government is managing tax payer´s money. Following this, the government has an ethical obligation to serve public interests and not the private interests of those who work for the government.

Theoretically, until today, no government in the world deviates from this imperative: All countries agree that fighting corruption, fraud, the waste of public resources, and self-interested conduct makes sense. In almost all national constitutions worldwide, public employment, civil service, and disciplinary laws are loaded with legal obligations, values, and principles. At least in theory, all countries in the world subscribe to the importance of the merit principle and the need to have neutral, loyal, and impartial state servants with (sometimes very) specific employment conditions and institutional features.

In Europe, this intrinsic "ethics of neutrality" concept (Thompson, 1985) is still dominating, but slowly declining. Still, all countries share the understanding that the public actor should combine specific public principles and values such as the rule of law principle, the principle of equal opportunities, expertise, continuity, professionalism, performance, impartiality, equity, non-discrimination, and fairness. Despite the existing great political differences, no country wants to give up these principles (completely) and move towards new modes of personalized, politicized and privatized government. Take the case of Human Resource Management where most countries adhere to the need for maintaining specific recruitment procedures, specific remuneration systems and, increasingly, specific ethical obligations.

Moreover, all countries link the concept of ethics to the concept of trust. Ethical behavior is supposed to increase trust.

Still, it is unclear what kind of trust is meant. Trust is not a value per se. For example, it is impossible to state that as much trust as possible is needed. For example, here, a critical question would be to ask what type of trust? Blind trust? Or, should democratic societies better support levels of skeptical-, or critical trust (Norris, 2023). Thus, whereas trust is important, requiring constantly high trust levels would also run counter to the very idea of democracy and liberalism.

Conventional views of trust refer to social capital theory (Putnam, 1993) and cite the wide range of benefits of trust. However, trust is also Janus-faced, and its consequences may be beneficial or harmful. Whereas the many benefits of trust are evident, it is still neglected that the strongest expression of political trust towards state authorities is observed in many of the world's closed information societies (Norris, 2022, 224). From this perspective, liberalism is the trust of the people tempered by critical thinking. Better than naïve trust or cynical distrust is skeptical trust (Norris, 2022).

Current trends are also not towards generally declining trust levels in all European countries. Instead, in most countries, trust levels are fluctuating.

Thus, we state that, rather, the problem concerns the accuracy and reliability of public judgments of trustworthy public institutions, leaders, or holders of public office. "In a world of imperfect information, differing interests, and risky jeopardies, when principals have to place their interests in someone else´s hands, do they have the capacity to make rational, prudent and informed judgments calculating the trustworthiness of the individual agent or collective agency to act on their behalf" (Norris, 2022, 212). Note that national respondents reported in this study that leaders face ever more challenges to act as trustworthy leaders, defined as a concept in which public institutions and/or leaders can fulfill their responsibilities with competency, integrity, impartiality, and professionalism. It seems, leaders find it ever more difficult to fulfill these criteria in a changing world. Are leaders still competent, with the skills, resources, and capacities to deliver

on their responsibilities (...). Are they impartial in their role?" (Norris, 2022, 5). Can they still act professionally in times of great innovation and fast change?

Thus, trustworthiness is rather a problem than a decline of trust. As regards the latter, in open societies, trust levels are significantly correlated with the quality of government, state capacity or state failure, control of corruption, and government effectiveness. The better the quality, the more trustworthy of state authorities. The worse the quality and the worse the performance of public institutions, the more likely it is that trust levels are decreasing. In more authoritarian states like China, Russia, and Egypt, trust levels may be higher, even if the quality of governance is declining. This reflects underlying authoritarian values such as the belief in strong and authoritarian leadership, law and order. Thus, lower trust levels in liberal states may not be the greatest problem if distrust is not linked to cynical distrust but to a liberal form of skeptical distrust. Moreover, distrust should also be seen from a more socioeconomic point of view.

According to the OECD (2024), trust levels fluctuate over time and among public institutions. They also differ among countries. Overall, the share of people with low or no trust in the national government is considerable (44%) and outweighs the share of those with high or moderately high trust (39%). However, overall, it seems, trust levels in public institutions are rather decreasing than increasing in most OECD countries (OECD, 2024). "This average decrease can be partly attributed to women and people with lower education, whose levels of trust in national government have decreased by 5 percentage points" (OECD, 2011).

It is also important to note that trust levels are fluctuating amongst public institutions. For example, in some countries trust in the Police or in the Judicial Sector is higher or lower. Moreover, people have more trust in local civil servants if they had direct encounters with this group. Contrary to this, they have more distrust towards distant central government officials.

Another key finding of the OECD 2024 Trust Survey is that "socioeconomic conditions and demographic characteristics matter. People who feel financially insecure, women, and those with low levels of education, as well as those who report belonging to a group that is discriminated against, consistently report lower levels of trust in government. Related to this, the sense of political agency is crucial in explaining the different levels of trust in national government in all countries. The trust gap between those who report they have a say in what the government does and those who say they do not is 47 percentage points" (OECD, 2024, 11).

This critical thinking does not take away that (critical) trust in public institutions is important because low trust is also linked to low social capital and low societal cohesion. For our study on the effectiveness of ethics policies, it is important to note that a large share of the European population not only lacks trust in public institutions but also doubts that these institutions act with integrity. The above-mentioned OECD study (2024) states that only 34% of the population expresses confidence in public integrity.

Share of the population expressing confidence in government reliability, responsiveness, openness, integrity, fairness, and ability to address complex and/or global policy challenges (average across survey questions) (OECD, 2023).

Figure 17: People are more confident in their government's reliability than its integrity and responsiveness

Share of the population expressing confidence in government reliability, responsiveness, openness, integrity, fairness, and ability to address complex and/or global policy challenges (average across survey questions), OECD, 2023
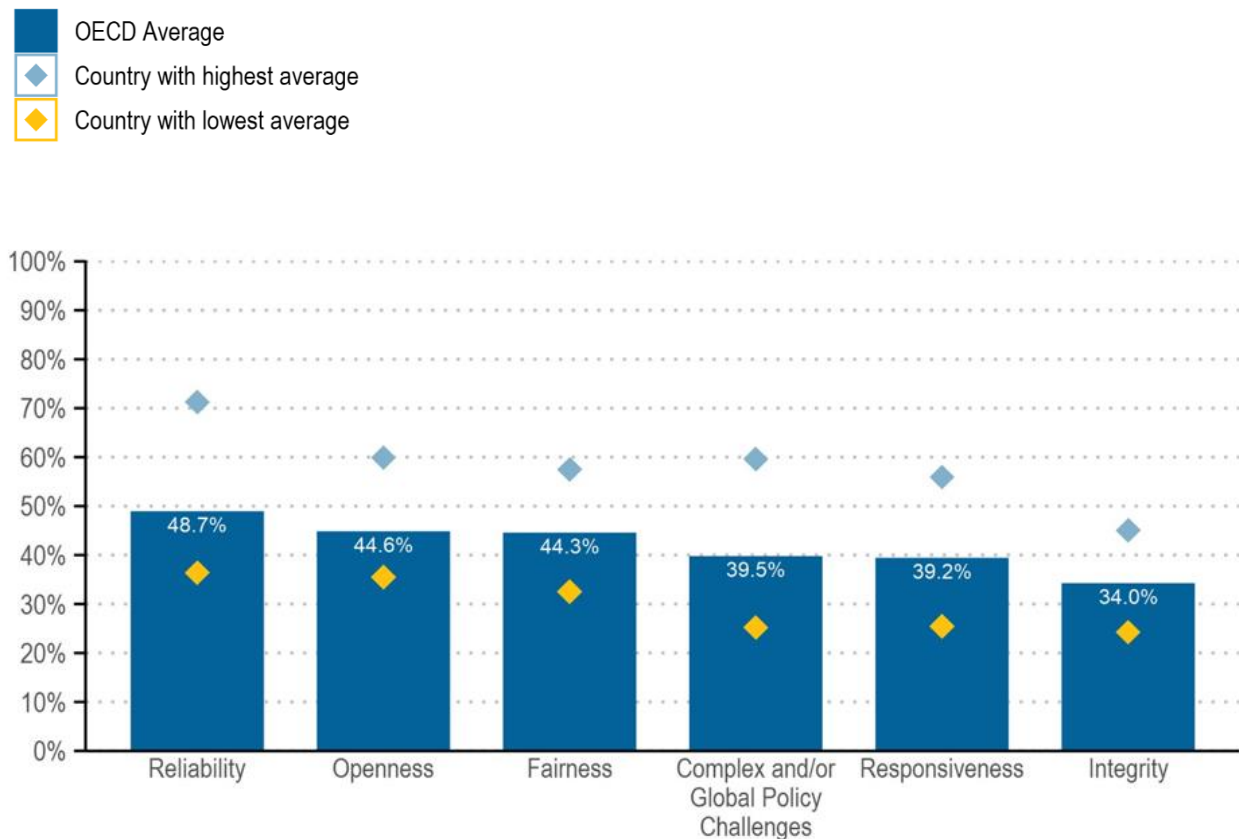
(Source: OECD Survey on Drivers of Trust in Public Institutions, 2024, 40)

Therefore, other than the need for all institutions to invest in various trust-building measures, they should also better assess the link between trust, trustworthiness, social cohesion, and social capital. It is impossible to criticize low levels of trust without also criticizing growing inequality, less social cohesion, social capital, and social mobility.

Let´s turn back to our assessment of the importance of ethics as an intrinsic principle.

We have noted that, at a minimal level, all European countries do not question the grand importance of administrative ethics. As such, there is a common understanding that public policies should be ethical. The importance of ethics is accepted by all political regimes and political affiliations: Work in the public sector is a trust function. It follows an intrinsic deontological imperative: Public institutional regimes (should) offer constraints upon personal, corrupt, and arbitrary decision-making. If we take this argumentation further, we also note that - indeed – all countries in Europe share the opinion that effective governmental policies are not possible without ethical policies.

Or, vice versa: Ethics policies are a precondition for other public policies to become effective. Ethics policies are supposed to give citizens not just some general good feeling about the government; it is not just to make citizens sleep better. It is supposed to give some assurance that

officials are making decisions on the merits. If citizens have this assurance, they are less likely to raise questions about the motives of officials, and are themselves more likely to concentrate on the merits of decisions, and on the substantive qualifications of the officials who are making the decisions" (Dennis Thompson, 1991).

Even if we agree with this, discussions about the legitimacy and importance of public ethics are changing. Today, expectations are moving beyond these "intrinsic" justifications for ethics policies. Instead, they also want to know whether ethics policies "pay" and produce tangible and concrete benefits. They also want to know more about the costs and benefits of ethics policies.

In this context, the interest in public service ethics is changing fast. In some countries, it is changing from an intrinsic to a more utilitarian interest in ethics policies. To a certain extent, certain actors are about to lose interest in values and principles, like the rule of law. Instead, they want to have factual evidence about the added value of ethics policies. Why should we have ethics policies if they are not effective, or do not produce tangible results?

This trend is highly ambivalent. On the one hand, it means that ethics policies are considered as hard policies, as long as they pay. On the other hand, ethics policies are about to lose their historical foundation and justification as intrinsic policies.

A regard both approaches, ethics policies will further expand. In all countries, current developments lead to an expansion of the meaning, importance, and practical expression of the concept of ethics. Consequently, everywhere, ethics management develops into a popular, distinctive, specialized, sophisticated, and professionalized policy. Innovation in the field of ethics management is not only producing more professional and better institutionalized management but also more complex, bureaucratic- and costly management. This is paradoxical.

5. The importance of public service ethics – from "soft" to "hard" policies?

It is not easy to link ethical behavior to individual and organizational performance, nor to costs and benefits. Overall, the relationship between ethics, performance, (economic) costs, and benefits is complex. To start with, ethical performance is (often) understood to be more than the completion of assigned tasks and duties, or the alignment between achieving individual and organizational performance objectives. Instead, effective ethical performance lies not only in what we achieve but also in how we achieve/do it.

Often, employees are willing and motivated to perform and to work ethically. However, they find themselves pressured by the organization and personal interests and, ultimately, find it difficult to act ethically.

Take the above-mentioned study by Eriksen and Ahmetović about tensions between formalities and informalities in Western Balkan systems of public administration. The study describes massive ethical challenges. For example, it highlights the importance of networks and family connections, politicization, and personal interests. Overall, public employees would rather work for their private instead for the public interest. This supports the popular view of the "bad apple" and personal causes for unethical behavior. In reality, public employees are not necessarily different from public employees in other countries. Instead, the societal and organizational context differs – and matters!

The Western Balkans civil service systems show significant weaknesses both overall and within individual public organizations. "The informal norms and behavioral traits that were outlined should not be seen as exceptions to an otherwise prevailing normal state, where professionalism and respecting the law is typical. Nor should they be understood as expressions of system failure in regimes, which are on the verge of downfall. We should rather see them as expressions of normalcy, albeit a different normalcy than that which follows the norms of impartiality, professionalism, and integrity" (Eriksen & Ahmetović, 2024, 31).

This case also shows the need to focus on the organizational, instead of the individual causes for misconduct.

A study by the Institute of Business Ethics (2024) concluded that 11% of employees feel pressured to compromise their organization's standards of behavior. 15% say their organization has an unethical organizational culture ((Institute of Business Ethics, 2024, 11 and 12). As regards the question, *what are the main pressures to act unethically*? The greatest identified pressure is "*I was following my boss´s orders*" and "*time pressure/unrealistic deadlines*" (Institute of Business Ethics, 2024, 13). Thus, organizational instead of individual causes are identified as the main causes for unethical behavior. This illustrates the importance of organizational factors and causes. As discussed, people's behavior is shaped as much by individual, situational, organizational, and societal (contextual) factors. Yet, these scientific insights and their implications for leadership, management, and organizational ethics are not widely accepted. Many people believe that ethical behavior is a matter of individual, fixed and unchanging character, "and that corporate misconduct was the work of bad actors, having nothing to do with management". (Sharp Paine, in Kaptein (ed.), 2024, 9/10).

In reality, bad working conditions, the lack of organizational culture, and unethical management can lead employees to act unethically. Take the above-mentioned Finnish Survey (Haverinen & Ilpala, 2025), which shows that working at a high pace (thus, job stress and job intensity) are considered as the most important ethical pressures.

In the meantime, ever more organizations include competency requirements in employees' performance appraisals. In some countries, competency requirements also include criteria about how an employee demonstrates ethical aspects in his/her work.

Simply speaking, this overlap between competence, ethical behavior, and performance also means that performance assessment cannot be distinguished from assessing ethical behavior. On the other hand, this also means that assessors should know how to assess personal integrity and personal behavior and link this to performance targets (or the failure to reach performance targets). This, again, means that assessors should not only know how to assess performance but also how to assess ethical behavior. Do they know how to do this?

Overall, assessing ethical performance is a highly delicate issue. For example, in our study, many countries (almost 40% of all responding countries) reported that they use artificial intelligence in performance assessment systems. From here, it is easy to control and surveil individual behavior.

Thus, the link between performance and ethical behavior may easily "seduce" countries to introduce ethical credit systems and control behavior, as such. Introducing ethical behavioral aspects into the performance assessment system is a highly sensitive task.

However, this example shows that ethical management is also becoming ever more complex and is expanding. This expansion rests in large measure on the growing belief in the positive (utilitarian) importance and effects of ethics management!

Overall, there is growing acceptance that ethics policies and ethics management pay in many ways. Or vice versa: Overall, there is growing acceptance that ethical behavior reduces the costs for (organizational and employee) misconduct, discrimination, disrespect, unfairness, violations of the merit principle, bad governance, organizational injustice, and the consequences of unethical leadership, etc.

However, the case of linking ethics with performance assessment also shows that this trend is highly ambivalent.

To conclude: Whereas awareness is growing that ethics policies and ethics management "pay", they are also becoming increasingly individualized, costly, bureaucratic, and institutionalized. Thus, Countries adopt ethics policies, because they "pay", but face difficulties with the effective implementation of these ethics policies because of their costs. (Paine, 2000, 319-330). Parallel to this, the grand European discourse about the intrinsic importance of values and principles is slowly being replaced by a growing interest in the extrinsic importance of ethics. In all possible scenarios, ethics management is becoming more complex.

6. Costs and benefits of ethics policies

Whereas the benefits of ethics policies are mostly linked to positive behavioral outcomes (and less unethical behavior), the terms "benefits" and "costs" also have many other meanings. In all cases, countries do not assess the costs and benefits of ethics police.

For example, costs can be divided into direct and indirect costs

As regards direct costs, these can be defined as financial resources used or required for the design and implementation of ethics policies such as costs for training, advice, awareness raising, codes of ethics, the monitoring of policies (for example costs for monitoring disclosure policies), costs for the institutionalization of ethics policies (costs for anti-corruption agencies, integrity officers, data protection bodies, anti-discrimination policies, whistleblowing policies, the management of revolving door, design and implementation of codes of ethics, the institutionalization of ethical artificial intelligence policies, costs for surveys, assessments and evaluations etc.).

Direct costs are also estimated for corruption, etc. For example, the European Commission estimates the costs of corruption as follows: "Corruption is by its nature difficult to quantify, but even conservative estimates suggest that it costs the EU economy at least EUR 120 billion per year" (COM JOIN (2023) 12 final, 3.5.2023).

Direct costs for conflicts of interest are also increasingly estimated regarding the mismanagement of national and EU funds.

Other direct costs are much less known. For example, costs for transitional allowances for Holders of Public Office when leaving office. On the EU level, these rules about transitional allowances (Decision 2005/684 for the EP; Regulation 422/67 for the EC, Court of Justice, Ombudsman, EIB), Regulation (2016/300 for the ECA and Secretariat General of the Council) have only two objectives: Granting financial security to leaving personnel and avoiding post-employment

conflicts of interests. Total costs for the EU-Institutions for the period between 2011-2016 are estimated at EUR 61,1 million EUR (Blomeyer & Sanz, 2017). It is unclear whether and how these expenditures are effective. Comparative research about the effectiveness of transitional allowances (and the linkage with conflicts of interests and revolving door policies) does not exist.

Indirect costs concern health-related, psychological, political, institutional, and economic costs. Also, de-motivation, poor performance, distrust, and turnover intention can be categorized as indirect costs.

Figure 18: Costs and Benefits of Ethics Policies

Costs	Benefits
Direct Costs Costs for training, advice, awareness raising, the monitoring of policies (for example costs for monitoring disclosure policies), costs for the institutionalization of ethics policies (costs for anti-corruption agencies, integrity officers, data protection bodies, anti-discrimination policies, whistleblowing policies), the management of revolving door, design and implementation of codes of ethics, the institutionalization of ethical artificial intelligence policies, costs for surveys, assessments, and evaluations	Direct Benefits Health-related-, psychological-, political-, institutional-, and economic benefits and costs. Motivation, high performance, trust in leadership, trust in colleagues, trustworthiness, engagement commitment, ethos, group thinking, identity, and ethos
Indirect costs Costs for corruption, conflicts of interest. etc. Health-related-, psychological-, political-, institutional-, and economic benefits and costs. De-motivation, poor performance, distrust, turnover intention, lack of engagement commitment, injustice, and unfairness perceptions.	Indirect benefits Retention intention, attractiveness of public sector employment, positive image, good governance, individual-, organizational, and country performance

Also, the benefits of ethics policies and ethical culture can be categorized into these categories. For example, an ethical image and ethical reputation may pay off in terms of retaining employees and success in recruitment strategies. Being an ethical employer is also linked to employer branding and marketing: Values such as quality, trust, ethics anti-discrimination are popular. Also, here, "Ethics sells". Thus, overall, ethical marketing and ethical reputation get translated into economic value.

Still, the real relationship between ethics management, costs, and positive outcomes is shaky at best. Often, the alliance between them is highly contingent and depends on shifting interests, circumstances, and changing interests.

Still, partisans of the concept of corporate social responsibility in private companies promote this concept not only because of the moral responsibilities of managers, but, because ethics "pay". Why then not promote ethics management in the public sector, too, because it "sells"?

Countries also measure the costs of related policies and issues like the costs of crime, fraud, and corruption.

As such, there is no argument why public organizations should not consider the costs and benefits of ethics policies. Doing so could also boost the importance of the concept of ethics management.

As regards direct costs for ethics training, awareness raising, monitoring ethics, and ethics bodies (including employed personnel), one should note that Governments have budgets and overviews about investments and costs associated with the implementation of ethics policies. However, in most cases, the reality is more complex.

The case of Poland

"We do not keep record of the exact expenditure, and thus the change in volume, on the management of ethics policies. However, the monitoring of the annual reports of directors-general/heads of offices in the area of ethics, carried out by the head of the civil service since 2017, confirms that the number of activities in this area is increasing year to year (including, inter alia, access to training, support in ethically questionable and difficult situations, integrity culture surveys at the office level or information and promotion activities aimed at raising ethical awareness among corps members and citizens, etc.). (...). These activities are most often carried out by members of the civil service as part of their official duties, with no additional allocation in the office's budget. An example is training: The Head of the Civil Service provides free e-learning courses on ethics for three target groups, the Department of the Civil Service is conducting free of charge webinars on 'Ethics in the work of an official' this year as part of the central training plan for 2024 for all interested parties (as of the date of filling in the survey, 5 out of 6 webinars planned for this year have been conducted with more than 3 600 participants). Training is also provided by internal trainers or ethical advisors in the civil service, again at no additional cost to the office budget".

Often, central public administrations only have rough cost overviews of certain policies, mostly as regards training budgets. However, very little is known about integrated cost estimations, for example, cost overviews for monitoring disclosure policies in terms of needed personnel, etc., or costs for integrity officers, whistleblowing policies, or anti-corruption agencies.

Table 10: Does evidence exist in your country/organization about cost developments as regards the management of ethics policies?, N=22

Category	Value
Yes, costs are strongly increasing	0%
Costs are increasing	14%
Costs are decreasing, e.g. due to digitalisation, use of Artificial Intelligence etc	4%
No big changes	18%
No monitoring of cost developments	64%
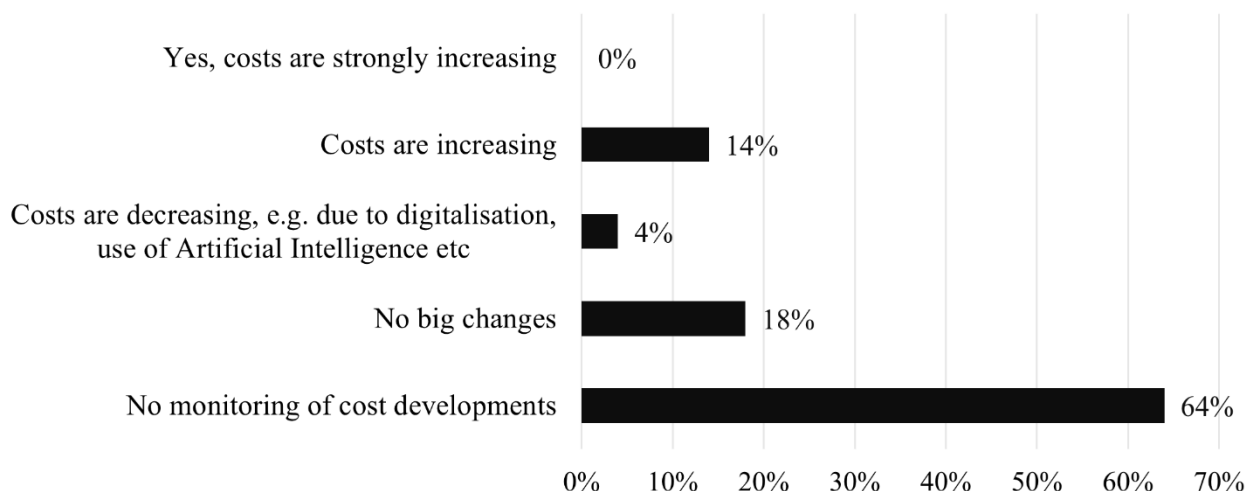
Another reason for the lack of interest in the implementation of ethics policies (and the costs for ethics management) is the great fragmentation of costs and investments in the field and the great variety of policies under the term "ethics policies". Thus, different policies like anti-corruption policies, conflicts of interest policies, anti-discrimination policies, or whistleblower policies are managed and dealt with apart from each other. Budgets are different and not coordinated or integrated. Like this, countries are also not aware of rising costs (so far, especially in the field of training). In the future, costs will likely increase further, especially in the field of managing (ethically) artificial intelligence.

Table 11: If yes, in which fields are costs increasing?, N=23

Category	Value
Investments in training	70%
Investments in awareness raising and guidance	60%
Investments in the management of disclosure policies	30%
Investments in enforcing policies	20%
Investments in measuring ethics policies	20%
Others	20%
Investments in managing/monitoring ethical risks in the field of artificial intelligence	10%

Countries also do not carry out cost-effectiveness analyses as a quantitative methods for analyzing the "return on investment" or the anticipated or expected results it produces, about the costs of ethics policies. Here, one reason is that introducing cost-benefit analysis in the field of ethics policies can also be problematic because it fixates on monetary costs. A potential focus on purely monetary dimensions is certainly insufficient as a sole method used to evaluate ethics policies. Finally, countries have no overview of the indirect costs of ethics policies, such as the costs of

unethical leadership, discrimination, harassment, organizational injustice, poor performance (related to unethical conduct), and distrust etc.

Still, introducing cost-benefit analyses allows citizens to hold policymakers accountable by allowing people to monitor investments in ethics policies and assess the relative importance of these policies (and whether they are taken seriously). Of course, the second reason why governments should introduce cost-benefit analysis in the field of ethics policies is to monitor the development of their own investments in these policies. Of course, a risk could be that the popularity of certain policies and the lack of popularity of others could convince policymakers to disproportionately give support to some policies and not to others, overlooking the importance or urgency of some issues.

There is no place here to discuss the increasing number of cost assessments in the field of corruption and fraud.

What matters is that much less attention is placed on integrated cost assessments about other forms of unethical behavior as such. For example, for many years, experts in the field of (sexual) harassment have discussed the potential costs of sexual harassment. Experts in the field of bullying discuss the costs of bullying. Experts in the field of unethical leadership discuss the costs of leadership. Experts in the field of corruption discuss the costs of corruption. Experts in the field of organizational justice discuss the costs of organizational injustice and unfairness. Experts in the field of anti-discrimination discuss the costs of discrimination. Experts in the field of good governance discuss the costs of critical governance, e.g., violations of the rule of law, etc. In the field of conflicts of interest (on the EU level), studies have been carried out about the costs of conflicts of interest in the management of EU funds.

Again, this explains why integrated evidence about the costs (and benefits) of unethical behavior is either non-existent or, if existing, highly scattered and fragmented. In this study, most countries mentioned that there is "no monitoring of cost developments". According to the OECD, no OECD country is equipped with the necessary resources to effectively manage and monitor public integrity strategies. "In only four countries, action plans include estimates for capital and operational expenditures" (OECD, 2022, 17). Thus, whereas countries invest heavily in setting stricter standards and adopting new rules and policies, they have no insights about the costs of ethics strategies, investments in capacity building, and the implementation of ethics policies.

In countries with detailed monitoring systems, monitoring the costs of unethical behavior requires sophisticated and complex interventions in the conduct of organizations. This is difficult, complex, time-consuming, and increasingly costly. Still, these countries may argue that, in pure efficiency terms, cost and preventing unethical behavior appear to be substantially lower given that the 'input' (i.e. resources invested in monitoring and enforcement) is mostly very small compared to the costs of the 'output' (in terms of unethical behavior) and the number of actual conflicts of interests. However, there is no evidence whether countries with low monitoring costs (because of reduced disclosure requirements) have higher costs of the output (in terms of unethical behavior) because actual conflicts of interest are also higher.

Therefore, measuring costs and benefits and establishing cost-benefit analyses remains difficult. Take the case of conflicts of interest policies. Here, the small number of identified Conflicts of interest could be the result of lax enforcement measures in place, so no firm conclusions can be drawn as to whether the current level of effort is efficient and proportionate or disproportionate.

However, as such, the probability of detecting a conflict of interest during the screening process depends on a strong, ex ante screening mechanism. This, again, raises costs. However, substantial costs of preventing conflicts of interest might be justified by the avoidance of conflicts of interest, which may also be costly.

Let´s remember the start of our discussions in this study: Overall, the more countries adopt stricter or new policies, the more they need to invest in the implementation and institutionalization of integrity policies, and the more resources are needed for the management and the coordination of (ever-new) ethics bodies. Again, in these situations, more personnel and more resources are needed in the monitoring and enforcement process. If the trend towards more and stricter ethical requirements is not followed up by the allocation of more (personal) resources, this increases the likelihood of new shortcomings in the implementation process. Then, the new circle starts again: politicians and media will call for stricter policies, tighter rules, and, consequently, greater investments in an integrity bureaucracy.

At present, costs for unethical behavior (by far) exceed the costs for the management of policies. Overall, the rising costs for the management of ethics policies might be justified by the avoidance of even greater costs for unethical behavior. However, both the costs and benefits of ethics policies need to be better measured and assessed.

As such, all of these considerations are well known from other public policies. Take the case of the costs and benefits of climate change policies. The costs of environmental pollution and climate change are well known. Still, countries find it difficult to implement effective climate change policies. Consequently, costs are rising.

6.1. Costs of workplace mobbing and bullying

So far, the management of workplace bullying and mobbing is a national competence. There exists no EU legislation that relates directly to workplace bullying and mobbing. However, the EU Occupational Safety and Health (OSH) Framework Directive (Council Directive 89/391/EEC) obliges employers to ensure the health and safety of workers in all work-related aspects.

Unethical behavior, such as bullying or harassment, is rightly seen as a particularly negative form of unethical behavior. However, the full impact of these forms of unethical behavior on people is often neglected. Also, very little research has been devoted to whether public organizations and HR offices do (not) enough in the fight against bullying. And, whether the work done is (in-) effective (Boddy & Boulder, 2025). The issue has received increasing attention because of the scaling back of diversity and anti-discrimination policies in a number of countries.

Overall, bullying and (sexual) harassment are mostly discussed as regards their impact on health, psychology, and well-being but rarely as regards their (additional) impact on work motivation, performance, self-efficacy, self-determination, and personality.

Motivation, on the other hand, is often treated as a singular construct that suggests that people are moved to act by very different types of factors, with highly varied experiences and consequences. People can be motivated because of intrinsic reasons or because there is strong external coercion. They can be motivated and incentivized by an intrinsic interest or by a bribe. They can behave from a sense of personal ethos, public service motivation, or by personal commitment to excel, or from fear of being surveilled. These contrasts between cases of having

internal motivation versus being externally pressured are surely familiar to everyone. The issue of whether people stand behind a behavior out of their interests and values, or do it for reasons external to the self, is a matter of significance in every culture (Ryan & Deci, 2000, 69).

In the field of motivation theory, Ryan & Deci (2000) found that conditions supportive of autonomy and competence are positively related to motivation, whereas conditions that controlled behavior and hindered the perception of autonomy and competence undermined motivation. They found evidence of the positive influence and power of social contexts supportive of autonomy, competence, and relatedness (Ryan & Deci, 2000, 68-78). In this context, it is important to note that bullying and harassment influence perceptions of autonomy and relatedness.

For all people in all cultures, it is always important to preserve a positive self-worth. Also, a positive self-evaluation and receiving positive evaluations from others are strong motives for most people. Contrary to this, a variety of environmental conditions termed stressors have detrimental physical and psychological effects on people. Especially, threats to self-esteem may serve as particularly salient stressors. Whereas some stressors are inherent, like work, job, or personality, social stressors involve interpersonal interactions among people and are particularly stressful. A common feature of social stressors is that they can involve unethical behavior. People react differently to unethical behavior. Not any unethical act diminishes one's self-esteem, and people can dismiss isolated threats and use strategies to protect themselves and enhance their self-esteem. Overall, people with a higher degree of self-efficacy (Bandura, 1977) report fewer psychological or health complaints following exposure to unethical behavior.

However, for all people, bullying and (sexual) harassment are particularly stressful. Being a target of bullying and/or (sexual) harassment is likely to create an offense to self-efficacy, self-determination (autonomy and relatedness), personal dignity, and personal identity.

Therefore, exposure to these types of unethical behavior can have particularly negative effects on both the psychological and physical well-being of those targeted. As people strive for a positive self-view and have a need to be respected and accepted, these forms of stressors are particularly harmful (Meier, Semmer & Spector, 2023, 168-175). Research shows that those who witness unethical behavior (colleagues, friends, and family) may show reductions in well-being. However, overall the costs of bullying and (sexual) harassment are unclear given the fact that many targets of unethical behavior do not confront the perpetrator or make complaints to their superiors (often because they fear repercussions, negative effects on their careers or just because of shame and lack of confidence (Salin, 2023, 73-85).

Overall, bullying and harassment have effects on self-esteem, motivation, job satisfaction, employability, and general well-being.

According to a report by Eurofound, "preventing and countering antisocial behaviours at work, whether online or through more conventional means, is not a policy priority in most of the countries investigated. Sweden and Denmark were identified as the leading EU Member States in preventing workplace bullying and harassment (Eurofound, 2024, 27). Workers in the health sector, especially technicians and associate professionals, face the highest prevalence of adverse social behaviors, including verbal abuse or threats, unwanted sexual attention, and bullying, harassment, or violence. Higher-than-average exposure to adverse social behaviors is also found in public administration and education (Eurofound, 2024, 34). There exists no empirical evidence on

whether levels of bullying and mobbing increase or decrease. Similar to other policy fields in public ethics, terms, definitions, and concepts are changing and making it impossible to measure over time. For example, "despite the many benefits of the digitalization of work, widespread access to digital devices in working life has created new forms of antisocial behaviors, including cyberbullying and online harassment" (Eurofound, 2024).

International research indicates that various work environment factors support the emergence of bullying at work, such as discrimination, stress, tight deadlines, work strain, high levels of job control, unreasonably high workload, destructive leadership, and a lack of feeling respected. Work stressors such as value and role conflicts, job insecurity, and interpersonal conflicts are also factors that support bullying and mobbing behaviors. Overall, studies confirm that experiencing bullying or harassment at work takes a heavy toll on workers. Whilst much effort has gone into investigating and empirically exploring the individual effects of bullying, comparatively little attention has been paid to assessing the organizational consequences and economic costs of bullying. This is somewhat surprising given the combined effects of the very substantial scale or magnitude of the problem and the effect this has on the individuals targeted (Mikkelsen et al., this volume; Nielsen and Einarsen, 2012), which undoubtedly would represent a substantial cost to the organization.

As regards financial costs of bullying and mobbing, different cost factors should be combined when the financial cost is calculated (Eurofound, 2024; Nielsen, & Einarsen, 2012; Nielsen, Christensen, Finne, & Knardahl, 2020; Samnani, & Singh, 2012; Einarsen, Hoel, & Notelaers, 2009; Einarsen, Hoel, Zapf, & Cooper, 2011; Einarsen, K. & Einarsen, 2021; Singh, S., Rai, S., Thakur, G., Dubey, Singh & Das, 2021).

Einarsen, Hoel, Zapf, & Cooper (Eds.) (2021) offer a comprehensive and detailed overview of the costs of bullying and mobbing. Most important are costs for absenteeism (sickness and health costs, psychological costs like grievance and depression, etc.), for replacement/turnover measures, and – indirectly – reduced performance and demotivation[6]. To this should be added

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[6] "Employers respond to absenteeism in many ways. The response might be through finding cover for the absentee by means of voluntary or compulsory cover by colleagues through overtime or through replacement. However, in most cases, the real cost of absenteeism is, by and large, linked to the cost of sick pay, bearing in mind that systems will vary from country to country (Gordon and Risley, 1999). Still, in some organizations such as the health service where cover is essential, premium rates would have to be paid through agency/ replacement staff or overtime, with additional management costs being anticipated (Kline and Lewis, 2018)" (Hoel, Cooper, & Einarsen, S.V. 2020, 209-227).

Turnover and Replacement Costs: "These primarily comprise recruitment costs (advertising and selection), as well as the cost of induction, training and development. In addition to direct costs arising from these activities, administrative costs (e.g., testing, candidates' travel expenses, termination of contracts, issuing of new contracts) will also have to be included in total costs. Replacement costs will tend to rise according to the experience and skills of the appointee. It should be noted that turnover is not necessarily dysfunctional to the effectiveness of an organization, as a certain amount of turnover allows the organization the opportunity to bring in new knowledge, skills and talents (Gordon and Risley, 1999). Turnover costs also include the lower initial efficiency of replacement employees until those employees reach the same level of performance as those replaced (Sheehan et al., 2001)". (Hoel, Cooper & Einarsen, (2010, 209-227). Other forms of impact of bullying are likely to be considerable, but largely intangible, and will require some element of 'informed guessing'. Nonetheless, it is worth bearing in mind that earlier studies have reported a number of impacts relevant to calculating lost productivity as a result of poorer work performance by those who experience

that other costs should be added for Grievance/Investigation/Compensation/Litigation and loss of reputation. These costs are even harder to measure.

On the EU level, the European Agency for Fundamental Rights and the European Institute for Gender Equality research equality (including the so-called gender equality index), discrimination, racism, and gender-based violence. This work is also focusing on the measurement of the effects of these issues and the costs of gender-based violence (European Institute for Gender Equality, 2021). However, as work is not specifically centered on the situation in the national central public administration, we will only refer to these sources.

6.2. Costs of (Sexual) Harassment and Violence

During the past years, the scope of EU non-discrimination law in the field of anti-discrimination was continuously broadened through the adoption of a wide range of EU legal acts, policy documents, and the case law of the Court of Justice of the EU (CJEU). As such, there are six main directives referring to gender equality, and since 2000, the protection against discrimination has been extended to cover more grounds, including sexual orientation. Nonetheless, despite the common legal framework on non-discrimination at the EU level, the political acceptance and the implementation of EU non-discrimination directives and case-law vary amongst the Member States (Mulder, 2025, in Sommermann et al, 2025).

Thus, the acceptance of anti-discrimination policies differs from the field of mobbing, bullying, and (sexual) harassment at work. Here, all countries accept that bullying and harassment at work involve harmful behaviors, leading to a hostile environment for the victims, such as verbal abuse, aggression, disrespect, intimidation, or exclusion. Although the terms are sometimes used interchangeably, they are distinct concepts. Whereas all terms are often used about discriminatory or offensive behavior, (sexual) harassment involves additional legal, social, and psychological dimensions that make it distinct from the other forms. Often, harassment is not precisely defined but is addressed as a psychosocial risk factor.

Still, in all fields – anti-discrimination, harassment, bullying, and vulnerability - ethical standards have become stricter. For example, there is growing attention to vulnerable groups and the protection of personal dignity (against hate speech, shit storms, abuse and manipulation of personal data and pictures, use of discriminatory language, etc.). This is also the case as regards the extension of the definition of sexual harassment to sexual contacts and acts for which there is no mutual consent. For example, the European Commission proposed new legislation on combating violence against women, and domestic violence was adopted on 7 May 2024 (Directive (EU) 2024/1385).

Despite these trends, in November 2024, Eurostat, the European Union Fundamental Rights Agency (FRA), and the European Institute for Gender Equality (EIGE) jointly released the results of an EU survey on gender-based violence. As such, the survey reported that around 50 million

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being bullied at work. They include reports of reduced efficiency, lower work output, decreased effort and decline in work quality (see also: Hoel, Cooper, Valvatne & Einarsen, op cit.).

women aged 18-74 in the EU, or 31%, experienced physical (including threats) or sexual violence in adulthood, based on the EU gender-based violence survey (wave 2021).

Thus, despite the trends to introduce new and stricter policies, what matters is to acknowledge that violence (against women) is not decreasing (https://www.helsinkitimes.fi/finland/finland-news/domestic/25804-finland-s-rising-violence-against-women-highlighted-on-international-day.html; Bundeskriminalamt, 2023).

Costs of (sexual) harassment partly overlap with those, as discussed in the previous chapter (as regards bullying).

The above-mentioned EU survey on gender-based violence presents (surprisingly) significant country differences in the proportions of women who have perceived physical or sexual violence. Thus, the extent to which violence is tolerated might have influenced the number of women who were ready to disclose their experience of violence. Vice versa, Women who did not consider as acceptable degrading or humiliating sexual acts acceptable were more ready to disclose violent experiences. This, again, explains the high differences in perceptions of violence among countries.

Moreover, the process of reporting violence and sexual harassment or making a complaint is even more emotionally challenging than in other fields of harassment and bullying. Victims who report their experiences may be disbelieved in certain cases and cultures, and they may face retaliation and victim-blaming from colleagues and supervisors. This can further exacerbate emotional distress. Therefore, in certain administrative cultures, victims rarely initiate formal legal proceedings; but for those who do, the experience may require them to recount their experiences in detail, participate in investigations or legal proceedings, and potentially face cross-examination or scrutiny of their credibility.

What also matters is that the reported consequences of sexual harassment are wide-ranging. They include shame, guilt, anxiety, depression, and low self-esteem. These symptoms can also be severe and long-lasting, and can have significant social and interpersonal impacts on victims, negatively impacting relationships with colleagues and supervisors, as well as friends and family. All of these consequences will translate into workplace behavior and perceptions of dignity, autonomy, and self-efficacy, as discussed in the previous chapter. Workplace sexual harassment may have the most significant consequences on an individual's career, reduced job satisfaction, motivation, and commitment, and job turnover intentions (McDonald, in Cooper et al., 2024).

E. PRACTICAL PART

1. ETHICS MANAGEMENT: THE INSTITUTIONALISATION OF ETHICS POLICIES

1.1. Ethics management – the sum of universal components?

Ethics management can be described as the sum of consistent (systemic) efforts of an organization focused on promoting ethical behavior (integrity) (Hoekstra, Huberts & Gaisbauer, 2016, 16; Kaptein 1998) or as the activities undertaken to stimulate and enforce ethical behaviour and integrity and prevent corruption and other integrity violations within a particular organization (Maesschalck and Bertok, 2008). Research about national ethics management systems (Paine, 1994; Treviño, L. K., Weaver, Gibson, & Toffler,1999; Pope, 2000; Kaptein, 1998, Kapstein 2015, Kapstein (Ed.), 2024; Schminke, 2010; Slingerland et al., 2012 Menzel, 2016), local integrity systems (Huberts et al., 2008) or ethics- and integrity management in the public sector (Anechiarico, 2017; Graycar & Smith, 2011; Jurkiewicz, 2020; Maesschalck & Bertok, 2009; Svara, 2007; Hoekstra, 2015; Hoekstra, Huberts & van Montfort (2022) has resulted in many suggestions about what elements, components or measures are needed that will enable organizations to achieve more ethicality.

Much of the literature assumes that the components of ethics management systems are universally applicable and also, similarly, to the public and the private sector. For example, according to Huberts et al. (2014), it is possible to stress the basics of an integrity system. Suggested instruments include the existence of rules, disciplinary policies, the setting of ethical standards, the adoption of codes of ethics and codes of standards, the introduction of an active value management policy, ethical leadership, effective whistleblowing opportunities, job rotation, risk analysis, training, integrity plans, integrity monitoring, scandal management, registers and disclosure policies, ethical climate surveys, self-assessments, integrity officers, ethics committees and good working conditions.

Similarly, the OECD Public Integrity Handbook (2020) proposes that ethical challenges require a whole-of-society and whole-of-government approach. identifies 13 areas that constitute the main components of an ethics management model. These are commitment, responsibilities, strategy, standards, a whole-of-society approach, leadership, merit-based processes, capacity, openness, risk management, enforcement, oversight, and participation.

Alternatively, Kaptein´s concept (2015) distinguishes among nine elements: a code of ethics, an integrity office (or officer), ethics training, an ethics hotline, the existence of accountability policies, oversight and monitoring, and conflicts of interest screening.

Hoekstra (et al. (Hoekstra, 2015; Hoekstra, Huberts & van Montfort, 2022) discuss the quality of ethics systems according to several indicators and preconditions for effective ethics policies:

1.   Attention/agenda setting: attention to integrity at all levels of the organization, integrated with the personnel policy, communicated externally, and provided with sufficient resources.

2.   Clarity/specification: the integrity concept and policy are clearly defined, (socially) motivated, and coherently operationalized.

3. Ethical leadership: the management itself sets a good example, is open to employees, and supports and enforces the integrity policy.

4. Balanced strategy/balancing: attention to a balanced and coherent integrity strategy that is both value-oriented (training and moral awareness) and rule-oriented (rules, supervision, and sanctions).

5. Organize the presence of integrity measures and instruments, such as: code of conduct, specific regulations, reporting procedure, integration in personnel policy, training, confidential adviser, reporting point, investigation protocol, registration and reporting, risk analysis, integrity bureau or officer.

6. Critical reflection and evaluation: periodic monitoring and evaluation of policy and system in terms of implementation and operation, learning from it, and external accountability.

Ethics management systems are considered dysfunctional or incomplete if organizations have not (yet) fully implemented and embraced the menu of proposed components, elements, and instruments, as discussed above.

All of these suggestions for effective management systems are useful and important. All European countries have ethics management systems that have implemented these components. Therefore, the question is why ethics management systems are not fully effective, although the components are implemented.

This leads to the discussion about the concrete operationalization of the components. As it seems, the devil lies in the details. Broad suggestions look good, but what about their daily-life fit?

As such, much of the above-mentioned literature about ethics management assumes that the components of ethics management systems are universally applicable. They are also highly inward- looking (silo-thinking) and focus on (ethics) management (including a discussion about ethical processes, ethical procedures, ethics instruments and ethical leadership) as if ethics management could be introduced without considering other (external) interests, constraints, pressures, power relations, conflicts, and priorities.

What is also (often) missing is integration with other disciplines, like, for example, Organizational Theory, Public Management theories, and Human Resource Management. Take the example of contingency theory, which regards any universalistic approach as too simplistic. Or, identity theory is grounded on the belief that individuals have multiple identities in different contexts. Overall, comparative institutionalism (such as the varieties of capitalism approach) discusses how and why there exist variations in organizational behavior across different (organizational) cultures. Self-determination theory wonders why some employees may be highly motivated (and ethical) in the workplace, whereas others are not. Finally, stakeholder theory argues that organizations act differently because they interact with various constituencies through various mechanisms of power, lobbying, influence, and communication.

Considering a multidisciplinary perspective opens the eyes to the difficulties when setting up new ethics management systems, or designing new innovative instruments.

This, again, requires that discussions about effective management systems become more nuanced, sophisticated, and integrated with other disciplines.

Change is on the way: In the meantime, discussions are deepening about the effectiveness of instruments (and the right choice of instruments in which policies), the need for a "contextual" institutionalization and management of ethics policies, the integration of other disciplines when discussing ethics management, the innovation of monitoring of disclosure policies and new trends in the measurement of other ethics policies than only in the field of corruption.

Let's discuss these issues, step by step.

1.2. Preconditions for effective management - the right choice of instruments

For a long time, ethics policies focused on regulatory instruments, training, and enforcement. There was very little discussion about the need to question this focus on compliance-based logic, or how and when laws and rules influence behavior. Likewise, discussions about the innovation of ethics policies did not exist in the national public administrations.

Of course, this can also be explained by the long bureaucratic nature of central public administrations.

Partly, this logic still exists today. Countries still rank law as the most effective instrument in ethics policies. After years of popular criticism against too much regulation, today, countries realize that regulation is needed while also fostering flexibility and enabling innovation. Whereas technological innovation lags behind an ever-faster technological progress (especially in the field of AI), countries also accept that law is the foundation for legal certainty, rights, and (ethical) safeguards. Thus, today, the ultimate goal is not deregulation but regulatory experimentation, better, simpler, smarter, and more flexible regulation (OECD, 2024b; OECD, 2025).

Other things have also changed. Today, countries have a wide arsenal of instruments at their disposal. Countries also apply a mix of hard and soft instruments. Next to regulatory instruments, they mostly rely on training, awareness raising, guidance, codes of ethics, and transparency (disclosure policies). Overall, instruments have also been designed towards the flexibilization and individualization of HR management.

This change can also be explained. Whereas laws and enforcement fitted best to (bureaucratic) times and standardized public administrative systems, today new and more flexible instruments are needed in times of de-bureaucratization and flexibilization.

Today, public governance and HR systems place a much greater importance on individual responsibility and less on institutional responsibility. This also fits with other trends towards an ever-stronger focus on addressing individual causes for wrongdoing. Today, it is felt that individuals "cannot deny responsibility for their actions. They cannot place blame on institutional structures or on others" (Dobel, 1999, 11).

As regards the choice of instruments, this trend is a shift from a legal-institutional model of ethics to a more personal-responsibility model of ethics management (Dobel, 1999). Moreover, countries have become increasingly aware of the weaknesses and limits of the classical legal-institutional model (Dobel, 1999, 9). According to Dobel "A good durable policy should not require great coercion and manipulation to carry it out but should generate acceptance" (Dobel, 1999, 19).

Today, countries also take note of the existing shortcomings in the implementation and enforcement of regulatory and compliance-based policies. An OECD study (2022) showed that, at

present, almost no OECD country is equipped with the necessary resources to effectively manage and monitor ethics policies. Existing data are scarce, especially in the field of conflicts of interest (OECD, 2023). "In only four countries, action plans include estimates for capital and operational expenditures" (OECD, 2022, 17). Thus, new interest in innovation and in new instruments can partly be explained by the increasing criticism against traditional legal approaches and doubts whether and how law can steer ethical behavior at all.

According to van Rooij & Fine (2021), regulatory approaches can only be effective if rules are known (and understood), people believe that the existing rules will also be enforced, and that there will be (swift) consequences if rules and codes are not respected. Moreover, in case of violation of rules, deterrence should be credible, just, and impartial. Thus, people must be certain that unlawful behavior will be punished – and swiftly.

Next to these contextual pre-conditions (and constraints), in the meantime, decision-makers are aware that enforcement and punishment have, as such, limited deterrent effects (Note: (people committing crimes and put into prison are likely to do it, again). Thus, stricter punishment of legal violations does not necessarily deter all people. In fact, "certainty matters more than severity" (van Roij & /Fin. 2021, 37)). Also, the law cannot change behavior. It can also not motivate them to do the right things. Instead, it can only prevent and deter people from doing the wrong things. Next, the effectiveness of the law is very "contextual". As has been shown elsewhere, countries with high levels of distrust, conflictual decision-making cultures high levels of corruption often have a high number of legally binding and detailed rules, whereas this is not so much the case in "high trust" countries like the Nordic- and Scandinavian countries (although we note that high trust levels are not any more "normal" in Scandinavian countries).

Finally, awareness is growing that, also in the field of ethics policies, preconditions for the effective implementation of ethics policies depend on the capacities, resources, the choice, and the behavioral effects of various soft- and hard instruments. Next, to be successful, policy instruments require compliance and acceptance from regional and local politicians, civil servants, citizens, and other stakeholders. Therefore, in the meantime, it is widely accepted that it is important to have a broad "menu" of tools and instruments that have effects on various implementation factors:

• Motivation (implementation will be deficient if those who need to implement the policy have no incentives to comply with it);

• Information (effective implementation depends on the quality of information about EU law and information provided to citizens, the public, and the private sector);

• Knowledge of the law (implementation actors need to be aware, understand, and know about existing rules and policies);

• Deterrence and threats (violators must be aware that violations will be sanctioned);

• Resources (sufficient technical, personal, and financial resources are crucial for sustained success);

• Skills (officials, managers, inspectors, etc. need to be trained and must have sufficient knowledge to fulfill their tasks);

•   Efficient management and coordination structures (correct implementation depends on the ability of the various actors and organizations to communicate, cooperate, integrate, and coordinate policy objectives).

The downside of these trends is that the toolboxes are becoming ever more complex. Next, there exists a great uncertainty about the effects of various instruments (in which policy fields) and the right choice of a mixture of instruments. The innovation of instruments is also creating more ethical bureaucracy and more administrative burdens. Finally, trends towards the individualization of instruments also create additional and new shortcomings in the implementation process. It also supports trends toward thinking that the main reasons for unethical behavior are to be found in individual causes (and not in organizational causes).

Therefore, popular criticism toward rules, regulatory approaches, and red tape does not mean that the shift towards other and new instruments will increase the effectiveness of ethics policies.

Figure 19: Instruments and effectiveness

	Highly Effective	**Moderately Effective**	**Effectiveness depends on context**	**Rather ineffective**
Laws and regulations	58,4%	33,3%	8,3%	0,0%
Codes of Ethics	36,0%	32,0%	20,0%	12,0%
Ethical Leadership	62,5%	16,6%	16,7%	4,2%
Training, incl. dilemma training	58,3%	25,0%	16,7%	0,0%

This uncertainty also explains why countries still place the most trust in the effectiveness of traditional regulatory instruments, codes of ethics, training and leadership. At the same time, they are eager to test every new instrument.

Table 12: Usually, countries use a wide menu of instruments in the fight against corruption, conflicts of interest and other forms of unethical behavior. How do you assess the effectiveness of these instruments?, N=25

Instrument	Highly Effective	Moderately Effective	Effectiveness depends on context	Rather ineffective	Ineffective
Enforcing revolving door	21%	42%	29%	8%	
(Ethical) Leadership	58%	17%	21%	4%	
Naming and shaming	17%	22%	43%	9%	9%
Monitoring side-activities	22%	39%	30%	9%	
Value management	18%	26%	52%	4%	
Independent and external ethics bodies	35%	17%	44%	4%	
Auditing mechanisms	44%	30%	26%		
Deterrent threats, like (financial) sanctions, warnings, dismissals	29%	42%	29%		
Lobby registers	17%	31%	48%	4%	
Whistleblowing	35%	39%	26%		
Integrity officers providing counselling	32%	36%	23%	9%	
Strict gift policies	40%	32%	20%	8%	
Post-employment	9%	32%	50%	4%	5%
Registration of financial interests	23%	32%	41%	4%	
Openness, transparency	46%	33%	21%		
Training, incl. dilemma training	58%	25%	17%		
Ethical Leadership	62%	17%	17%	4%	
Codes of Ethics	36%	32%	20%	12%	
Laws and regulations	59%	33%	8%		

Thus, all countries share attitudes towards the effectiveness of classical instruments. These attitudes are also surprisingly stable and paradoxical. Despite growing) awareness that a too strong focus on law and control (as main components of compliance-based approaches) is ineffective, countries still trust in the effectiveness of laws, control, monitoring, and enforcement because they are not sure whether new instruments work more effectively. They also consider traditional instruments like training, codes, openness, transparency, and leadership as the most effective instruments in the field. At the same time, they test ever more new instruments.

Countries also differ as regards their attitudes towards the choice and the right mix of instruments and ways to best implement and enforce these policies. For example, whereas countries like France and Germany consider laws and regulations as highly effective instruments, Sweden and the EU consider these instruments only as moderately effective. For example, Germany not only places high trust in the effectiveness of regulatory approaches because of its legalistic culture. Instead, rules may also be the right instruments, because public employees believe in the effectiveness of rules, because of a high public service ethos, and because public employees also apply the rules.

Likewise, other countries differ as regards their attitudes towards regulatory approaches and "believe" in the power of whistleblowing or the effectiveness of independent and external ethics bodies.

As already mentioned, this discussion leads us to conclude that the introduction of any menu of instruments must be embedded in the wider national social, cultural, political, and economic context. A whole-of-society approach, as suggested by the OECD (2020), also reminds that the components of any ethics management system must be embedded and integrated with other governance policies. Otherwise, it may happen that even) countries with the most sophisticated ethics management systems and innovative toolboxes will fail. On the other hand, this also explains why some traditional and bureaucratic countries seem to perform relatively well (as

regards ethical outcomes, such as Germany or Luxembourg) although in these countries, ethics management is not high on the reform agenda. Contrary to this, other countries may perform less well, despite the existence of a professionalized and well-developed ethics management system.

We also note that national perceptions about the effectiveness of the instrument seem to be rooted in administrative culture. Thus, many countries "believe" or "trust" in the effectiveness of some instruments more than other countries. Some countries assess some instruments like training, codes and awareness raising as highly effective (such as rules, training or codes of ethics) although findings in research come to different or mixed conclusions about the effectiveness of training, ethics codes and awareness (Doig & Wilson, 2002; Gilman, 2005; Weber, 2015; Frisque, & Kolb, 2008; UK Committee on Standards in Public Life, 2014; Thaler & Helmig, 2015, Lamboo; Van Dooren & Heywood, 2015, pp. 46-55, Odeh & Homer, in Karssing & Hoekstra, 2025). Interestingly, despite many years of existing research on the effectiveness of codes of ethics, it is still not clear how, when and whether codes of conduct achieve their goals.

The case of Portugal - The Importance of training, advice and awareness raising

"We have no evidence so far of the advice, training and awareness effectiveness in fighting corruption, conflicts of interest and other forms of unethical behavior. However, these instruments are considered essential in this context, and one of the measures indicated in the general regime for the prevention of corruption in force is that 'The entities covered shall ensure that internal training programmers are carried out for all their managers and workers, so that they know and understand the policies and procedures for the prevention of corruption and related offences that have been implemented. Moreover, the recent government's anti-corruption agenda (June 2024) includes two measures on education and training. The first states the need to ensure continuous training of public officials in integrity and prevention of corruption. The second expresses the need to invest in education as a way of preventing corruption and creating a culture of integrity, in the various stages of basic education and in secondary education, reinforcing curricular content on ethics, financial literacy, as well as disseminating public information on the phenomenon of corruption and on activities to prevent and combat it, with a view to developing a critical sense and scrutinizing intervention in society. Along the same line, the National Anticorruption Mechanism published Recommendation no. 8/2024, from 21st of August 2024, where it underlines the importance of educational initiatives within the scope of integrity, transparency and the fight against corruption, both in primary and secondary education, as well as in higher education (universities and polytechnics)".

This, again, can be explained by legal tradition or administrative culture. For example, the word "Code" has a different meaning in the Napoleonic culture. For example, in France or Luxembourg, codes may be legally binding instruments. Contrary to this, in other countries, the notion "code" is not much more than a written or oral guidance. This also explains that the instrument "code" has a much "heavier" meaning in France, Luxembourg, or Spain than in other countries.

In most countries, an important common feature of almost all codes is also their general purpose: codes are intended to guide behavior, articulate organizational values and norms, and thereby create an ethical culture and behavioral orientations among an organization's members. The best-known code of conduct in the world is the British "Seven Principles of Public Life" code, which was first made the guiding principles of conduct for the British public service in 1995 in the so-called

Nolan Report – Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership.

Overall, there exists a huge diversity of codes that are linked to differences in institutional, political, and legal contexts and the difficulties in defining the meaning of codes as such.

As already mentioned, in the scientific literature, only a few studies show that codes of conduct have a clear positive influence on the attitudes and behavior of employees. Positive effects are primarily documented in cases when codes are combined with other personnel policy aspects, e.g., the involvement of staff in the development and evaluation of codes, or the active support of the code by management. Additionally, codes may only be effective for employees who already want to act ethically. If employees are corrupt or want to act unethically, it is also very unlikely that a code will stand in their way. The same applies if codes do not provide for sanctions. One of the main weaknesses of codes of conduct is that they are characterized by weak sanctioning mechanisms compared to other human resources instruments.

This also means that codes are very vulnerable to non-compliance and violations. The above-mentioned British Nolan Code has been highly popular and influential worldwide. Still, the jury is out that, with all the scandals in British politics and the British civil service, it has been nothing short of a paper tiger.

Long-term studies in Estonia show that investments in training on codes of ethics only partly pay off (Lamboo et al., 2015). Once adopted, codes are often forgotten and are not further communicated, or are only communicated to employees when recruiting new staff.

Still, codes can be important if they are well supported, maintained, regularly renewed, and if employees are involved in the decision-making process. Still, the importance of codes is viewed much more realistically today than it was a few years ago.

If we move further down the list of instruments, most research suggests that the effectiveness of training also differs and depends on the type of training, topic, and the quality of teachers. From a technical perspective, often, mandatory online compliance training is considered less effective than in-person or hybrid training. Moreover, much of ethics training is considered uninspiring and ultimately ineffective at educating and changing employee behavior. As such, simply "checking the box" on compliance training for employees doesn't work. Next, the purpose of training is to influence behavior and help solve challenges. However, it is unclear whether most employees who have participated in ethics and compliance training learned something that has changed how they do their work after participating in the program. It is also unclear whether participants in ethics courses apply what they learned to their work every day. Finally, training and awareness-raising programs should not be imposed as a one-size-fits-all model for all public organizations alike. Instead, every organization should take the lead in designing and delivering programs that respond to the challenges and circumstances of their particular area, and the needs of different categories of staff.

In the field of behavioral instruments (or, as we will define, persuasive instruments), the OECD was the first major (international) organization to issue a report about behavioral insights for public integrity (OECD, 2018). The report highlights the many social and psychological factors influencing behavior and ethical decision-making (again, it should be noted that behavioral insights focus on individuals and individual decision-making and much less on structural- or organizational causes of

misconduct). The report also contained concrete recommendations and case studies on how to incorporate behavioral insights into ethics policies. This report was published in times of great popularity of "nudging" (which is about how to influence people to make good and right choices without coercing people or decision-makers to limit their options). and highly popular publications about behavioralism from great scholars like Thaler, Sunstein, or Kahneman. Parallel to this, over the last two decades, a growing body of evidence has also discussed the limitations of behavioral instruments. Overall, systematic literature research has come to more nuanced and also critical findings (Kuyer & Gordijn, 2023, 191–230).

Thus, today, behavioral instruments are seen more realistically. This new realism can also be seen elsewhere.

In the meantime, evidence has hardened that the effectiveness of ethics policies does not only depend on the choice of instruments (top-down, command and control, legally binding, direct enforcement, sanctions, behavioral insights, soft-instruments, training, etc.) but also on the national context and culture. "Where to draw the line between conflicts that should be outlawed per se and those where disclosure is sufficient depends upon the level of public trust in government and the country´s size. Where the level of trust is high, citizens may be willing to accept a rule that permits an agency head to hire his or her relatives so long as the relationship is disclosed in advance. Where the public is suspicious of government, a rule banning the hiring of relatives may be needed" (Messick 2014: 115).

Despite the increasing interest in the discussion about the effectiveness of instruments, this has not necessarily produced more clarity and consensus on the different effectiveness instruments in different policies, contexts, the right choice of policy instruments within the best-fit organizational design of ethics infrastructures and the question of what types of incentives, rewards or penalties work best in which situation. For example, whilst some experts call for the need for more behavioral approaches and more "nudging" in the field of ethics, others believe that the most important challenges are in the field of too little control and shortcomings in the field of monitoring. Again, others point to the need for more intrinsic incentives for doing good and warn against a too strong focus on compliance approaches. Again, others are skeptical of the effectiveness of value-based approaches and soft instruments.

This uncertainty translates into the design of ever more instruments. Today, the existing menu of instruments is constantly widening. To offer some structure, we have decided to classify these tools, such as economic tools, legal tools, persuasive tools, managerial tools, and others. We asked countries in which fields they observe opportunities for innovation and effectiveness.

Table 13: When considering the need to increase the effectiveness of ethics policies, in which of these fields are the most promising opportunities for innovations and effectiveness?, N=22
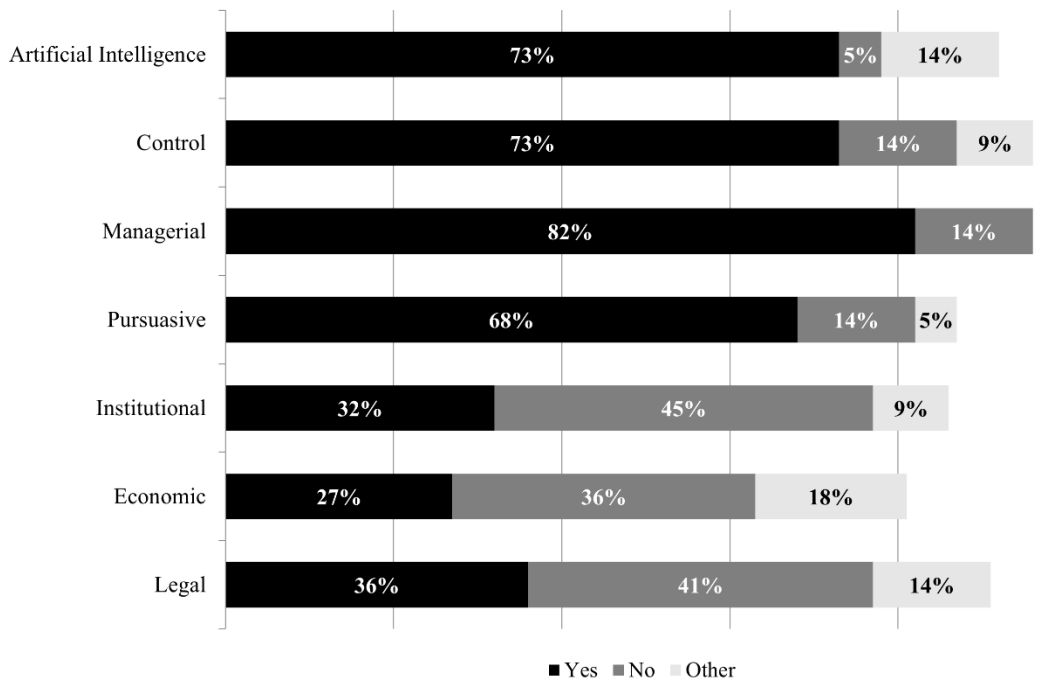

Not surprisingly, countries see most opportunities in the field of managerial, AI, control, and persuasive instruments, but not in the legal field (which would be perceived as not innovative) and not in the field of economic innovation (because the choice of available instruments is too limited in this field).

However, overall, we cannot observe trends towards a common strategic approach to the choice of instruments. Rather, the process is one of arbitrarily choosing instruments, mostly based on what exists and has been tried out for decades.

A more strategic approach requires investing in research about the determinants of behavior. What do we know about which instruments work in which policy field? To produce evidence on what determines and changes behavior, Albarracín & Gravados undertook a review of all of the available meta-analyses — a synthesis of the results from multiple studies — to determine what interventions work best when trying to change people's behavior. What resulted from this research was a classification of predictors of behavior and a novel, empirical model for understanding the different ways to change behavior by targeting either individual or social/structural factors (Albarracin & Gravados, 2024).

Figure: 20: Determinants of behavioral and impact of instruments
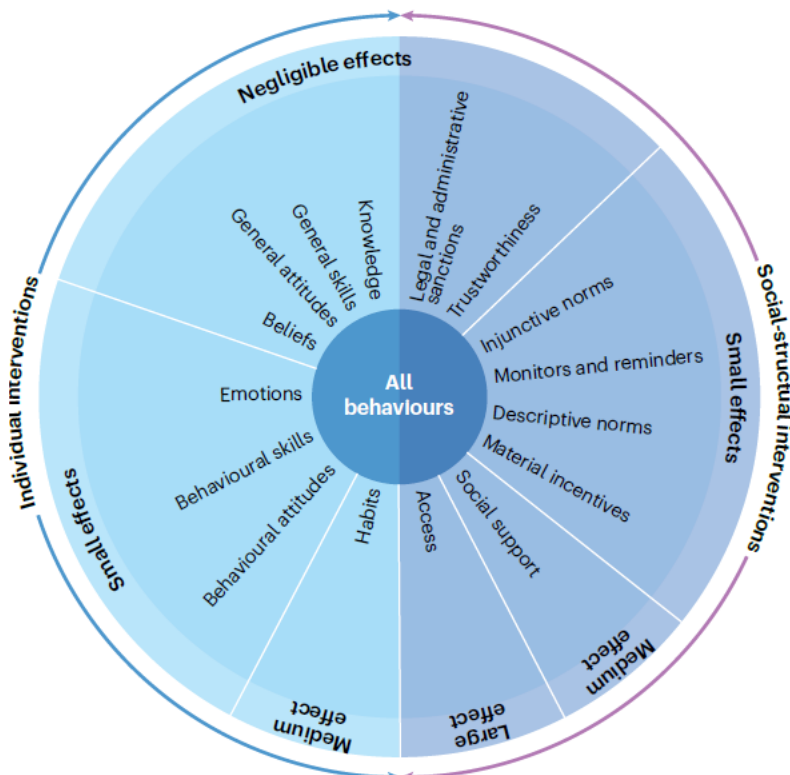
Source: Albarracin & Gravados, 2024

Overall, legal and administrative sanctions were assessed as instruments with low effects. The same is true as regards beliefs, emotions, behavioral attitudes, and skills. Contrary to these findings, habits, access (to support, information, etc.), and direct social (distributional) support were rated as highly effective (state) interventions. The findings are relevant for the field of ethics because they also suggest that both legal instruments and deterrent instruments but as behavioral instruments and personal attitudes (virtue development), as such, are not effective.

These findings are, partly, in contradiction to the expressed most promising opportunities for innovation from the country respondents to this survey. However, this is, of course, no problem. What matters most is that countries are committed and engage in pragmatic and not ideological assessments about what works best, in which context, culture, and in which policy area.

In the past, countries' choices were either far too traditional and rigid, too ideological (take the classical debate about compliance-based versus value-based approaches), or simply not innovative enough. Today, mixing and combining instruments holds great promise. However, in addressing today's complex governance challenges, their success depends on the effective management of the complex interplay of diverse instruments (which is far from being an easy challenge). Two decades ago, Ringeling (2005, 192) stressed that the effectiveness of policy instruments must be viewed within the context of different public policies and their interconnection to understand their true impact. Today, we are still far from this in the field of public ethics. So far, countries have been very reluctant to test the effectiveness of different instruments in different ethics policies. Instead, the focus has been on the top-down introduction of (mostly) regulatory instruments, guidance (training and codes of ethics), and awareness raising in all policies.

As such, instrument mixes are not inherently superior to single policy instruments. Misaligned mixes, based on inconsistent behavioral assumptions, can reduce effectiveness or even produce counterproductive outcomes. Therefore, designing effective instrument mixes requires accurate behavioral assumptions about the targeted categories of staff and organizations and an alignment of these assumptions across all instruments. If this is achieved, instrument mixes "with consistent behavioral assumptions not only outperform single policy instruments with the same behavioral assumption but also achieve better outcomes through strategic combinations" (He, Dai & Guo, 2015, 13).

Overall, in the field of public service ethics, it is time to note that organizational and individual' reactions to policy interventions and policy instruments are far more complex than expected by regulatory instruments that are based on the belief that individuals are motivated by extrinsic motivators and control.

1.3.   Towards ethics management typologies – a wishful thinking

According to Kaptein et al. (2024), organizational integrity is a multifaceted and inexhaustible subject to study because it can be explored in many ways and constantly leads to new insights" (Kaptein, 2024, 1). Kaptein´s "Research Handbook on Organisational Integrity" (2024) is by itself a great testimony of how research in the field has advanced. In this expert compendium, organizational Integrity is being examined from different perspectives, such as a virtue ethics perspective, a regulatory perspective, an institutional perspective, or a corporate governance perspective.

What seems to be striking is that private sector concepts in the field of ethics management (or organizational integrity) have always attracted interest in the public sector, such as the concepts of corporate social performance (CSP), purpose-driven management, value management, corporate social responsibility (CSR), corporate social responsiveness, sustainable management and responsible management (Trevino & Brown, 2004; Windsor, in Kaptein et al, 2024). On the other hand, little is known about innovative ethics management systems in the public sector and how or whether they have attracted interest in the private sector.

Today, it also remains unclear whether organizational integrity models fit into different organizational cultures, more or less politicized systems, or systems with more or less resources. Finally, little is known as regards the need for specific organizational designs for different ethics policies (like anti-corruption, conflicts of interests, and anti-discrimination policies) in different countries or whether some countries should prefer specific monitoring approaches (for example in the field of monitoring the disclosure of interests), whereas others - not?

Is it possible to compare and classify national systems in the field of ethics policies or ethics management at all?

Throughout our comparative work, we could confirm the findings of Lamboo, van Dooren, and Heywood (2015). In reality, there exists a huge variation of ethics management, monitoring, and enforcement structures.

To start with: Ethics policies and ethics management do not only differ amongst the executive, legislative and judiciary sectors but also within sectors, (independent) agencies, amongst categories of employment statuses (civil servants and public employees), categories of Holders of

public Office (Ministers, Secretaries of State, Presidents of Courts, Banks etc.) and other categories of staff like Special Advisors, Directors-General and top-and middle-level civil servants. To this should be added great differences on the sub-national level (Lapuente & Dijkstra, 2012, 68–90).

Some countries have relatively centralized management systems (like Romania with the General Anti-corruption Directorate (DGA) and the National Integrity Agency (ANI) (which is, exclusively responsible for disclosure policies), Latvia with the Corruption Prevention and Combating Bureau – KNAB, or France (where ethics and integrity is a shared responsibility between the Directorate General for Public Administration and the Civil Service (DGAFP), the High Authority for the transparency of the public life (HATVP), and the French anticorruption agency (AFA). It is noteworthy that the Haute Autorité pour la transparence de la vie publique (HATVP) is often cited as a best-practice model in the field of ethics management (although the HATVP mostly deals with the management of conflicts of interest). Another case for centralization is Greece, which has (since July 2019) adopted several laws in the field of anti-corruption, lobbying, gift policies, internal control systems and integrity advisors, monitoring discipline procedures, whistleblowing protection, and asset declarations. In 2021, Portugal approved the National Anti-Corruption Strategy 2020-2024, which focuses on the prevention, detection, and repression of corruption, identifies measures to be implemented in the coming years, centered on a set of seven priorities, including preventing and detecting the risks of corruption in public action. More recently (2024), the anti-corruption agenda was approved, based on 4 pillars: Prevention, Effective Punishment, Speed of Proceedings, and Protection of the Public Sector. Within each pillar, measures are planned that have met with broad consensus and measures that appear to be urgent and effective in preventing and combating corruptive phenomena - Transparency in the State's relationship with the private sector, Ensuring robust public policies against corruption, Transparency in state-private business, Mechanisms of Asset Forfeiture, Extended responsibility, Whistleblowing and Whistleblower Protection, Reinforced surveillance, Criminal proceedings less exposed to delaying tactics, New evidence-gathering capabilities, Investment in the Courts' human capital, Empowering decision-makers, a more demanding civil society in the face of corruption, by reinforcing the curricular content in Basic and Secondary Education on ethics, financial literacy, the phenomena of corruption and relationship between citizens and the State. Other measures adopted to strengthen ethics, and prevent conflicts of interest and corruption in public administration consisted of the spread of "Corruption Risk and Related Offences Management Plans" and the adoption of codes of ethics and/or conduct by the various public organizations, as well as by the Government itself. With regard to the latter, we note the adoption of innovative measures to strengthen ethics, such as the new mandatory verification questionnaire prior to proposing members of the Government to the President of the Republic (Resolution of the Council of Ministers 2-A/2023, of the 13th of January – available at https://data.dre.pt/eli/resolconsmin/2-a/2023/01/13/p/dre/pt/html). It aims to make a political assessment of each person's ability to be appointed to public office. The current government has also published its code of conduct, which includes, among other measures, the creation of a whistleblowing channel that cuts across the entire executive branch and the presentation of a risk prevention plan, covering the respective activity, including areas of administration or support, containing mechanisms to reduce the risk of conflicts of interest and promote transparency regarding members of the government and cabinet members. All these measures reflect the growing social pressure on the need to fight corruption and strengthen ethics and integrity in politics and public administration.

Noteworthy is also the situation in Italy, where the State Police (Polizia di Stato) and the Carabinieri Corps are entrusted with general duties for the protection of public order and security. The other forces, namely the Guardia di Finanza (Finance Police) and the Penitentiary Police, concur in the performance of public order and security services. According to GRECO (in the fourth evaluation report), the two police forces with general jurisdiction have no exclusive competences in the whole Italian territorial area, but the State Police is mainly present in the regional capitals and the Carabinieri in the remaining territory. The Carabinieri also has exclusive competence in the forestry, environmental, and agri-food sectors, as well as regarding health, labor, and cultural heritage. The Guardia di Finanza has general competence in economic and financial matters. "Coordination at the central level is exercised by the Ministry of the Interior, as the National Public Security Authority. The minister is supported in this task by the National Committee for Public Order and Security. Headed by the minister, the Committee is composed of the national commanders of all four law enforcement agencies. It advises the minister on any matter of a general nature concerning the protection of public order and security and the elaboration of strategies for the fight against crime" Greco, fourth evaluation report, 2023, 32).

Contrary to the situation in these more centralized countries, in other more decentralized countries, the distribution of responsibilities and competences can be highly diverse.

For example, in the Netherlands, public integrity has been prominent on the political agenda (already!) since the early 1990s. In ethics policies, a special role is assigned to the Ministry of the Interior and Kingdom relations. The Minister of the Interior has a special responsibility for the national integrity policy, the professionalism, integrity, and quality of public employees and elected representatives. The Ministry of the Interior is also publishing guidelines, monitoring reports, and analyzing the state of integrity on the sub-national level (here, it is noteworthy that the Dutch Ministry of the Interior was one of the first bodies worldwide to publish a regular Integrity Monitor). Until today, no country is investing as much research as the Netherlands in the monitoring and measurement of integrity (Huberts, Hoekstra, 2006). A national integrity office (BIOS) was created and almost reached a relatively independent position in 2009 (Huberts, Hoekstra, 2006). Since then, the institutionalization of Dutch Integrity management has developed and changed in many ways, for example, through the creation of the Dutch Whistleblowers Authority and the dissolution of BIOS. Compared to France, the Dutch model can be defined as a hybrid integrity model, at least with some forms of centralized management and monitoring. However, since the Netherlands is a decentralized unitarian state (and the public sector is divided into sectors), the levels of government have considerable freedom in the design of their policies.

As regards decentralized models, the German system serves as an example. Germany follows a highly decentralized approach. Whereas on the federal level, the Ministry of the Interior issues regular integrity reports, its ethical responsibility is restricted to the (different) laws and regulations of public employees and civil servants at the federal level. Overall, most integrity laws and policies are implemented and managed on the regional (*Länder-*) and local levels.

A case for a deconcentrated model is the Danish (but also the Swedish) model. In the central public administrations in Denmark, the management of integrity policies is at the discretion of each employer (there exists no central employer for government employees in Denmark or a central institution that monitors or is responsible for anti-corruption measures for government employees, etc.). It is therefore up to the individual employer to assess the employee's behavior and determine sanctions within the applicable rules. If the employee's behavior violates the rules

of the Danish Criminal Code, the responsibility lies with the police and the public prosecutor. There are several publications and guidelines that government employees must follow, for example, as regards 'revolving door policies' or 'disclosure of financial interests'. Overall, there are no rules regarding 'revolving door' and 'non-financial conflict of interest' for government employees. In Denmark, it is the individual employer that is responsible for compliance with the guidelines, etc., as there are no such rules for public employees in Denmark. Also, in the field of disclosure policies, there are no central monitoring bodies in Denmark that monitor the above-mentioned interests of government employees. The Responsibility for ensuring compliance with applicable rules and guidelines lies with the individual employer.

Interestingly, all Scandinavian and northern states (Estonia, Sweden, Denmark, Finland and Estonia) have highly deconcentrated models. In these countries, each ministry manages ethics policies like revolving door and disclosure policies on its own. Also, disclosure policies are managed "individually". Likewise, these countries do not monitor ethics policies on a central level. All of these countries found it difficult to provide general answers to our survey. In the latter case, this does not only mean that no centralized rules exist on how to disclose interests, which interests, how to verify disclosure requirements, and how to sanction the violations of policy requirements. This also means that ethics policies are not monitored, and no cost assessments exist on the central level. Therefore, a standard answer from northern countries to our survey was the following: "*The effectiveness is not measured and we do therefore not have data to support a conclusion. Therefore, we cannot answer the question*").

Still, northern countries are also not alike and more individualized in Sweden, than elsewhere (in Sweden, the national ministries have no ethical oversight function whatsoever over the independent and powerful Swedish Agencies). The same applies to southern and eastern Europe. Overall, there is no trend towards one organizational or ethics management model in Europe.

Similar "differentiation" trends can also be seen in the enforcement of ethics policies. Also, in this field, it would be wrong to assume that enforcement is only carried out by the judiciary and the police. In reality, enforcing misconduct has become the responsibility of a variety of organizations (and also a leadership responsibility). Overall, HR offices play a widely underestimated role in the monitoring (and enforcement) of ethics policies. Partly, HR offices also monitor and enforce side activities and gift policies for different categories of staff. However, it also happens frequently that different HR offices and HR officials in different ministries and agencies monitor revolving door policies, side activities, and gift policies, although these issues relate to each other and should be managed within the same organization and office.

Thus, so far, we have observed a grand differentiation of organizational models, both as regards management but also as regards the enforcement of ethics policies.

Thus, while we confirm that all countries have institutionalized the main components of an ethics management model (as described in the OECD Public Integrity Handbook, 2020) and adopted instruments including rules, disciplinary policies, ethical standards, codes of ethics and also management features and modes like an active value management policy, ethical leadership, effective whistleblowing opportunities, job rotation, risk analysis, training, integrity plans, integrity monitoring, scandal management, registers and disclosure policies, ethical climate surveys, self-assessments, integrity officers, ethics committees, etc. the institutionalization, implementation and enforcement of these ethics policies and ethics management as such is highly diverse.

Despite the existing diversity of systems, still, an interesting question is whether trends are towards the identification of best-practice models, a convergence of ethics management systems, or, at least, trends towards the identification of some ethics management typologies.

When discussing these questions, it makes great sense to look for developments in related disciplines.

For example, in the field of comparative public administration, Painter and Peters (2010) proposed nine distinct families of countries that share similarities in their administrative tradition: Anglo-American, Napoleonic, Germanic, Scandinavian, Latin American, post-colonial South Asian and African, East Asian, Soviet, and Islamic. In Europe, popular country models classify countries´ public administration models into "Continental model", "Nordic Model", "Anglo-Saxon model", "Central European model", or "Mediterranean model", implying coherence and homogeneity amongst these countries.

These classifications are at such a high level of generality that they easily miss much of the needed detail and difference. For example, take the case of the four European "Visegrad" countries (Poland, Hungary, Slovakia, and the Czech Republic). While the administrative systems in these countries displayed a certain convergence process during the accession process to the EU (Mazur, 2020, 288), the national central public administrations and civil services are very different, strongly drawing on historical legacy. Thus, the case of the so-called "Visegrad countries" illustrates that, often, geographical closeness is taken as an indicator of the similarity of public administration systems (Demmke, 2022).

Another interesting case concerns the Nordic-/Scandinavian countries, Denmark, Sweden, Finland, and Estonia. In the field of comparative public management, it is tempting to classify these countries as parts of Nordic administrative systems, groups, or typologies. Especially Finland, Sweden and Denmark are well known for being high-trust countries with a high level of social cohesion and very low levels of corruption (take the case of the Corruption Perception Index (CPI) 2024 in which Denmark is ranked No. 1, Finland No. 2, Norway No. 6, Sweden No. 8 and Estonia No. 13). However, much less is known about the development of other forms of unethical conduct in the Northern and/or Scandinavian countries and how these countries perform in other ethics policies, e.g. the development of conflicts of interests.

In this study, we take note that all of these countries have relatively limited ethics management systems if we take as indicators the non-existence of a centralized inter-institutional ethics body, the lack of detailed monitoring of disclosure policies, the lack of data measurement systems or the cautious approach to revolving door policies (except Estonia in several cases). Thus, in Nordic and Scandinavian countries, institutional decentralization, individualization, and fragmentation are the norm. For example, in Denmark, ethics management is highly deconcentrated and the responsibility of each employer. *"In Denmark, there are no rules regarding 'revolving door' and non-financial conflict of interest' for government employees. As mentioned earlier, it is up to the individual employer who is responsible compliance with applicable guidelines. There are no central monitoring bodies in the field of ethics"* (Danish reply to the survey)

Sweden answered our questions about the ethical institutionalization of artificial intelligence policies as follows: "*In Sweden, responsibility for HR policies is delegated to individual agencies, which operate autonomously. This means we do not have centralized information on whether data-driven analytics or AI-based instruments are used in these HR areas, as each agency decides*

independently based on its needs. The Swedish Agency for Government Employers compiles and provides statistics on state sector employees, but we have no influence over how it is used by the agencies".

Similar to other countries, in Nordic countries, the distribution of administrative responsibilities in the field of ethics policies is delegated to a wide number of ethics bodies. So far, enforcement focuses on criminal and illegal conduct, for exp., on corruption and fraud. And much less on the violation of behavioral standards, misconduct, and conflicts of interest, such as disclosure policies and revolving door issues. There exists a noticeable difference between the activities of those ethics bodies that condemn the don´t (what is considered as illegal behavior) and ethics bodies that promote the "do" (what is considered as expected ethical behavior).

To conclude: While it is possible to classify the Nordic countries alongside several criteria and indicators, we would conclude that all Nordic States have highly decentralized and individualized ethics management systems (or systems of organizational integrity). However, defining this reality as one administrative typology in the field of ethics is highly arbitrary.

Instead, we have found that national ethics management systems are the outcomes of a great diversity of internal and external interests, constraints, forces of work (Pollitt & Bouckaert, 2011, 33), and historical developments. Geographical closeness is no guarantee of the closeness of ethics management systems. Instead, classifying national ethics systems into geographical models would be a very simplistic way of grouping national public administrations and public management systems.

Next, in the past, many experts have also classified civil service systems and central public services according to other variables and indicators into new public management countries vs. bureaucratic countries, post-bureaucratic systems vs. bureaucratic systems, career vs. position models, open vs. closed systems, Rechtsstaat vs. public interest countries, federal vs. unitarian models, etc. At a national level, many studies analyzed administrative culture patterns based on the key constructs of culture identified by Hofstede. However, the difficulty with Hofstede´s findings (apart from methodological challenges) is that there is often greater within-group variation (amongst organizations, age cohorts, education levels, or communities) than between countries. Moreover, it is problematic to define one administrative culture within one country (as much as it is difficult to define one identity of a person, or even the identity of a country). If we take the concept of organizational culture in the field of ethics policies, as defined by Vorster & van Vuuren (2022), we also dismiss the possibility of categorizing countries amongst the discussed seven building blocks of organizational culture.

Also, comparative good governance studies (Dahlström & Lapuente) analyzed country typologies and administrative models as a result of relatively simplistic descriptions of management, organizational or state structures. Take the popular classification of a closed Weberian bureaucracy model. This model is defined by the existence of many detailed employment rules, the existence of careers, high levels of job security, limited mobility between the public and the private sector, and overall, a high degree of differences between public sector employment features and private sector employment features. Often, a closed Weberian bureaucratic model is also associated with a system that provides for little public-private mobility and very specific recruitment procedures that lead into a career and not "into" a job. Other institutional characteristics normally associated with this system involve guaranteeing lifelong careers and

specific legal protections for public employees that differ from those covering private sector employees (Dahlström & Lapuente, 2017, 54). As a consequence, Dahlström and Lapuente defined these systems as closed Weberian bureaucracies which are supposed to be more regulated, inflexible, and closed compared to other position-, open-, post-bureaucratic models (Dahlström/Lapuente 2017, 37 and 38). As regards the latter group, the term "open system" is poorly defined and also lacks explanations as to why, for example, sometimes countries with open systems are more formalized and bureaucratic than closed systems. Or why closed and bureaucratic systems (like the German system) can be highly differentiated, flexible, mobile, and participative.

Moreover, it is still popular to compare classical compliance-based countries with value-based systems or legal-institutional-based systems versus personal-responsibility-based systems (Dobel, 1999). Often, the notion of legal institutional or compliance-based systems is linked to the concept of a standardized classical bureaucratic career system. Take, again, the case of Germany, which is often classified as a bureaucratic compliance-based system. In reality, in Germany, the institutionalization of ethics policies is highly decentralized. Often, internal ethics management systems at the regional and local level combine many soft and hard instruments, different institutional approaches, and policy styles. As such, the management of ethics policies is embedded in various elements of flexible and innovative work systems, but also within established Taylorism styles, rule-bound, and traditional bureaucratic models.

Moreover, the management of ethics policies varies from sector to sector, agency to agency, policy to policy, and from instrument to instrument. For example, in most countries ethics policies differ on the political (between ministers and MoP) and the administrative level (between top-officials and lower-ranked officials), amongst public institutions (courts, courts of auditors, central banks, police, inspections, ministries and agencies) and categories of staff (special advisors, civil servants, public employees). Whereas ethics policies are very similar, they may nonetheless also be different.

From a multilevel point of view, ethics management may also differ on the central, regional, and local levels, in agencies, and public companies. Different organizations, ministries, agencies, and different sectors (e.g., the police, judiciary) focus on the same, but also different values, routines, work styles, and apply different policies amongst different categories of staff (Arundel et al. 2007).

Therefore, our preliminary conclusion is that, at this stage, it is unwise to classify countries into ethics management typologies.

1.3.1. The proliferation of ethics bodies and the coordination and integration challenge

Comparing administrative structures (and also ethics management) was easier decades ago, when all central public administrations in Europe were based on bureaucratic principles and rule-based. In the meantime, countries have been engaged in the de-bureaucratization of civil services, HR policies, and the decentralization of structures and policies. In the field of ethics, trends have been towards an impressive (and rather chaotic) proliferation of ethics bodies. Countries started to set up anti-corruption agencies, data protection, anti-discrimination, and special integrity offices. During the last years, some countries also introduced special whistleblowing functions, contact persons, and specialized integrity or confidential counselors. The most recent trends concern the introduction of AI (ethics) management bodies. Thus, in many countries, one can witness a
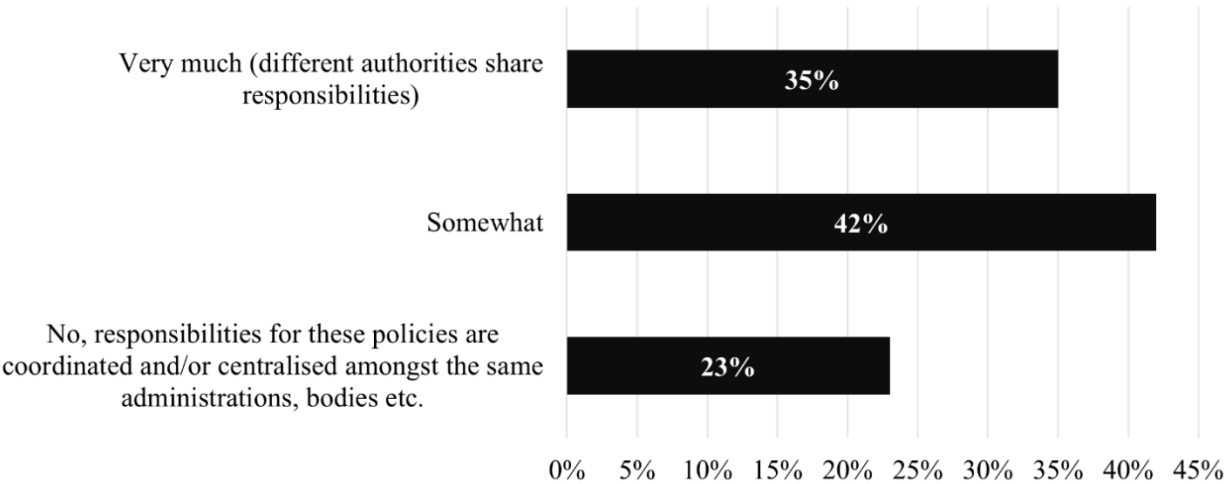
proliferation of ethics bodies that take on ever-new responsibilities as regards certain (related) ethics policies.

Typical seems to be the situation in Sweden. In Sweden, responsibility for HR policies is delegated to individual agencies, which operate autonomously. This means there exists no centralized information on whether data-driven analytics or AI-based instruments are used in these areas, as each agency decides independently on its needs. In the field of ethics management, different bodies and actors exercise different responsibilities, such as the Ombudspersons, Agencies. e.g. specialized anti-corruption agencies, Integrity Officers, HR units within the Ministries, Agencies, e.g. responsible for monitoring disclosure policies/revolving door policies, Judicial Offices, Integrity Officers, Data Protection Bodies, Anti-Discrimination bodies, Specific monitoring committees, Ethics/Anti-corruption Committees, Audit bodies with responsibilities in the field of Artificial Intelligence and ethics and Contact Persons.

Despite being known as having highly professional coordination systems amongst government bodies (and between the ministries and the autonomous agencies), Sweden notes a high degree of institutional fragmentation in the field of ethics policies (and we, as researchers, note, again, that this issue has received very little attention). In reality, most countries observe a growing fragmentation of responsibilities. Only a few administrations answered that fragmentation is no problem (Greece, Slovenia, Cyprus, and the EU) and that coordination works smoothly. In France, the trend is towards better coordination between the various players involved. In this respect, the strengthening of the partnership between the DGAFP, the HATVP, and the AFA should be highlighted. The DGAFP is also responsible for coordinating the network of ministerial ethics officers. All other countries reported the very strong or the existence of some forms of fragmentation.

The greatest fragmentation of responsibilities – but also the greatest need for coordination - seems to exist in related conflicts of interest policies, such as in the field of the management of gift policies, revolving door policies, and disclosure policies

Table 14: In the field of related policies, such as the management of gift policies, revolving door policies, and disclosure of (financial), administrative responsibilities are shared and fragmented, N=26

Thus, overall, we note European-wide trends towards the proliferation of ethics bodies and ethics actors, but also the emergence of a great variety of administrative bodies and organizations, and no development towards one best-practice innovative organizational model. Therefore, it is most likely that the current trend is not toward one best-practice organizational model but rather towards a hybridization and differentiation of various ethics management systems.

Figure 21: The proliferation of ethics bodies and actors

	n	Percent
Ombudsperson	18	72,0%
Agencies. e.g., specialized anti-corruption agencies	18	72,0%
Integrity Officers	15	60,0%
HR units within the Ministries, Agencies, e.g. responsible for monitoring disclosure policies/revolving door policies	18	72,0%
Judicial Offices	9	36,0%
Integrity Officers	13	52,0%
Data Protection Bodies	16	64,0%
Anti-Discrimination bodies	13	52,0%
Specific monitoring committees	6	24,0%
Ethics/Anti-corruption Committees	19	76,0%
Audit bodies with responsibilities in the field of Artificial Intelligence and ethics	4	16,0%
Contact Persons	12	48,0%

Take the case of the EU AI Act, which requires the EU member states to set up certain institutional and managerial mechanisms.

If so, similar policies and managerial approaches exist in those policies and cases that are regulated by international- or EU law (such as in the fields of corruption, fraud, anti-discrimination, and whistleblowing) and require transposition of EU law into national law.

Today, the European Union is also a "value" Union. The EU's values are laid out in Article 2 of the Lisbon Treaty and in the EU Charter of Fundamental Rights, such as the principle of the rule of law.

Moreover, in the field of public service ethics, the EU is also active in the fight against corruption. It also exercises competences in fields like anti-discrimination, whistleblowing, or the protection of EU-financial interest (where it monitors, together with the national administrations, the management of the EU funds and, within this, the management of conflicts of interest (Blomeyer et al., 2017). As regards the guidance on the avoidance and management of conflicts of interest under the Financial Regulation (2021/C 121/01), the EU also makes very detailed suggestions in the field of managing conflicts of interest as regards the management of EU funds. Elsewhere, the

European Commission proposed new legislation on combating violence against women and domestic violence. The European Union has also taken various steps toward outlawing sexual harassment as a form of gender-based discrimination throughout the EU. Overall, the EU Agency for Fundamental Rights (FRA) and the European Institute for Gender Equality (EIGE) have also issued important assessments of violence and harassment.

Despite all of these (legal) initiatives, it is clear that the EU approach in the field of public ethics is highly fragmented. Of course, this can also be explained due to the lack of competencies in the field of administrative ethics. For example, there exists no EU Directive on revolving door policies and no coherent EU policies in the field of conflicts of interest and disclosure policies (other than the above-mentioned activities in the field of protecting EU financial interests).

However, the Europeanisation of national ethics laws mirrors the reform of national policies and laws. Also, in most countries, ethics laws, ethics policies, and ethics management are highly fragmented. Often, there exists no coherent and integrated approach in the fight against unethical behavior. especially, the monitoring or enforcement is highly decentralized.

Therefore, we note that, next to the existing legal fragmentation, the institutional design is also highly fragmented. Thus, fragmentation trends stand in contrast to the popular dichotomous assumption that it is possible to distinguish between countries with compliance-based models and countries with value-based models. In fact, this dichotomy is a reductionist interpretation of an ever more complex organizational reality.

All these findings confirm what Gouldner already claimed in the 1950s: There exists not only one (institutional) bureaucratic model, but instead a plurality of (bureaucratic) types and different "spheres of justice" (Walzer, 1977). Each sphere (ethics policy) has its own internal logic and is governed by distinct principles that reflect the particular goods and values at stake.

However, these different paths for institutionalization of ethics policies and different forms of ethics management reforms can turn out to be functionally equivalent and achieve the same or similar results, either effectively or ineffectively, but in different ways. For example, the observation of the existence of relatively traditional, but still relatively effective countries (like Germany and Luxembourg) or highly innovative and reform-minded countries (like the Netherlands) gives rise to the hypothesis of various viable models of ethics performance and ethics management capacity. This also means that so-called traditional compliance-based *laggards* may perform better than expected.

Likewise, innovative and reform-oriented countries (like the Netherlands or France) pursue very different reform trajectories. For example, in the field of disclosure management and monitoring of disclosure policies. Thus, both systems have highly different ethical systems.

Despite being named forerunners in the field, to date, it is difficult to state whether both countries also perform better than other countries.

Another research carried out by Bolleyer et al. compared national parliamentary systems as regards their focus on the strictness of rules, the focus on enforcement activities, and transparency. Although results showed a huge variety of situations, the authors classified the national systems as systems that are more or less transparent, strict/less strict, and more or less focused on sanctioning and enforcing ethics policies (in the field of conflicts of interest). This "forced" classification of national ethics systems contradicts our findings: So far, our results show

that the institutionalization and management of national ethics policies always must be understood according to the national institutional legal, political, and cultural context - and the associated various policy styles, at different governance levels (Biesbroek/Lesnikowski/Ford/Berrang-Ford/Vink, 2018). This altogether produces are highly diverse spectrum of administrative features, which are difficult to benchmark and to classify. Therefore, we observe that the same ethics policies are being managed by highly different institutional designs. Most countries may be identified as reform laggards and forerunners at the same time, in different areas, policies, and with regard to the use and choice of different instruments.

In this context, it is important to mention trends on the European level to better coordinate and centralize the management of ethics policies (through the setting up of an interinstitutional ethics body (Alemanno, 2024)). It remains to be seen whether this case of re-centralization serves as a role model for the national central administrations.

Elsewhere, on the national level, the relatively chaotic innovation of the (current) institutional landscape shows that benchmarking of countries in the field of ethics is not getting any easier.

1.3.2. *The organizational performance challenge: Evidence about the effectiveness of oversight, independent and external ethics bodies*

Principles of ethics cast suspicion on any process in which Holders of Public Office and public officials discipline themselves. "No one should be the judge in his own cause." (Thompson, 2007, 2). This maxim has been guiding judges of controversies and makers of constitutions since ancient times. It expresses fundamental values of due process and limited government, providing a foundation for the separation of powers, judicial review (Thompson, 2007), etc. Consequently, most other professions and most other institutions have come to appreciate that self-regulation and self-management of ethics are not adequate and have accepted at least a modest measure of outside discipline (Demmke & Moilanen, 2012).

Especially in the case of politicians and, even more, parliamentarians, independent and external control is rare. Mostly, the different institutions control themselves, if at all. This current practice is not satisfying since only outside and independent bodies can oversee and monitor ethics rules and standards fairly and impartially. Outside bodies would also "be likely to reach more objective, independent judgments. They could more credibly protect the Members' rights and enforce institutional obligations without regard to political or personal loyalties. They would provide more effective accountability and help restore the confidence of the public in the ethics process. An additional advantage that should appeal to all Members: an outside body would reduce the time that any Member would have to spend on the chores of ethics regulation." (Thompson, 2007, 18). Finally, the "move toward a more external form of ethics regulation is designed to enhance public trust and confidence" (Saint-Martin & Thompson, 2006, 6).

Take the case of Portugal: Here, responsibilities are decentralized at the level of each service/institution. For example, gift policy management is the responsibility of each public organization, by its Code of Ethics or Conduct. On the other hand, revolving door policies and the disclosure of financial interests are assigned to the Constitutional Court. Regarding the latter, an independent administrative body was set up attached to the Court – the Transparency Entity for monitoring income and other assets incompatibilities. Thus, in Portugal, there is also a trend

towards the introduction of more centralized external/independent bodies. However, this trend applies to the checking and controlling of conflicts of interest (within the Transparency Entity) in the Constitutional Court. Similar to Portugal, in Poland, there is also a trend towards the introduction of external/independent bodies through the establishment of a central anticorruption bureau (CBA), which operates independently, as well as with the supreme audit office (NIK) and central ombudsman (RPO).

However, other national public administrations are also very reluctant to accept independent experts to judge their conduct. This does not mean that the Member States and the different institutions are not willing to establish any form of control. EU Member States often agree on the above-mentioned forms of institutional self-control and establish internal reporting obligations and monitoring mechanisms. In our study, we also take note that there exists no general trend towards the introduction of external and independent ethics bodies.

Table 15: Generally speaking, do trends exist on the central/federal level towards the setting up of independent and external ethics bodies?, N=22
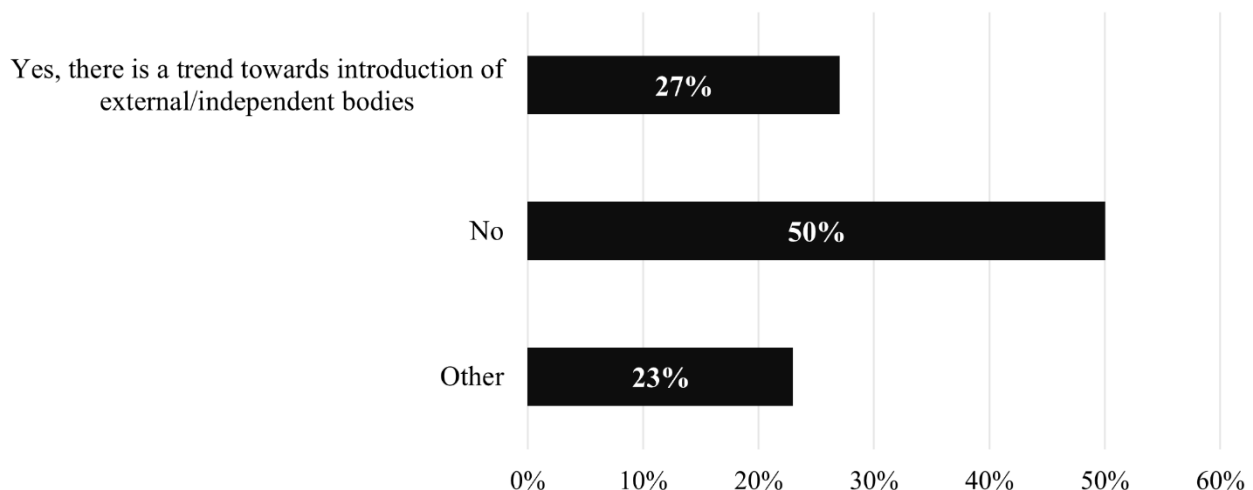
Instead, we note that, everywhere, little is (still) known about the opaque operation of ethics committees as such, whether they are independent or internally managed. We will come back to this discussion later on.

In fact, the issues at stake are even more complex. At present, very little is known about all types of ethics bodies, dependent or independent. Like this, one should also not stop thinking about whether independent and outside ethics bodies are more effective. And if so, in which form?

> Simply establishing an outside body will, most likely, not help. Instead, what is always needed is resources, capacities, enforcement power, and skills. The latter issue is mostly neglected. Any independent ethics body is (most likely) ineffective if independent members have no close inside knowledge about the organization, processes, procedures, and about the people they are supposed to control.

> And, this requirement blurs the boundaries between independent and expert bodies. Take the case of data collection and data assessment:

Independent agencies can only provide effective monitoring and enforcement in the case of the availability and accessibility of investigation data from the "monitored" organizations. To ensure the success of the measurement activity, the "the evaluated agencies should be involved 'from nose to tail', i.e., in the design of the evaluation exercise as well as in the discussion on results, enabling them to ensure that the exercise is appropriate for their mandate and to ensure utilization afterwards" (IACA, Measuring Effectiveness of Anti-Corruption Agencies, Insights Series, No. 7/August 2023, 9 and 10). Moreover, even if data is available and accessible, it is very difficult to interpret. "High enforcement figures might signal strong performance, but equally could reflect the manipulation of enforcement agencies in pursuit of a political agenda. Second, it is noteworthy that corruption offenses are hard to prosecute, and many prosecutions fail owing to technicalities. Third, although enforcement data is somewhat objective in that it is based on fixed legal provisions and outcomes of a legal process, the data collection process always requires assumptions to be made about how data is classified. Finally, this will not represent a qualitative assessment of ACA performance. Other factors such as the extent of institutional integrity, professional skills of the available human resources, and leadership quality also come into play. Irrespective of these pitfalls, if collected, managed, and interpreted carefully, these indicators can be a catalyst for reform, particularly if disaggregated data is considered, as it provides more detail as to what needs to be fixed" (IACA; 2023, 10)

Despite these difficulties, there is no reason to be pessimistic about the possibility of better assessing the performance of ethics bodies. Instead, countries should be encouraged to do a better job at establishing results-based indicators while showing how activities lead to impact. Overall, countries should be guided by the principle that different ethics bodies have a range of different functions. Effectiveness should always be measured against those functions. Different functions such as prevention, education and awareness raising, auditing, monitoring, investigations, and policing require different indicators. Moreover, today, discussions about independent ethics bodies still start from the idealistic perspective (and image) that independent bodies are not conflicted and experts have an impartial view about the inner lives of the organizations and people they are supposed to control. However, this is impossible. Instead, experts should be as impartial as possible while having sound insight knowledge about the lives of the organizations they monitor and control.

Therefore, to progress in the field, it may be important to start with an assessment of the existing ethics bodies. Most countries do not carry out organizational assessments. As discussed, in most countries, oversight and control are the responsibility of many bodies and actors. In most cases, responsibilities are shared amongst various actors:

• Court of Auditors with responsibilities in auditing ethics policies.

• Ombud officers with responsibilities in managing maladministration.

• HR departments with ethical responsibilities as regards recruitment and disclosure policies.

• Integrity officers, ethics commissioners, or presidents with various advisory and supervisory functions.

- Decentralized ethics committees/centralized ethics committees with various responsibilities for one or several institutions.

- Specific recruitment and appointment bodies with responsibilities to avoid CoI in the process.

- Specific revolving-door bodies.

- Courts with legal and disciplinary control and sanction responsibilities

- Specific Anti-Corruption Agencies (ACA´s).

Again, unfortunately, little is known about the workways ethics committees. From what is known, it seems that countries provide for ethics bodies that give advice, but only a few are allowed to investigate allegations and/or to impose sanctions. Other important differences include budgetary powers and responsibilities for collecting and analyzing private disclosure statements by the Members (or whether this is done by the personnel administration, the Board, Directors, or Presidents, etc.). However, from a comparative point of view, very little is known about the operation of these relatively non-transparent ethics bodies, ethics committees, commissions, etc. Also, little evidence exists as to their internal operations, budgets, rules of procedure, and working styles (Demmke & Moilanen, 2011). Still, there seems to be a trend toward the introduction of more of these bodies. In most cases, these committees are sectoral bodies, and neither independent nor do they have important monitoring and enforcement powers. If so, most evidence exists as regards the effectiveness of Anti-Corruption Agencies (ACA´s). We, therefore, suggest assessing the existing evidence in this field before broadening our discussion about the effectiveness of ethics bodies, in general.

1.3.2.1. The establishment of Anti-Corruption Agencies

For a long time, ethics committees and oversight bodies did not exist. If at all, the first oversight bodies were created in the field of corruption. However, also in the field of corruption, anti-corruption agencies (ACAs) were established only recently. The history of Anti-corruption Agencies dates back, particularly to the 1990s and 2000s (UNDP, 2011, p. 10). Since then, the number of anti-corruption institutions has increased dramatically. One important explanatory factor is the United Nations Convention against Corruption (UNCAC), which was adopted in 2003.

The convention mandated that each state establish at least one body responsible for managing the implementation of corruption prevention policies and combating corruption. According to UNDP (2011, p. 8), articles 5, 6, and 36 invited signature countries to ensure the existence of an Anti-Corruption Body or Bodies that have a convention, mandate, independence, quality staff, and resources to discharge their mandates effectively. Besides the convention, there are no international norms for ACAs.

Article 6. Preventive anti-corruption body or bodies

1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:

    (a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;

    (b) Increasing and disseminating knowledge about the prevention of corruption.

2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided

Consequently, signature countries have established ACAs with a wide range of structures, institutional positioning, and levels of independence. Agencies often differ in their focus areas and use diverse strategies to combat corruption and other forms of unethical behavior. While some countries established multiple agencies in the field of corruption, conflicts of interest, or anti-discrimination, separately, for the executive, legislative, and judicative, and also different for different organizations, some countries (and the EU) have opted to introduce a single agency/ethics body or none at all.

Whereas some agencies have the power to enforce unethical conduct, others have been established in order to organize training or for awareness raising and technical assistance.

Worldwide, only a few agencies have direct investigative law enforcement powers, stable and solid budgets, and enough personnel resources. Ethics bodies that only have preventive competences may also be responsible for carrying out research, and advising on corruption control, amongst other things (Johnsøn et al., 2011, 19-20).

According to Choi (2011, 47-48), ACA's main functions are "policy analysis and technical assistance in prevention, public outreach and information, monitoring, investigation, and prosecution". Prevention includes increasing awareness, education, conducting campaigns, and changing corruption-prone systems and structures.

1.3.2.2. Assessing anti-corruption agency performance

While having established these anti-corruption bodies, there still exists extremely little information about their effectiveness. According to the Resolution 8/7 of the UNCAC Conference of States Parties (CoSP), signatories should explore means of improving the effectiveness of anti-corruption measures (Schütte et al., 2023, 3-4).

In the meantime, existing literature identifies different factors that contribute to the effectiveness of ACAs (Tomic, 2025). Well-functioning agencies have enough resources, strong leadership, and effective coordination mechanisms with other bodies. However, in reality, most ACAs suffer from resource and staff shortages, and low political support (UNDP, 2011, 3; Tomic, 2025). Next, agencies rarely operate independently and with the power to investigate autonomously. Technical capacity is also important for ACAs' effectiveness as they require specialized workers, skills, and knowledge (Beniamin & Jamil, 2018, p. 386).

Thus, from a theoretical point of view, ethics bodies need autonomy and should be free of (too much) politicization. Still, the devil lies in the details. Independent agencies can also not function effectively if they are too distant, and internal experts are "too far" away from the sources of unethical conduct. Instead, what also matters is that ethics experts who monitor organizations also have close insights and knowledge about organizational structures, administrative culture, HR policies, and rules.

Next, while any watchdog should have the right to access information and documentation, it has the power to investigate issues on its own, has independence, and has the availability of sufficient resources. The monitoring staff also needs detailed insight into organizational culture, professions, and functions. Take only the case of monitoring revolving door cases, which may be the more difficult, the more distant the own position.

1.3.2. 3.. Difficulties of anti-corruption agencies

Despite their popularity in recent decades, ACAs have faced criticism for their limited impact due to many reasons. One reason was the suspected ineffectiveness of ethics agencies.

This criticism also illustrates that, mostly, expectations are high. Agencies are expected to perform well and be effective in the fight against unethical behavior. But, are these expectations realistic at all?

Schütte (2023) notes that ACAs undergo organizational lifecycles, which affect their performance as much as any other organization. Changing political contexts, individual personalities, and changes in personnel and resource allocation affect the agency's performance. However, in many cases, ACAs are also dramatically under-resourced and lack the capacities (and competences) to achieve their mandate.

De Sousa (2010, 11) notes that ACAs are also always confronted with conflicting expectations. For example, while they are expected to effectively fight corruption, they should also advise at the political level, produce cutting-edge research, and educate employees. Whereas some ACAs focus purely on preventive work, they are nonetheless made accountable if new ethical scandals emerge.

Therefore, Cabellos et al. (2023, 12) state that the effectiveness of ACAs should be measured differently, with different indicators and according to the mandate of the agency and whether this is the prevention of corruption, raising awareness, educating people, or investigating and enforcing regulations. Also, performance expectations such as targets, goals, and indicators should be designed toward the specifics of every ethics agency. According to Schütte (2023), agencies with law enforcement mandates face especially high expectations to achieve convictions in high-profile cases.

According to Cabellos et al. (2023, 11), measuring investigative performance in tackling corruption by using enforcement data also comes with some limitations. First, high enforcement figures do not equal success or effectiveness. Also, using enforcement data does not give a qualitative assessment of the performance of the agencies. Instead, there also exist other factors, such as professional skills and leadership quality, that need to be considered.

Still, according to Schütte et al. (2023, 12), finding better measures for measuring the effectiveness and performance of ACAs is important.

Ultimately, ACAs are prone to public scrutiny and under great accountability pressure. On the other hand, if an agency has a wide mandate, but it hasn't been given the budget or the staff to do that, then it seems a bit unfair to judge it if it did not achieve any success.

Therefore, it is necessary to have a realistic, balanced, and slightly relativized idea of what success and effectiveness are. In cases where the legislator has endowed the agency with a lot of tasks, but not with the needed human, financial, and material resources to carry out these tasks,

performance expectations should be aligned with the tough reality. The more resources the ACA has available, the more staff they can hire, and the more they can spend on investigations, the more should be expected.

Thus, the allocation of resources is one of the main determinants of the expectations towards an agency. As already mentioned, the UNDP advises the state parties to ensure that the ACAs have enough resources at their disposal. However, the reality may not always align with this recommendation.

Another great challenge seems to be that, often, agencies are not well integrated with other institutions, ministries, or agencies. This can take the form of too little coordination, too little cooperation, too little trust, or simply the lack of communication. All of these difficulties can impede the effectiveness of agencies. As in all cases, sharing information is very advantageous, but sometimes ACAs are excluded from communication challenges. Maybe they are feared, maybe they are seen as outsiders, or maybe they are distrusted. Ultimately, this hurts their performance, lowering their effectiveness since ACAs need trust from those they are supposed to monitor. It is as paradoxical as it is.

Thus, ethics agencies need both: On the one hand, they need autonomy and independence. However, on the other hand, they also need insider knowledge, an integrated environment, good cooperation, good coordination mechanisms, and inter-institutional trust.

Overall, ethics agencies navigate through a context of muddy waters, conflicting demands, too high expectations, accountability pressures, and a world of distrust.

Thus, whereas most experts claim more independence, in order to be effective, this independence has different dimensions. It is too easy to say that the more independent the agency is, the better it performs. Independence must always go hand in hand with integration and insider knowledge.

Another challenge is the tension between standardized monitoring versus contextualized monitoring.

Ethics agencies cannot be best-practice agencies and cover the specific features, tasks, and contexts of life in parliaments, ministries, courts, banks, or inspectorates. The difficulty is that agencies must be adapted to each context. Ethical requirements are similar, although they are different, in parliaments and ministries, for MPs or Directors-General. Like this, it doesn't make sense to design only one institutional independent model. Instead, one needs to design several (integrated) models.

Thus, whereas trends are towards the call for more external and independent agencies, the call is also for more specific and tailored institutional designs that fit the particular context and the particular mandate of an agency. Countries may react to this by both the setting up of independent and partly centralized ethics bodies and the setting up of new specialized and internal bodies. However, as we have seen, there exists no clear trend towards more self-regulation/self-management or towards independent and external bodies.

Most professions – including doctors, lawyers, and teachers – discipline their members through internal committees without facing accusations of attempting to protect their own. However, legislators and top officials from central public administrations face a higher level of public scrutiny, one resulting from a commitment to public service. Overall, countries should know that

more and more, it seems that any form of self-regulation and self-management causes suspicion and distrust. Therefore, some countries will continue and also establish horizontal bodies or sectoral or individualized bodies that oversee the conduct of the members of one or several institutions. This makes sense, as long as this body has the capacity and competence to oversee ethics policies and rules in a very fragmented environment.

2. MANAGING, MONITORING, AND ENFORCING ETHICS POLICIES

As discussed, European countries are very active in the field of adopting new policies, rules, and standards, and also with regard to the institutionalization of ethics policies. However, ethics policies suffer from considerable shortcomings as regards the implementation, monitoring, and enforcement of these policies. In our survey, countries agreed that while countries adopt ever more rules and codes, they do not allocate the needed capacities, skills, and resources for the implementation of these policies.

Moreover, we also note that countries have little centralized information about the monitoring of ethics policies, although the measurement of policies is improving (however, mostly in the field of corruption).

Overall, we note that the weakest field is the enforcement of policies. Also, in this survey, we were unable to get greater insights into enforcement practices, apart from statistics about disciplinary violations and the related consequences. We will come back to this, later on.

Comparative studies about the monitoring of ethics policies are scarce. As such, we are only aware of "Prime witnesses? Case studies of staff assessments for monitoring integrity in the European Union", which was carried out by Lamboo, Van Dooren & Heywood in the year 2015 (Lamboo, van Dooren & Heywood, 2015). The study includes national case studies from Belgium, Croatia, Estonia, Hungary, The Netherlands, and Poland. The study concludes that "there is no magic recipe for integrity monitoring.For good reasons, the six case-countries have six different approaches. In practice, the cases offer a menu of choices. Rather than copying, learning is about looking at the reasons why countries opted for specific approaches (...). Countries need to develop their national practices of integrity monitoring. In this regard, staff assessments of integrity are a very useful source of information" (Lamboo, van Dooren & Heywood, 2015, 24).

In our survey, countries also agree that the focus of (monitoring) attention is very much on illegal violations, but much less on other forms of unethical conduct.

This, however, also illustrates the importance of managing ethics not only by legal instruments but through ethical leadership, informal instruments, value management, organizational justice, awareness raising, training, etc. In our study, almost 90% of all countries agreed with this statement.

Figure 22: Would you agree with the following paradoxical statements?

	Very Much	Somewhat	Difficult to say	Not really	Absolutely not
Scandals are not always the consequence of illegal behavior, but of various forms of unacceptable, unethical behavior, such as	54,2%	33,3%	12,5%	0,0%	0,0%

favoritism, discretionary treatment, and conflicts of interest. This, however, illustrates the importance of managing ethics not only by legal instruments, but through ethical leadership, informal instruments, value management, and caring for principles such as the principle of merit, equal opportunity, respect, organizational justice, and rule of law					

Therefore, the choice of instruments should be better aligned with the gravity and the nature of the problem. So far, countries have focused on regulatory instruments. However, many forms of unethical behavior require that more attention should be given to other instruments such as ethical leadership, informal instruments, value management, and principles such as the principle of merit, equal opportunity, respect, organizational justice, and the rule of law.

Overall, countries have never introduced strategic approaches to the introduction and choice of instruments. Contrary to this, the availability of instruments has developed over the course of time. Take the case of benchmarking, which became popular after the first OECD-PISA assessments in 2000.

Therefore, today, more work is needed as regards the questions of what instruments, types of incentives, or sanctions and enforcement practices work best in which policy field. Finally, more clarity is needed about what top of ethical management approach works best in different sectors and for different holders of public office.

Since discussions on ethics were dominated for a long time by bureaucratic, rational and legal approaches, there is substantial uncertainty about the need for and the effectiveness of innovative instruments, the choice of tools, the right instrument mix, the role of self-regulation, and the use of other political, psychological and economical approaches.

Often, experts' attention constantly shifts back on forth between those who wish to design sound governance, organizational structures, and coherent integrity management to tackle the societal- and organizational causes of unethical behavior, whereas others believe that it is important to focus on individual causes. Moreover, the choice of instruments is also linked to fashion. Like this, it is rather the focus of public attention that determines the focus on the choice of instruments.

Overall, the task of ethics management is to address the question of how instruments can be thoroughly secured, anchored, embedded, or safeguarded within the organization. (Hoekstra and Kaptein 2012; Hoekstra & Kaptein, 2020). This includes attention to "the behaviour of supervisors, the creation of shared values, fair remuneration, appraisal and promotion systems, and rewarding 'good' behavior" (Hoekstra, 2016: 8).

As all of this shows, the search for a best-fit instrument is confronted with a context and institution-based, fragmented, situational, and pragmatic reality. Overall, institutional differences – notably the levels of budgetary resources, social legitimacy, work systems, labor markets, education and training systems, work organization, and the collective organization of employers and employees – mediate the impact of instruments. Also, causes for unethical behavior may be

found at the individual, organizational, cultural, or societal level. Consequently, remedies, too, differ from case to case.

If countries wish to generate more evidence about these issues, they should invest in the monitoring of ethics policies. However, the term monitoring has many meanings and needs explanation.

As a first type, monitoring can also be defined as the assessment and evaluation of ethics management systems or ethics policies as regards the state of effectiveness and implementation of ethics policies (the latter is mostly carried out with the support of surveys and monitoring reports).

A second type of monitoring is increasingly linked to employers' surveillance with the support of AI instruments and software.

A third type of monitoring is connected with the enforcement of ethics policies, especially in the field of disclosure policies and the disclosure of interests.

Let's discuss these three forms separately.

2.1.   Monitoring and the assessment and evaluation of ethics policies

As regards the first type, the assessment and evaluation of ethics management systems, no other country invests as much in monitoring the development of integrity as the Netherlands. Moreover, no other country is placing as much trust in reporting ("melden") misconduct and in whistleblowing. The Dutch Ministry of the Interior publishes yearly detailed, sophisticated, and extensive monitoring reports ("Monitor Integriteit") and documents and guidelines ("Handreiking voor de omgang met (vermoedens van) integriteitsschendingen") about the management of unethical behavior and integrity violations. The Monitor report has been carried out for the Ministry of the Interior & Kingdom Relations since 2010.

It focuses on politicians and employees at the decentralized level. Main findings (for employees) are that employees believe that enough is being done in the field of integrity. Moreover, the vast majority find that there exists an open organizational culture. Also, people are offered opportunities to discuss ethical dilemmas. Still, 37 percent of employees have witnessed one or several integrity violations (mostly in the field of conflicts of interest and the abuse of confidential or sensitive information) (Monitor Integriteit en Veiligheid 2024, Part 1).

As regards the success factors for Integrity policies" the monitoring report Integrity (2024) concludes that "Een belangrijke succesfactor is de beschikbaarheid van een integriteitscoördinator of andere functionaris als aanspreekpunt. Ook is ondersteuning en commitment vanuit de voorzitter van het bestuur en/of de secretaris van belang. Als andere succesfactor wordt gewezen op de aanwezigheid van een open gesprekscultuur en laagdrempelige voorzieningen om lastige kwesties te bespreken of indien nodig vermoedens van misstanden te melden. We zien dat organisaties die meldingen registreren en de input vanuit gesprekken over integriteitskwesties gebruiken, in staat zijn te leren en te verbeteren. Een goede registratie wordt gezien als een succesfactor en veel organisaties erkennen dat op dit punt nog veel valt te winnen".

The Dutch monitoring culture is also of interest because it combines monitoring on the central level with monitoring on the decentralized level, in the Dutch Provinces. Other countries are

lagging in this field. However, other countries have also started to publish regular integrity reports, like in Spain, or at the federal level in Germany.

The quality of assessment and evaluation reports and studies depends on the availability of data, measurement methods, and the existing quality of data. For many years, countries, NGO´s, and academics have invested heavily in the improvement of measurement of corruption, conflicts of interest, (sexual) harassment, etc. Whereas progress can be noted, this mostly focuses on the measurement of corruption, and less quickly in other fields.

Figure 23: Do you assess the developments of data management and measurement in your country? If so, what are the trends, namely as regards, N= 17

	Strongly improving	Improving	No development	Getting more difficult
Measuring corruption and fraud	25,0%	50,0%	25,0%	0,0%
Measuring conflicts of interest. violations to disclose declarations of interest, the number of decisions to sanction failure to disclosing, the number of revolving door cases, e.g. prohibitions to switch jobs	11,8%	47,0%	41,2%	0,0%
Measuring other forms of misconduct	18,7%	50,0%	25,0%	6,3%
Total	**18,5%**	**49,0%**	**30,4%**	**2,1%**

Taking into consideration the answers from the European countries, it should be expected that the quality of national assessments and national evaluations is improved in the future.
While we know that there exists a link between institutional design, organizational behavior, good governance, and government outcomes (Rothstein, 2012), only professional data management, measurement, monitoring, and data analytics allow countries to get a clearer picture of the effectiveness of ethics policies. However, in reality, many countries have limited data, do not measure, or do not monitor ethics policies. Moreover, differently to the situation in a private sector company, there exists no single compliance and data management system, but several uncoordinated ones within different ministries, agencies, and public institutions. Until today, the potential of government analytics (Rogger & Schuster, 2023) has not found its way into the world of ethics management. However, as regards the latter, the measurement of corruption is booming (Anderson & Baidya, 2025), whereas this is much less the case in other fields. Increasingly, research intensity, efforts, investments, and resources differ in the field of measurement[7].

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[7] "There are currently international efforts to move the discussion on corruption measurement forward. UNODC has organized a Task Force on Corruption Measurement, including experts from national and international organizations active in the field of corruption measurement both in developed and developing countries, to support efforts to monitor the Sustainable Development Goals, and organized an international conference on the topic (UNODC, 2023). The International Anti-Corruption Academy has likewise established a Global Programme on Measuring Corruption

2.2. **Monitoring and employee surveillance**

The second type of monitoring concerns some forms of control, or surveillance of public employees.

During the past years, experts have discussed intensively the emergence of a grey zone between the introduction of AI, data collection, monitoring, and employee surveillance. In the field of HR analytics, the danger of employee surveillance is mostly discussed in the field of individual performance assessment. Here, researchers warn that the use of artificial intelligence software in the field of performance assessment may be easily abused for the granular (performance) surveillance of public employees. In our survey, 39% of all responding countries confirmed that they will use AI software in this field.

Artificial intelligence can also be seen as conflicting with data protection rights. In our study, most countries believe that it is possible to reconcile the introduction of data-driven HR analytics with data protection rights. Thus, most countries do not see that the objectives of the EU-AI Act and the Data Protection Regulation 2016/679 contradict each other. However, 76% of all respondents to our survey are concerned because the instruments of data-driven and AI-based HR management raise privacy and data protection concerns that result from increasingly intrusive actions of people analytics.

Still, the call for better protection of privacy can be invoked against transparency and the introduction of artificial intelligence. In our survey, almost 80% of all participating countries raised privacy and data-driven concerns.

Figure 24: When considering existing and potential challenges of the introduction/use of data-driven HR analytics, what are the critical effects which you have (so far) encountered?, N=19,

	n	Percent
The data provided by data-driven/AI instruments can become too complex to be fully understood by HR employees and managers	12	63,2%
HR decisions based on data-driven/AI instruments raise the question of who is accountable for a managerial decision and its ethical implications	8	42,1%
Human behavior can be too complex to be measured, evaluated, and analyzed by data-driven analytics/AI systems. Therefore, reducing complex human characteristics and behavior to representation by data points and numbers is problematic.	8	42,1%

(David-Barrett, Murray, Ceballos, & Lee, 2024; International Anti-Corruption Academy, 2024). Efforts to improve the benchmarking of anticorruption policies have also moved forward with the publication of OECD's Public Integrity Indicators (OECD, 2023), and efforts to benchmark de facto transparency have also advanced with the development of the T-Index (Mungiu-Pippidi, 2022). For its part, the World Bank and KDI, together with other partners, sponsored a Symposium on Data Analytics and Anticorruption (World Bank, 2021), and the World Bank has created a new Public Institutions unit to strengthen approaches to integrating institutional data into the World Bank's work" Anderson & Baidya, 2025, 26/27

Compared to other forms of data-driven analytics, AI analytics is more invasive to employees, for example. Increasingly, employees face more and more invasive information collection, processing and dissemination.	7	36,8%
The instrument of data-driven and AI-based HR management raises privacy and data protection concerns that result from increasingly intrusive actions of people analytics.	15	78,9%
Increasingly, employees might not have the opportunity to object to their data being evaluated or to stop their data being shared with external analytics providers.	7	36,8%
Data-driven HR instruments (such as People Analytics) do not sufficiently address the issue of surveillance, constant tracking and algorithmic control of workers.	3	15,8%
Tracking and collecting individual data can foster feelings of being controlled and can impede workers' autonomy.	9	47,4%
Data-driven and AI-based HR policies rely on an overly strong belief in the algorithms' processes, results, and capability to predict reliable outcomes correctly.	10	52,6%
Algorithms represent a simplified model of human behavior that is restricted to a set of measurable dimensions or proxies of behavior. Such an oversimplification of complex features can misrepresent reality.	12	63,2%
Data-driven and AI-based HR policies fail to consider the complex, decisive nature of knowledge work and human interaction. They reduce valuable qualitative aspects of employees' performance to quantifiable metrics, thus failing to adequately consider all aspects of performance, engagement, and motivation.	9	47,4%

2.3. Monitoring, transparency, and the disclosure of interests

The third type of monitoring concerns the monitoring of the self-disclosure of interests. This instrument is one of the most important and popular in the whole field of public ethics. The instrument has become attractive because this instrument appeals to the free market principle, self-regulation, the autonomy principle, the principle of human empowerment, and its flexibility. Therefore, these monitoring policies come in many different innovative settings: self-reporting, disclosure requirements, third-party monitoring, blaming and shaming, and blacklisting to push toward compliance (Peters/Bianchi, 2018, 543).

Among all ethics policies, disclosure policies have become a crucial instrument in the field of management and monitoring of conflicts of interest. In this field, disclosure policies are highly popular because they are also linked to the concept of transparency. To put it simply, certain groups of employees are required to notify and disclose certain personal interests, either internally or in public. In the first place, the mechanism (and instrument) can also be defined as a form of self-regulation and self-management. However, what matters then is how these

disclosures are monitored (and enforced). Before we examine the various practices in the field, it is important to discuss the popularity of the instrument. Why have disclosure policies become so important? As we will see, this can be explained because disclosure policies are linked to transparency requirements. And....., transparency is (still) popular!

2.4. Monitoring Ethics policies: The importance of transparency and the monitoring of disclosure policies.

For a long time, transparency promised to be" a cure-all for better governance" (Hood, in Hood & Heald, 2006, 20). During the last decades, transparency has gained an almost mythical status (Koivisto, 2022, 4) because it is broad in scope, covers a large area of meaning, blurs opposites, and is perceived as an alternative instrument to red tape and regulation.

Transparency is also considered innovative, cheap, and less intrusive than regulatory instruments (Peters, in Peters/Bianchi, 2018, 544). Moreover, trends towards more transparency are also a countertrend towards ever more complexity and opaqueness of decision-making in a globalized world and multi-level and networked governance (Peters, in Peters/Bianchi 2018, 540). In this context, transparency can also be defined as compensatory transparency (Peters, in Peters/Bianchi, 2018, 542) because it compensates for more complexity, disinformation, more information, ever- new information, opacity, networking, collaboration, difficulties in identifying clear accountabilities, and in transparency than ever before (Hood, in Hood & Head, 2006, 20).

Next, transparency is claimed to have additional positive effects (which are all difficult to prove in practice):

• Transparency is leading to higher governmental/organizational/individual performance and effectiveness?

• Transparency is enhancing or decreasing trust

• Transparency is increasing accountability

• Transparency supports legitimacy and fairness

• Transparency facilitates control and surveillance

Also, in our survey, countries and the EU Institutions rank openness and transparency very high. They assess openness and transparency as moderately or highly effective. No country is against openness and transparency or considers openness and transparency as ineffective instruments.

Figure 25: Effectiveness of openness and transparency

	High Effective	Moderately Effective	Effectiveness depends on context	Rather ineffective	Ineffective
Openness, transparency	45,8%	33,3%	20,9%	0,0%	0,0%

The question is, why do countries do this? Do they have evidence that transparency and effectiveness are particularly effective (and secrecy is ineffective)? Or is this claim rather ideological?

Overall, it seems to be difficult to say something against it (compared to opposed concepts like secrecy and confidentiality, although attitudes towards these principles are about to change, too). For example, the fight against terrorism, cybercrime, the dangers of war but also the need to protect privacy could be invoked against demands for more transparency.

However, overall, transparency risks and side effects are not seen as comparable to the damages that secrecy and confidentiality create (Prat in Hood &Heald, 2006, 101). For example, Fine Licht et al. state that, overall, transparency enhances policy decisions, which indirectly makes people more trusting. Modern transparent instruments are also perceived to be fairer than secrecy and increase the public feelings of accountability.

Therefore, overall, in the field of ethics management, countries are very supportive of transparency and openness. This also explains the popularity of disclosure policies. But what is known about the effectiveness?

2.4.1.   Disclosure and the dark sides of transparency - conservatism and bureaucratization

As already mentioned, disclosure policies have gained enormous importance. However, different from common understanding, disclosure requirements are not (exclusively) a national competence. We will come back to this.

In the field of transparency policies, one major objective of disclosure policies is to help compensate for the increased complexity of conflict-of-interest policies. Thus, seen together, disclosure and transparency are attractive because disclosure policies are supposed to be easy to implement and also easy to monitor, for example, by the public, through having access to disclosed information.

In reality, countries report difficulties in the monitoring and enforcement of ethics policies, especially in the fields of revolving door, non-financial interests, and side activities. All of these policies are managed through disclosure and transparency requirements.

Table 16: Overall, in which policy fields exist the most difficulties in monitoring and enforcing ethics policies?, N= 17
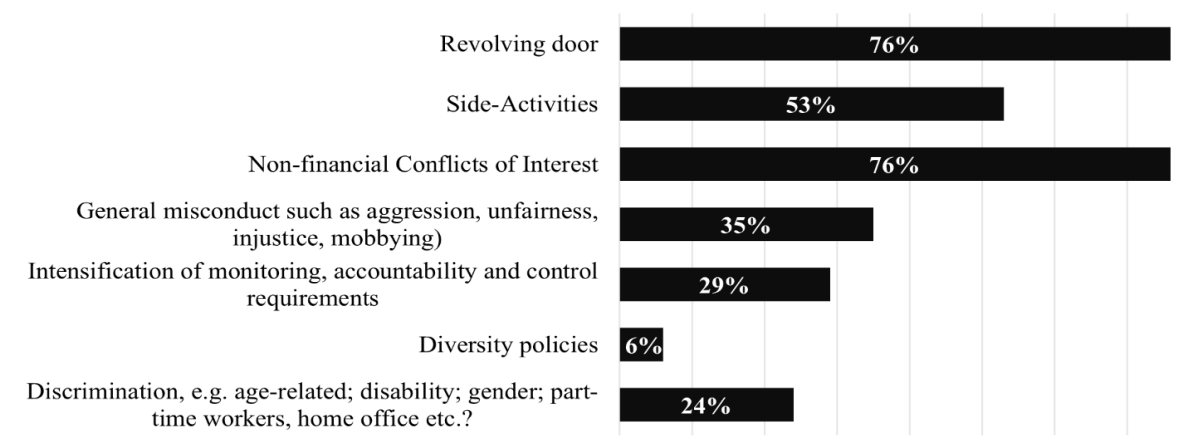
Also, the OECD (2023) notes a huge difference between the existing regulatory requirements to submit declarations of interest and the submission of declarations in practice. Overall, OECD-Member States have submitted very limited information and data to the OECD. In most cases, this is not due to political reluctance. Instead, the Member States themselves suffer from a lack of monitoring data.

When looking for the reasons for the existing difficulties, one can find that European countries apply different definitions and requirements of people who should declare potential (conflicts of) interests.

Moreover, disclosure requirements differ according to the

- Branch of government: (disclosure requirements in the executive branch, legislative branch, judicial branch, for central banks, and so on)
- Hierarchy or Political level: (for example, Ministers, Secretaries of State, Special Advisors, Directors-General)
- Function (for example, employees with specific functions in the field of public procurement, enforcement, financial management, tax inspection, etc.)
- Risk management (persons dealing with corruption, fraud, permitting, contracting, outsourcing, etc.)

According to a study by the World Bank (2017), 28 percent of countries have between 10,000 and 50,000 filers, but the remaining 72 percent require disclosures from hundreds of filers or millions of them (World Bank, 2017, 23). Also, amongst European countries, disclosure requirements differ enormously, ranging from detailed and open disclosure requirements for many persons in Romania, to only a few and less detailed in Sweden, Finland, Germany, or the Netherlands. A report published by the European Court of Auditors (2023) concluded that "Romania is the only Member State in our sample that collects and publishes annual declarations of wealth and interests from all civil servants" (ECA, 2023, 18). Contrary to this, other countries check declarations of interests randomly, and if so, only for Ministers and holders of Public Office.

However, countries (and the EU) do not only differ as regards the existing disclosure requirements for different categories of persons. In fact, countries also differ as regards the definition of financial interests, the definition of non-financial interests, and what needs to be declared, and by whom (spouses, family members, friends, or relationships, etc.)

Flexible forms of transparency – The case of France

In France, not all declarations of assets and interests are published. In Decision 2013-676 of 9 October 2013, the Constitutional Court ruled that, for persons exercising administrative responsibilities and not elective or ministerial functions, the objective of strengthening the guarantees of probity and integrity of these persons and of preventing conflicts of interest is directly ensured by the control of declarations of interest by the HATVP and by the competent administrative authority on the one hand, that the publication of these declarations of interest would disproportionately infringe these persons' right to privacy on the other.

In addition, pursuant to Article L. 311-5 of the Code of Relations between the Public and the Administration, documents drawn up or held by the HATVP in the performance of its duties may not be disclosed. The law does, however, allow it to publish the opinions it issues, pursuant

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to Article 23 of the Law of 11 October 2013, on the compatibility of the exercise of private activities with the previous exercise of government functions, of functions of members of independent administrative or public authorities and of certain local executive functions. The same applies, by virtue of article 124-15 of the General Civil Service Code, to its decisions on the exercise of private activities by a civil servant or on the appointment to certain public posts of persons who have previously exercised private activities.

Next, countries differ as regards the way disclosure should be made public. Either the information is only available for certain categories of people within the organizations, or fully accessible (online) to the public.

As a consequence, monitoring challenges also differ. Whereas some countries have almost no problems because only a few categories of staff are obliged to disclose interests, in other countries, the management of disclosure policies has turned into a true ethics bureaucracy. In these countries, systems easily become overloaded or useless if not managed (or used) effectively.

Interestingly, in both cases, countries do not monitor disclosure policies effectively.

Implementation challenges differ from organization to organization. In our survey, national (and EU) answers differed considerably as regards (the effectiveness of) disclosure policies and issues like who needs to disclose, when, what, and how this information is managed and monitored. Information about these issues seems to be a "black box," although countries inform that measurement of conflicts of interest policies is improving. Overall, countries gave anecdotal evidence about the existing implementation challenges in this field.

Despite this, many countries admitted having great difficulty in verifying disclosure information.

**Table 17: In the field of disclosure policies, the most pressing monitoring challenges are. N= 20**
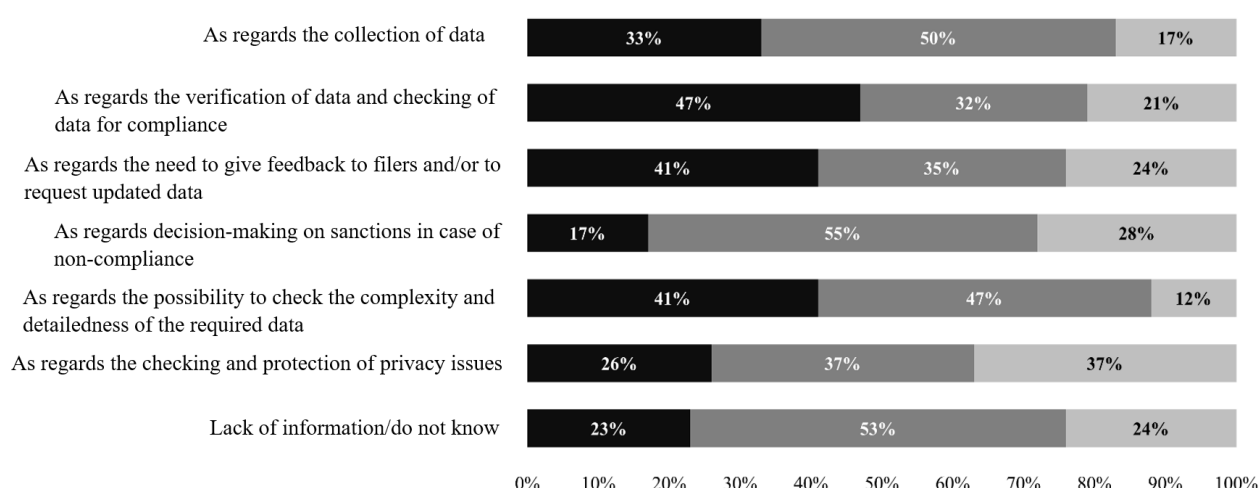
Given the existence of these important monitoring (and enforcement) challenges in the field of disclosure management, the complex reality of monitoring disclosure and disclosure management as such is often overlooked.

Also, in our study, countries confirm that the verification of disclosure information is extremely difficult to monitor (as can be seen regarding the case of the challenge to verify the disclosed information).

Another challenge in the implementation of financial disclosure systems is the absence of dialogue when drafting the law between the policy makers and the practitioners who will implement the system. Such a challenge may also be viewed as a difference between the intention of the system and its realization (Rossi, Pop & Berger, 2017, 23). Often, politicians and public servants are not aware of the monitoring challenges of those who need to monitor disclosure policies. Overall, there seems to be very little communication among the (mostly HR) experts who are in charge of monitoring and the top civil servants. It is, therefore, not surprising that 73% of respondents to our study replied that they are not aware of (increasing) difficulties and technical challenges in the monitoring process.

Table 18: In the field of disclosure policies, do monitoring experts in your country report about increasing difficulties as regards the verification of disclosure information? N=26
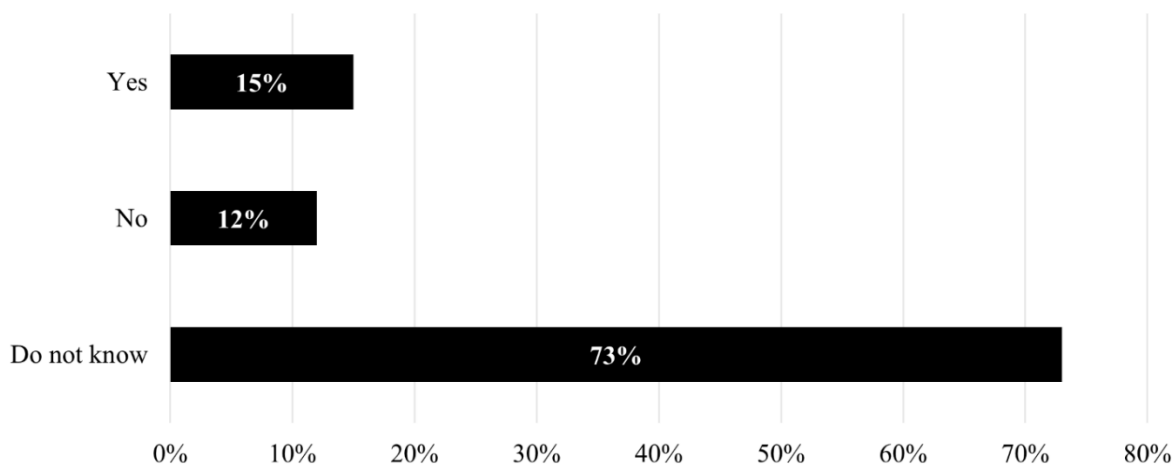

Therefore, disclosure policies present a huge paradox: If disclosure policies are supposed to be effective, the management and monitoring require capacities, skills, personnel resources, and sophisticated and complex examinations of personal behavior (take the discussed case of requiring disclosure information from the "spouse"). If current trends have been towards more detailedness and individualization of monitoring requirements, this will also increase administrative burdens, complexity, and time-consuming monitoring processes.

Thus, if countries increase disclosure requirements, for example, as regards the need to disclose more non-financial interests), this has immediate effects on resources, personnel, skill requirements, decision-making, and transaction costs. Take, as an example, the Office of Government Ethics in the United States (OGE), which is the "supervising ethics office for the decentralized ethics program established by the Ethics in Government Act. While the statute does not give OGE direct supervisory control over the approximately 4,500 agency ethics officials working in the more than 130 executive branch agencies, OGE issues ethics regulations and interpretive guidance that define the contours of their work. OGE oversees a financial disclosure system covering approximately 26,000 public filers and 380,000 confidential filers" (www.oge.gov).

Given these trends, we asked the European countries and the EU whether monitoring challenges are also increasing in Europe. 37% of respondents confirmed! However, the most interesting finding is that 38% of respondents responded that they do not know. This suggests that national respondents in central public administrations have no data about the existing monitoring challenges at all. Again, one major problem seems to be the lack of experience in assessing ethics policies and the lack of communication and sharing of data amongst the responsible monitoring authorities.

Table 19: Do monitoring bodies in your country face increasing challenges (e.g. skill challenges, lack of personnel resources, etc.) to manage these trends?, N= 24
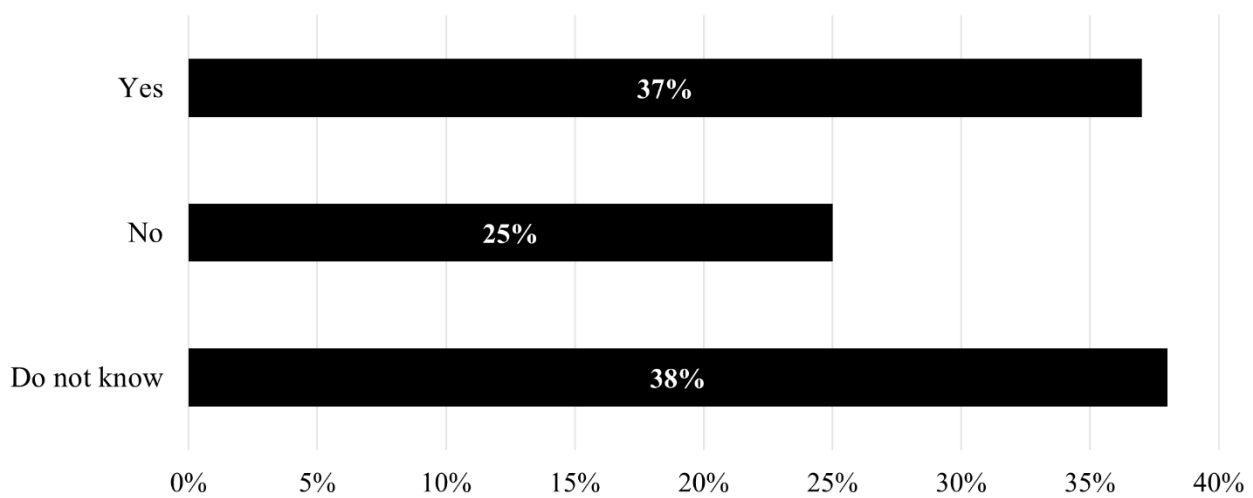
Poland answered to this study, as follows: "*In Poland, as in other countries, the increasing demand for monitoring financial and non-financial interests, as well as the inclusion of an ever-widening range of individuals, significantly raise the workload and the need for specialized skills among administrative staff. Monitoring bodies must not only have appropriate procedures and technological tools to efficiently manage complex information but also ensure compliance with regulations*"

The case of Poland

"The large number of individuals required to declare their interests creates difficulties for the administration in managing the vast amount of information. Data Verification and Compliance Checking – The growing number of required declarations and the scope of information make the verification process increasingly complex. The administration often faces challenges in reconciling the data with reality, especially given limited resources for analysis and a lack of sufficient digital tools to support automated and precise control. Feedback Communication – This process is essential for maintaining the accuracy and reliability of submitted information but is also time-consuming and requires efficient communication. Ensuring appropriate channels and standards for communication that enable quick and unambiguous exchanges can be problematic. Deciding on Sanctions for Non-Compliance – Monitoring bodies must not only identify violations but also determine what sanctions are appropriate for the type of infraction. Complexity and Detail of Required Data – The detailed and extensive nature of required disclosures presents a challenge for disclosure policies. The administration must conduct precise analysis of data that is both complex and voluminous. This analysis requires specialized expertise and advanced analytical tools. Privacy Protection – Privacy protection is a key challenge in disclosure policies. The administration must implement appropriate procedures and

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safeguards to protect personal data from unauthorized access while ensuring compliance with legal privacy regulations, such as GDPR. Lack of Information – Incomplete or missing data can hinder accurate compliance assessments, limiting the ability of authorities to identify potential conflicts of interest or violations".

Thus, if countries want to manage and detail personal interests effectively, they should also invest in a complex monitoring bureaucracy. As such, we conclude that disclosure policies can easily lead to an ethics- and control bureaucracy, which, however, remains relatively ineffective, if these policies are not supported by investments in personnel resources who should monitor financial and non-financial interests, read-, understand-, interpret data, reach the appropriate conclusions and have the courage to suggest sanctions (Rossi, 2017). The latter is difficult because this is not only a matter of technical interpretation of data and information.

If, therefore, countries decide to refrain from introducing and managing detailed disclosure policies, they lack an important instrument in the management of conflicts of interest.

In order to escape this paradoxical logic, disclosure requirements should differ from organization to organization and amongst different categories of persons. For example, it is widely acknowledged that ministers or members of parliament should disclose interests and outside activities. However, this requirement is less clear for middle managers or civil servants, other than top civil servants.

Also, disclosure requirements should be aligned to the importance, tasks, and nature of organizations.

Monitoring is also (often) highly personal, sensitive, and – also political. The increase in disclosure requirements must also be seen in connection with potential unintentional effects, such as the violation of privacy and data protection rights, or the abuse of sensitive information for political interests. Although discussing exclusively the role of judges, the judgment by the European Court of Justice in the case C-204/21 raised important questions about whether, by obliging holders of public office to disclose detailed private information, for example. regarding membership of a professional body or association, the functions he or she performed within non-profit foundations, membership of a political party, and publishing that information countries infringe the fundamental right to respect private life and holders of public office right to protection of personal data, guaranteed by Article 7 and Article 8(1) of the Charter and by Article 6(1)(c) and (e), Article 6(3) and Article 9(1) of the above mentioned Regulation (EU) 2016/679 (GDPR).

2.4.2. Europeanisation of monitoring requirements and technical assistance

The EU promotes human rights, democratic governance, the rule of law, and the fight against corruption policies as a priority action, but not the management of (other) ethics policies. Overall, the focus of attention is on the fight against corruption.

In a joint communication (COM JOIN (2023), 3 May 2023) with the European Parliament, the Council and the ECOSOC, the European Commission and the High Representative adopted several EU actions to fight corruption and to strengthen the rule of law. Moreover, they set up an EU network against corruption, which aims to foster collaboration, identify trends, and maximize the impact and coherence of European efforts to prevent and fight corruption to create more effective anti-corruption policies.

As already mentioned, also, the EU Financial Regulation also includes general provisions on fraud prevention and detection, setting out rules on public procurement and the award of funding, to minimize the risks of corruption affecting EU funds. This includes rules on the avoidance of conflict of interest.

The Commission also makes use of sectoral programs to support anti-corruption efforts in the Member States and so-called technical support instruments in order to provide tailor-made expertise to help the national administrations build administrative capacity and design and implement reforms, many of which have focused on increasing their defenses against corruption.

Despite all of these laudable initiatives (mostly in the field of anti-corruption), there is no mention of ethics management. Take the case of the European Communication about "Enhancing the European Administrative Space (ComPAct) (COM (2023) 667 final of 25.10.2023), which discusses the deployment of three pillar strategies in the field of HRM strategy (upskilling strategy, developing an EU competency passport), digitalization strategy for public administration and a greening strategy for public administration. As such, there is no reason why the European Commission should not also offer stronger (technical) support in the field of ethics management, monitoring ethics policies, the institutionalization of ethics policies, capacity building, skill upgrading in ethics policies, etc.

However, this is not the case, which confirms that the importance of ethics policies and ethics management is still subordinated to other policies, or – in the case of the above-mentioned ComPAct Communication – subordinated to the importance of public administration as a major competitive and economic factor.

Still, on the EU level, the management of conflicts of interest is of growing importance, as long as this concerns the EU financial interests.

The EU Financial Regulations (which is directly applicable) require the EU Member States to apply "the rules on conflicts of interest, which, in addition to direct and indirect management, are now explicitly extended to Member States' authorities (regardless of the Member States' internal governance arrangements) and any person implementing any of the EU funds under shared management". Art. 61 of the Financial Regulations states that, "Financial actors (…), including national authorities at any level, involved in budget implementation under direct, indirect and shared management, (….) shall not take any action which may bring their interests into conflict with those of the Union. They shall also take appropriate measures to prevent a conflict of interests from arising in the functions under their responsibility and to address situations which may objectively be perceived as a conflict of interests.

Thus, while Member States remain competent to apply their own supplementary and/or more detailed national rules (even if Article 61 FR 2018 is directly applicable), they should consider aligning or supplementing national rules to improve the legal certainty of the applicable rules where the EU budget is concerned (FR). So far, this overlap between EU requirements and national policies in the field of conflicts of interest and disclosure requirements is widely neglected (and, often, not even recognized).

As such, countries may also be aware that, under the terms of the protection of EU financial interests, the definition of conflicts of interest may be much stricter under EU law than under national law. This, again, poses potential conflictual situations between national and EU standards

in the field. Take, for example, the EU concept of conflict of interest, which also includes situations where the EU budget implementation tasks by the person concerned can be compromised by emotional life, political, or national affinity.

Art. 61 of the Financial Regulation states that financial actors (...) and other persons, including national authorities at any level, involved in budget implementation under direct, indirect, and shared management (...) shall not take any action which may bring their interests into conflict with those of the Union. They shall also take appropriate measures to prevent a conflict of interests from arising in the functions under their responsibility and to address situations which may objectively be perceived as a conflict of interests. (....). Where there is a risk of a conflict of interest involving a member of staff of a national authority, the person in question shall refer the matter to his or her hierarchical superior.

A Guidance on the avoidance and management of conflicts of interest under the Financial Regulation (2021/C 121/01) defines the notion of conflict of interest and how it should be operationalized. "National affinity, political affinity, emotional life, or others as listed in Article 61(3) FR 2018 are factors that could compromise the impartiality and objectivity of a person involved in budget implementation. In practical terms, to avoid such compromise, persons involved in budget implementation should refrain from involvement, influences, or pressures that may affect their impartiality and objectivity (or the perception of their impartiality or objectivity) in their professional performance. This could in particular result from friendships or enmities, family relationships, party affiliations, associations, or religious beliefs (...). The inclusion of a reference to 'any other direct or indirect personal interest' (…) goes beyond the direct connection between the person in question and the beneficiary of EU funds. Direct and indirect interest can also include gifts or hospitality, non-economic interests, or result from involvement with non-governmental or political organizations (even if non-remunerated), competing duties of loyalty between one entity the person owes a duty to and another person or entity the person owes a duty to" (Guidance on the avoidance and management of conflicts of interest under the Financial Regulation (2021/C 121/01, pp.7-10))

Thus, the definition of who should declare (potential) interests may be much stricter under EU law than under national law. Take the concept of spouses or immediate family members who are required to disclose interests. In the context of Article 61 FR 2018, the concept of 'immediate family' comprises, at least, the spouse (including a partner with whom the individual has a (non-) registered non-marital partnership), children and parents, (great-)grandparents and (great-)grandchildren, (half-) brothers and sisters (including from blended families), uncles and aunts, nieces and nephews, first-degree cousins, parents-in-law, children-in-law, siblings-in-law, stepparents and stepchildren" (Guidance on the avoidance and management of conflicts of interest under the Financial Regulation (2021/C 121/01, 7-10)).

Thus, we note that this form of micromanagement and Europeanisation of disclosure requirements has rarely been noticed. Yet, it should be a daily life obligation of all national, regional, and local authorities who are involved in the management of EU financial interests and EU funds.

In this respect, the EU Institutions themselves have different monitoring systems in the field of disclosure policies. Overall, standards and disclosure requirements are higher than in most EU Member States. Take the (extreme) case of the European Food and Safety Agency (EFSA). An

empirical assessment of the independence policies of the European Food and Safety Agency (EFSA) concluded "…There is broad consensus on the fact that Declarations of Interest (DoI) screenings absorb a major share of EFSA's resources allocated to the Policy implementation. The first reason is the sheer number of screenings that EFSA needs to carry out, which includes several reassessments – e.g., anytime experts declare new interests or take on a new involvement in an EFSA working group. The second reason is that DoI processing can be burdensome. DoI compilation and screening require processing a significant amount of information? In various instances, the assessment requires non-trivial decisions by the responsible officers, so this task is typically performed by Heads of Unit or senior staff" (Economisti Associati et al., 2023, 71).

The burdensome monitoring of declarations of interests (DoI) within EFSA has led to a situation in which those staff experts who are responsible for the assessment of DoI´s do not support a further increase of disclosure requirements. Rather, many pleas for a relaxation of monitoring standards. Contrary to this, the media or the public calls for maintaining standards or the introduction of ever stricter standards.

This case shows that there cannot be a one-size-fits-all approach. Instead, disclosure requirements must be designed for the nature, type, and task of the different institutions. However, the case also shows that organizations should be aware that the public (media, politicians, citizens) may be in favor of more transparency and stricter disclosure requirements. Contrary to this, those persons in charge of monitoring disclosure policies are more critical and would rather wish to deregulate or flexible disclosure requirements. Of course, the latter applies only to those countries (or the EU-Institutions and/or agencies) with detailed disclosure requirements. For example, Poland noted that "many monitoring experts advocate for the deregulation of disclosure requirements. Their argument focuses on reducing administrative burdens, which is expected to increase the efficiency of companies and institutions. It is important to emphasize that this requires careful planning to avoid weakening the state's control functions and to prevent a lack of transparency".

Figure 26: Managing the Administrative Burden, N= 20

	Yes	No	Other	Average	Median
Are monitoring experts in your country in favour of deregulating disclosure requirements to ease administrative burdens?	23,5%	58,8%	17,7%	1,9	2,0
If yes, in which form, e.g. for exp. by reducing certain disclosure requirements, offering waiver possibilities	22,2%	11,1%	66,7%	2,4	3,0
Reducing content-based disclosure requirements	15,4%	38,5%	46,1%	2,3	2,0
Reducing disclosure requirements for certain categories of staff	23,1%	46,1%	30,8%	2,1	2,0
Reducing disclosure requirements in the HR life-cycle (e.g. in the recruitment phase; exceptions for certain age groups)	7,7%	69,2%	23,1%	2,2	2,0
Reducing disclosure requirements for certain categories of staff in less vulnerable positions	21,4%	57,2%	21,4%	2,0	2,0

Again, national respondents to the study confirm what has been mentioned earlier: Disclosure policies and requirements should be adapted to the tasks (and importance) of each central administration and agency. Whereas in some cases, disclosure requirements should be minimized, this should not be the case in other organizations. This, however, requires the development of criteria and indicators for which organization requires which disclosure requirements. These criteria, again, should take into consideration issues like the importance of dealing with financial transactions, lobbying, outsourcing activities, collaborative forms of governance such as public-private partnerships, outsourcing, the design and adoption of new products, involvement in enforcement activities, etc.

2.5. The challenge of managing and monitoring conflicts of interest in times of an expansion of the concept

According to Dennis Thompson (1993) A conflict of interest is a set of conditions in which professional judgment concerning a primary interest tends to be unduly influenced by a secondary interest (such as personal financial gain).

The primary interest is determined by the professional duties (in our case) of a public employee, civil servant, or a top executive. These should be the primary interests in any professional decision that a civil servant makes. A secondary interest is not necessarily illegitimate in itself. Having a (secondary) interest does not mean being biased or having a conflict of interest. Only its relative weight in professional decisions is problematic. Thus, secondary interests are deemed to become a problem when they dominate or unduly influence the primary interest.

The aim of conflicts of interest policies cannot be to eliminate secondary interests such as financial interests or interests for the spouse, family, friends, a football club, or a nation. It is also a mistake to mix a conflict of interest with other conflicting interests (which, mostly, relate to conflicting interests outside of professional life).

Instead, it is important to prevent the secondary interests from dominating the primary interest in the (job-related) decision-making.

For a long time, Conflicts-of-interest policies and disclosure policies focused on financial interests. Financial interests are not necessarily more important than other secondary interests, but they are "more visible", easier to monitor, and also easier to regulate than, for example, emotional interests or political interests. As regards the latter, it should be noted that, often, people do not realize personally whether their (decision-making) motives are influenced by a secondary interest at all. Or people exaggerate their ability to manage conflicts of interest, as such. Of course, this is most difficult in cases in which financial and non-financial interests overlap.

Given this general difficulty, many countries have decided (prophylactically) to establish in law lists of factors and issues that tend to distract people from concentrating on their primary interest. This preventive logic has led to an ever-broadening of issues and factors that are considered secondary interests.

In the meantime, the focus of interest has shifted to the question of whether and how these factors and issues can be monitored. Thus, on one side of the debate, nonfinancial COIs are considered too complex and difficult to detect and manage. Some experts also believe that non-financial interests are less damaging than financial COIs. Another impediment is that non-financial interests are too difficult to recognize, to define, and to detect (Resnik, 2023).

Other experts argue that the problem is rather the conflation of the term conflicts of interest with the term conflicting interests and that blurring of both concepts, in general, serves to muddy the waters about how to manage conflicts of interest (Bero & Grundy, 2016, 2). Therefore, trends are towards the definition of ever more conflicting interests that are also defined as CoI. Next, it also becomes increasingly difficult to distinguish between those interests that are simply interests, create a bias, and those that may create a conflict of interest. Thus, one challenge is to avoid that, by simply adding ever more non-financial interests, this could make the concept just another phrase for bias (Rodwin, 2018). For example, while also sex, age, social identity, culture, political- or religious affiliation, desire for recognition and reputation affect individual conduct and interests in undesirable ways, these interests cannot be eliminated and are also not conflicts of interest. However, today, evidence in behavioral sciences points to the fact that conflicts and bias are "everywhere". Also, potential risks for CoI are not far away because "everyone comes to the table with an identity, past experiences, and professional interests" (Bero & Grundy, 2016, 4).

Thus, while it is important to recognize that individuals always have an interested view which is grounded in personal experiences and beliefs, education, etc., and intellectual commitments, and all of this may create conflicts of interest, this is not comparable to (financial) conflicts of interest. Otherwise, every bias and anything potentially could be labeled a COI (Bero 2017; Bero and Grundy 2016; Goldberg 2020; Rodwin 2018; Wiersma, Kerridge & Lipworth 2018). Often, non-financial COIs are so poorly defined that COI policies will be difficult to implement. "Non-financial conflicts of interest" are variably defined, and the term is used to refer to the broadest range of personal, professional, and social attributes. Expanding the definition of conflict of interest to

include anything that might influence judgment will heighten such challenges (Grundy et al., 2020: 5–6)

According to the opposing view, "dismissing non-financial COIs is naive, empirically unfounded, and dangerous" (Wiersma, Kerridge, and Lipworth 2018, 1). Non-financial interests can bias judgment and influence the primary interest unduly and just as importantly as financial interests so we should treat them the same as we treat financial conflicts. Therefore, just as we regulate financial conflicts of interest, any non-financial source of bias that can unduly influence primary interests should also be regulated.

Both arguments are valid.

However, as regards both arguments, we are interested in the monitoring challenges. European countries have very different disclosure requirements, ranging from a few duties for only a few categories of staff to highly complex disclosure requirements for many public officials. Whereas some countries only focus on financial interests, other countries also focus on non-financial interests.

For both groups, it is important to be aware that trends are towards a gradual extension of disclosure requirements and the broadening of definitions of CoI.

Thus, in all countries, it can be anticipated that monitoring and enforcement costs and challenges will further rise in the future.

How to address these challenges?

One solution would be to better define criteria and standards for assessing conflicts of interest.

Obviously, the first standard could be the severity of the potential conflict. The severity of a conflict depends on (1) the likelihood that professional judgment will be influenced, or appear to be influenced, by the secondary interest, and (2) the seriousness of the harm or wrong that is likely to result from such influence or its appearance. The severity could be defined in terms of the size of the financial gain or the importance of the personal interest. Below a certain value, the gain is likely to have no effect (this is also why most countries have established minimum standards for gifts). This criterion, however, may be effective when weighing the seriousness of financial CoI, but to a lesser degree, to non-financial CoI.

Second, also affecting the likelihood that a CoI may emerge should be an assessment criterion: Longer and closer contacts with clients, considerable individual discretion and decision-making power in sensitive areas, and also as regards mobility or outsourcing decisions could increase the likelihood of a CoI. Thus, the greater individual decision-making discretion, and the greater the potential scope of the consequences, the more serious the potential conflict.

It may be important if countries work on how to design better criteria and standards for the monitoring of CoI. Of course, countries have other options, too. For example, if monitoring burdens are becoming too complex, countries could introduce waiver policies, flexibilization measures, or simply reduce controlling or monitoring burdens. However, these suggestions make only sense if systems have already gone too far and cannot be managed and monitored anymore. In most countries, this is not (yet) the case.

2.6. The challenge of managing and monitoring discrimination and diversity in times of political change
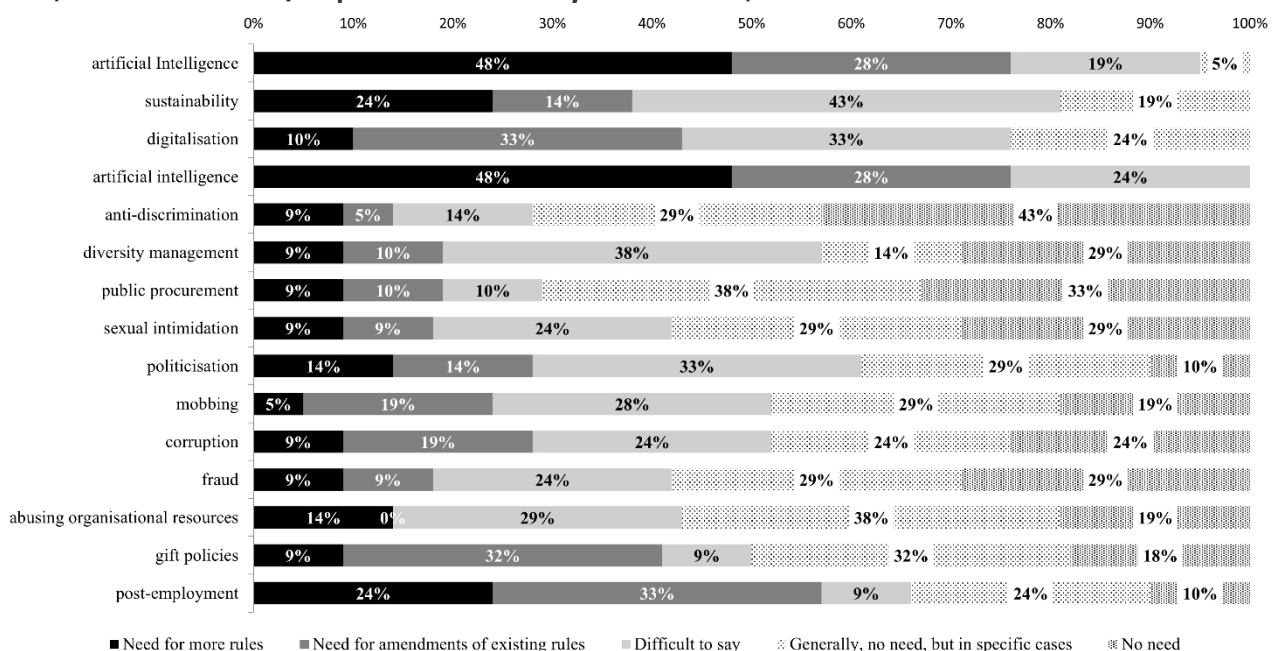
Monitoring and managing policies are subject to constant changes. This is also the case in other ethics policies.

Take the case of the constant expansion of concepts such as anti-discrimination, bullying, or sexual harassment over time. According to a Eurobarometer report 2023 (Eurobarometer Discrimination in the European Union, 535, 2023, 9 and 107), "more than three-quarters of respondents (78%) say they have not been discriminated against or experienced harassment in the last 12 months, a decrease of five percentage points since 2019. Conversely, 21% say they have felt discriminated against, representing an increase of five percentage points". Does this suggest that discrimination has increased within the EU countries? Or, rather, that perceptions of being discriminated against have increased? Or, both? And if so, in all fields (like age discrimination, gender, political, disability, religion, skin, sexual orientation, socio-economic, or ethnic discrimination), or rather in some fields more than in others?

The case of antidiscrimination illustrates that monitoring must adapt to fluctuating ethical challenges, which may increase, or emerge, or decrease, or even disappear at the same time (Demmke 2006).

For example, it can be argued that anti-discrimination policies have greatly improved and have also been effective in protecting the lives of millions of people. Political affinity also influences attitudes towards anti-discrimination and so-called diversity policies. However, today, most countries have no interest in introducing more anti-discrimination and diversity policies and rules. Thus, our analysis suggests that the times of popularity of anti-discrimination policies are coming to an end, or a standstill. How can this be explained?

Table 20: Ethics policies are often highly regulated policies. Still, countries find it necessary to introduce/fine-tune/re-regulate, or codify ethics rules and ethics standards.
If so, which areas and/or policies are mostly concerned?, N= 22

	Need for more rules	Need for amendments of existing rules	Difficult to say	Generally, no need, but in specific cases	No need
artificial Intelligence	48%	28%	19%	5%	
sustainability	24%	14%	43%	19%	
digitalisation	10%	33%	33%	24%	
artificial intelligence	48%	28%	24%		
anti-discrimination	9%	5%	14%	29%	43%
diversity management	9%	10%	38%	14%	29%
public procurement	9%	10%	10%	38%	33%
sexual intimidation	9%	9%	24%	29%	29%
politicisation	14%	14%	33%	29%	10%
mobbing	5%	19%	28%	29%	19%
corruption	9%	19%	24%	24%	24%
fraud	9%	9%	24%	29%	29%
abusing organisational resources	14%	0%	29%	38%	19%
gift policies	9%	32%	9%	32%	18%
post-employment	24%	33%	9%	24%	10%

■ Need for more rules   ■ Need for amendments of existing rules   ▪ Difficult to say   ▫ Generally, no need, but in specific cases   ▨ No need

The first reason relates to political change: Overall, Centre-right, or right-wing governments are more critical towards the introduction of strict(er) concepts in the fields of diversity and anti-discrimination policies. Also, right-wing political parties are highly receptive to perceptions of discrimination against certain groups and phenomena like "nation", "family", or "religion".

The second reason relates to the great and fast expansion of the concept of anti-discrimination during the past decades. Whereas decades ago, the concept of anti-discrimination focused on the discrimination of women (and mostly in the field of pay), today, the concept has greatly expanded and includes an increasing number of concepts such as age discrimination, discrimination because of nationality, ethnic background, and disability. Because of the expansion of the concept of diversity and anti-discrimination, public administrations also need to manage many more policies and cases, because they are considered potentially discriminatory.

Third, discrimination is not always the result of intended, structural, and institutional forms of discrimination. Instead, it extends into many forms of discrimination as a result of unintended bias, for example, leading to discrimination in pay, promotion, recruitment, etc. policies. The real challenge is then to overcome unintended bias as regards an increasing number of groups/identities that claim to be discriminated (Nordell, 2021). However, this is highly complex and difficult. Take the introduction of anonymous job applications.

Fourth, today, the concept is becoming overly complex and requires a reconsideration of the concepts of "equality" and "vulnerability".

As such, most people agree that people should be treated equally and not discriminated against because of race, age, disability, sexual orientation, gender, etc. At the same time, (structural) discrimination requires interventions to protect, offer equal opportunities, and support disadvantaged groups and identities, etc. Like this, diversity becomes a precondition for equality: "A common world disappears when it is only seen from one aspect; it only exists in the multiplicity of its perspectives" (Arendt, 2010, 73).

However, measures to do so may take forms that conflict with the principle of equality and merit. Moreover, managing equality can become overly complicated in certain cases or policies. Take the case of age-related discrimination: Nowadays, almost every age cohort experiences different forms of unfair treatment because of age. Like this, it is difficult to define equality in a context where everybody feels discriminated against by everybody.

The concept of anti-discrimination is also heavily influenced by fluctuating perceptions, and this negatively impacts on the management of anti-discrimination. More concretely: Often, the focus of attention is often on racism, gender, and sexual discrimination. Like this, discrimination because of disability and sickness is somewhat neglected. For example, Germany (Antidiskriminierungsstelle, 2022) reported that cases of discrimination in the field of disability and sickness almost rank as high as cases of racism. In the field of disability and sickness, many more cases (up to ten times more) are reported than in fields like discrimination because of religious belief, sexual orientation, or age-related discrimination.

Overall, the number of reported anti-discrimination cases is increasing because of perceptions of increasingly individualized experiences of discrimination (even if it cannot be confirmed that

factual discrimination is increasing). Also, more people are courageous and report cases of discrimination.

These trends, which are heavily influenced by value trends, perceptions, self-confidence, and culture, may give the impression that some forms of discrimination are increasing, whereas this is not necessarily the case. Likewise, other forms of discrimination may be neglected because they receive less public attention.

Similar to the field of disclosure policies, little research exists about the (HR-) management of anti-discrimination policies. If the concept of anti-discrimination is expanding, this must have a corresponding effect on the need to monitor, manage, and enforce anti-discrimination policies. Likewise, the changing concepts of anti-discrimination and diversity policies may challenge the cohesion of human resource management approaches (Fukuyama, 2022, 47- 63).

Yet, it is also difficult to predict the further development of anti-discrimination concepts. Here, it is crucial not to forget that one important cornerstone of democratic and liberal societies is the concept of individual autonomy, combined with tolerance, individual recognition, and the ability to make choices regarding speech, association, belief, and sexual orientation.

Critics of modern democracies and supporters of so-called illiberal democracies claim that current societal trends are towards too much autonomy, diversity, and individualization. Following this, individual autonomy and identity thinking are carried to an extreme and being absolutized (Fukuyama, 2022, 47). These trends may destroy the social cohesion within Western societies. Therefore, supporters of illiberalism plead for restricting diversity and pluralism (Deneen, 2018). According to Mounk "never in history has a democracy succeeded in being both diverse and equal, treating members of many different ethnic or religious groups fairly. And yet achieving that goal is now central to the democratic project in countries around the world" (Mounk, 2022). Also, in daily life, "many people are now deeply pessimistic that different groups might be able to integrate in harmony, celebrating their differences without essentializing them" (Mounk, 2022).

Still, claims that countries face "too much diversity" and threaten the concept of democracy and liberalism have not been proved with facts (or correlations. Liberal and democratic societies indeed face huge challenges when managing increasing diversity and discrimination (and increasing perceptions of individual vulnerability). Countries need to acknowledge that the broadening of the concept of anti-discrimination causes new management challenges.

Unfortunately, many of these challenges are underestimated. Especially as regards the administrative challenges in the field of vulnerability policies. Vulnerability refers to the vulnerability of individual integrity through discrimination, (sexual) self-determination, personal honor, physical integrity, and freedom of action and decision. For example, in the Netherlands, a yearly monitoring report about the development of security ("Monitor Integriteit en Veiligheid 2024 – Part 2") concludes that Holders of Public office report about increasing aggression, intimidation, and threats between 2014 and 2024. Also, for "medewerkers" (employees), perceptions of aggression, intimidation, and threats are on a high level. Overall, women experience more unethical behavior than men. (Decentralized) Public authorities and employees are motivated to act self-consciously and report unethical behavior, according to a clearly explained) procedures and processes.

The report notes that a Long term trend towards an increase of aggression and intimidation could not be stopped (“*Een belangrijke bevinding uit het onderzoek is dat de langjarige trend van toenemende agressie en intimidatie tegenover politieke ambtsdragers en medewerkers in het decentraal bestuur, nog niet is gestopt. Wanneer we de trend over de laatste tien jaar bekijken, is de conclusie dat alle vormen van agressie fors zijn toegenomen*“).

Today, in central public administrations, the vulnerability of individual groups or individuals is taken much more seriously across Europe than it was a few decades ago.

Let us take the example of the protection of personal dignity, which was relatively ignored across Europe for a long time. The dangers of hate speech, insults, shitstorms and threats of violence on the Internet are now reported every day and legal regulations are called for. Music bands feel offended when their music is instrumentalized for political interests. The concept of sexual self-determination has been greatly expanded. Today, any sexual act with or on a person who does not consent to it is increasingly recognized as a criminal offense. Persons who intentionally physically touch and/or harass another person in a sexual manner are liable to prosecution for sexual harassment. The difficulty with this definition is that it can potentially go on indefinitely. “If the right to sexual self-determination is violated by any sex-related act that the other person does not desire, the possible range of state regulation is limitless” (Rostalski, 2024, 75). The very concept of sexual contact raises definitional questions. For example, how is touching defined? Like addressing a person? How should eye contact be defined? Like comments... if the person concerned experiences these behaviors as harassing, as an impairment of the right to sexual autonomy, etc.?

These examples illustrate how value changes translate into changing concepts (here vulnerability), which again, need to be monitored and managed, if policies are supposed to be effective. However, growing assumptions about the vulnerability of different persons in very different areas of life also inflate concepts and broaden implementation requirements (such as in the field of reporting harassment and whistleblowing) so that the vulnerable in this society are offered protection. This positive protective goal can be in tension with other individual freedoms if it is made absolute. But even more, it poses ever more implementation challenges, because more capacities are needed to monitor and enforce these policies.

Thus, the above-mentioned Dutch experience about growing vulnerabilities of Holders of Public Office is also characteristic of the situation elsewhere in Europe: On the one hand, perceptions are that more should be done to protect these people. Also, ethical awareness and ethical sensitivity are increasing. Still, perceptions are also that the state of integrity is not improving because monitoring and enforcement cannot keep pace with the developments. While, in recent decades, legislative developments, case law, and policy initiatives have improved many people's lives and helped to build more equal and welcoming societies, a survey by the European Union Agency for Fundamental Rights (FRA) found that discrimination on grounds of sexual orientation, gender identity/expression, and sex characteristics was increasing in the EU (European Commission, 2020, 2 and 3). Also, individual perceptions of being discriminated against, harassed, bullied, or disadvantaged are increasing. These findings are in line with observations in sociology about trends toward individualization, vulnerability, and self-deployment (Reckwitz, 2024; Amlinger & Nachtwey, 2023). Vulnerability perceptions switch from group perceptions to individual perceptions, and back.

All of these developments are worrisome because they have a strong impact on perceptions of organizational justice and fairness and, ultimately, on individual and organizational performance. They are also linked to (ethical) leadership. Still, there is very little evidence on how trends towards more diversity are managed by leaders in times of more organizational de-standardization and responsibilities, and how these influence perceptions of organizational justice. So far, managerial challenges are underestimated in times of increased autonomy, diversity, and pluralism. Therefore, a new challenge is to design fair and rule-based organizational systems under individualized conditions that avoid trends toward biased treatment of employees (Ben-Shahar & Porat, 2021). In the field of research, this is a "black box" (Demmke, 2020).

However, calling for narrowing down of concepts and definitions, or for more cultural or religious unity and homogeneity, are too simple answers to a complex phenomenon. Take the case of religious affiliation: In reality, in most liberal and democratic societies, people claim their right to choose their religion (which means that even in a country like Finland, which has a relatively homogenous population, more than twenty religions are tolerated and accepted). Current trends and attitudes regarding religious beliefs and attitudes confirm that people become more autonomous in adopting and practicing religious beliefs. Differentiation and diversity of (non-) religious affiliation and belief is increasing. In central public administrations, an interesting illustration concerns the principle of free movement of persons in the EU Treaty (Art. 39 ECT). Whereas decades ago, countries were entitled to restrict the free movement of workers in the field of public administration and to restrict the recruitment of EU officials into the national civil services (Art. 39 4 ECT), today, diversity is mirrored by the Europeanisation of public employment and the opening of many public (and also civil service) jobs to EU nationals. These developments are supposed to create new opportunities, but they also generate new challenges, especially as regards the recognition of diplomas, seniority, the classification of remuneration rights, mutual recognition of pension entitlements, etc.

Current trends in anti-discrimination policies pose exactly the same challenges as in other public policies. Like in the field of free movement of persons and employment in public administration, countries are not advised to move back to "earlier times". Instead, they need to take on the new complexities.

3. THE ORGANISATIONAL AND PERSONNEL DIMENSION OF ETHICS

3.1. The importance of professional, fair, and just HRM and organizational Justice

Despite its importance for millions of people, HR management, the nature and importance of justice and fairness perceptions, and the significance of ethical culture are not well known to the wider public. This can also be explained because public management and HR policies rarely enjoy a high reputation, no matter how well they are managed. Until today, HR is seen as managerialist and technocratic.

In reality, HRM is of fundamental importance in many respects.

As regards our topic, the very idea of public management and HR reform raises ethical considerations (Greenwood 2013; Budd and Scoville, 2005; Winstanley & Woodall (eds.) (2002)).

Whereas HR officials and leaders change, shape, direct, and alter employees' lives, they also make hiring decisions; assess competencies, skills, and performance; decide on training needs, incentives, rewards, sanctions, promotions, homework, issues, dismissals, career development, and feedback; etc. All of these tasks have important ethical consequences for individuals

In the study about the effectiveness of good governance and ethics policies (Demmke & Moilanen, 2012), countries responded to the question: *Which public sector and HR-reform trends are most vulnerable to integrity violations,* that recruitment, promotion, pay, and enhancing public-private interaction would be the greatest challenge.

Table 21: Which public sector and HR-reform trends are most vulnerable to integrity violations (2012)
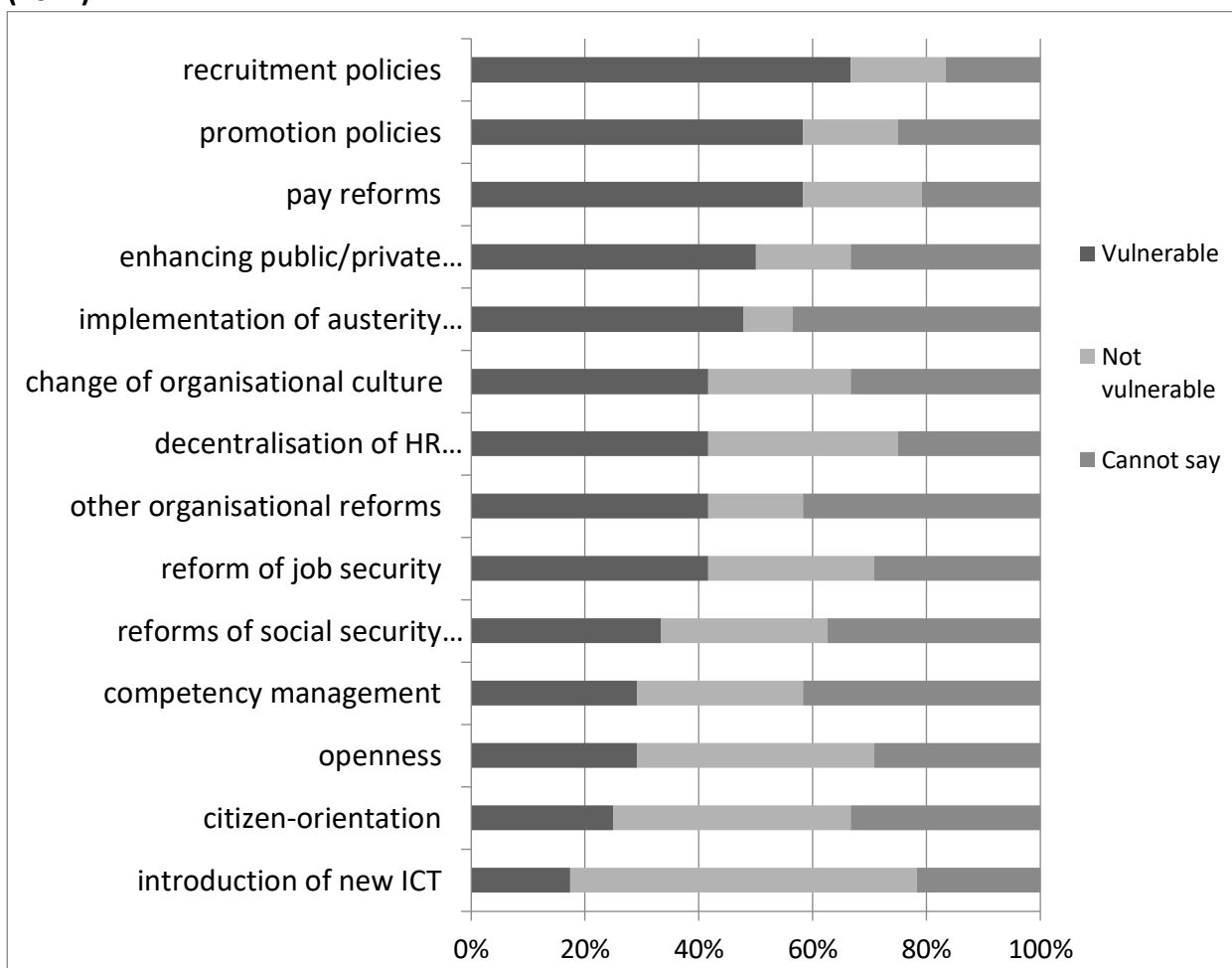
In our slightly revised question to our study ("*Currently, HR-policies are subject of great changes and innovations. Which reform trends are considered as most vulnerable to integrity violations*") countries responded that public-private mobility, outsourcing and recruitment policies would be most vulnerable to integrity risks.

Figure 27: Which reform trends are considered most vulnerable to integrity violations? (2025)

	Very Vulnerable	Not Vulnerable	Cannot Say	Average	Median

a. Generally, the implementation of new austerity measures (reduction of jobs, dismissals, freezing of salaries, reduced promotion)	33,4%	33,3%	33,3%	2,0	2,0
b. pay reforms	28,6%	38,1%	33,3%	2,0	2,0
c. reforms of social security systems	9,5%	33,3%	57,2%	2,5	3,0
d. reform of job security	20,0%	45,0%	35,0%	2,2	2,0
e. introduction of Artificial intelligence	19,0%	4,8%	76,2%	2,6	3,0
f. citizen-orientation	15,0%	55,0%	30,0%	2,2	2,0
g. openness	14,3%	47,6%	38,1%	2,2	2,0
h. enhancing mobility between the public and private sectors	61,9%	4,8%	33,3%	1,7	1,0
i I. Organizational reforms (abolishment of hierarchies)	35,0%	15,0%	50,0%	2,2	2,5
J. Decentralization of HR responsibilities	23,8%	28,6%	47,6%	2,2	2,0
k. change of organizational culture	38,1%	23,8%	38,1%	2,0	2,0
l. promotion policies	28,6%	33,3%	38,1%	2,1	2,0
m. recruitment policies	40,0%	30,0%	30,0%	1,9	2,0
n. competency management	9,5%	47,6%	42,9%	2,3	2,0
o. outsourcing	57,2%	9,5%	33,3%	1,8	1,0
Total	**28,9%**	**30,0%**	**41,1%**	**2,1**	**2,0**

Thus, the national answers to the "vulnerability" questions are surprisingly stable. This confirms that public management and HRM reforms have a fundamental influence on workplace behavior. Hence, HRM "is an inherently ethical activity in that its fundamental core is concerned with the treatment of humans; hence, conceptualizations of HRM automatically raise ethical considerations" (Greenwood, 2013, 355).

Overall, in the field of HRM, de-standardization, diversity, and individualization reforms have been introduced in all European countries in a wide range of HR policies and HR structures. These concerns:

- destandardization and flexibilization of working time;
- destandardization and individualization in pay (through trends toward the differentiation of pay and performance-related pay [PRP]);
- destandardization of recruitment methods and procedures that were based on qualifications and not on skill development and competencies;
- destandardization and individualization of training (e.g., coaching and career development policies);
- destandardization and individualization of skill development and competency management policies;
- flexibilization of retirement policies and retirement ages;

- flexibilization of contracts and employment policies; introduction of diversity policies;
- decentralization of HR competences to line managers;
- reform of the organization of work and provisions for more job autonomy;
- the possibility for more public-private, interministerial, intraministerial, and intracareer mobility;
- the abolishment of traditional career progression policies, such as automatic seniority progression.

All these developments create new ethical opportunities, but also new ethical challenges. For example, whereas most governments agree that politics should not try to form the character of employees, the increasing popularity of behavioral ethics, competency management, the growing importance of individual skill development, life-long learning; and intrinsic motivators show that current trends in HR policies are leading toward an individualization and "psychologizing" of HRM (Godard, 2014). Today, employees are required to be committed, engaged, and develop organizational citizenship behavior (OCB) to enhance their contribution to organizational performance (Demmke, 2019). Strangely enough, the interest in the link between these innovations in the field of human resource management and ethics has not kept pace with the growth of interest in other fields of ethics, like whistleblowing.

Therefore, and surprisingly, there is very little research on the link between HRM and ethics (Budd & Scoville, 2005; Greenwood, 2013; Pinnington, Macklin, & Campbell, 2007), especially when comparing with the great interest in innovations in the field of public management or in the field of artificial intelligence.

Without noticing, in times of de-bureaucratization, more job autonomy, flatter hierarchies and the introduction of AI, line and middle managers have taken on more discretionary responsibilities in the field of HRM, be it in deciding about training needs, career development, home office responsibilities, recruitment or as regards the decision on performance related bonuses. Like this, more people (mostly middle managers) change, shape, direct, and alter employees' lives. Parallel to this, research finds that justice perceptions (of leadership, organizational culture, and organizational integrity) are strongly related to employee outcomes (Adamovic, 2023). Organizational justice research has identified the leader as the most important source of justice, individual and organizational outcomes (Karam et al., 2019).

Thus, in times of de-standardization and de-bureaucratization, not only the morality of HRM, but also justice perceptions and outcomes are increasingly in the hands of managers. If managers have not learned how to exercise leadership responsibilities in professional, trustworthy, and ethical ways, more employees are vulnerable to opportunistic and unethical behavior and individual discretionary and subjective behavior of line and middle managers (Demmke, 2019). In this respect, it is noteworthy that many country respondents noted that it becomes ever more difficult for leaders to be perceived as trustworthy. If a trustworthy leader can be defined as someone who is perceived as professional, competent, integer and fair/just, the enormous speed of change and innovation makes it ever more challenging to stay competent and professional (and, as a consequence, integer and just).

Therefore, all reforms and innovations in the field of Human Resource Management, including leadership, go hand in hand with changing employees' perceptions of justice (and fairness) in the workplace.

Research shows that employees evaluate a work-place based on four dimensions: (1) distributive justice (perception of just pay, promotion, incentives and rewards, (2) just and fair procedural justice (perceptions about the fairness of decision-making procedures, (3) just and fair interaction (perceptions about respectful and dignified treatment), and (4) just and fair communication (perceptions about discrimination and ethical communication. Research also demonstrates that organizational justice predicts affective, attitudinal, and behavioral outcomes in the workplace (Adamovic, 2023). Examples include job motivation, job engagement, job satisfaction, organizational commitment, Organizational citizenship behavior, and task performance. Justice is also a precondition for the establishment of a trustworthy relationship between employees and their leaders. Perceptions of organizational injustice and unfairness influence counterproductive work behavior, turnover intentions, de-motivation, and poor performance.

Organizational justice perceptions do not only indicate that justice and fairness matter to employees. In fact, also working conditions, perceptions of stress, target settings and leadership behavior influence behavioral outcomes. As such, the very idea of innovative Human Resource Management raises ethical considerations (Greenwood 2013; Budd and Scoville 2005). The way how all of these innovations are managed, determines justice- and fairness perceptions of individuals.

Contrary to this, employees want employment systems that guarantee observation of the fundamental values and administrative law principles and ensure a focus on effectiveness, efficiency, and accountability. All of this sounds so evident. In reality, employees easily feel pressured to compromise their organizational ethical standards, especially in times of drastic change. Not, because they want to. Instead, they feel pressured because of changing job demands, time pressure, unrealistic targets, lack of resources, etc. (Institute of Business Ethics, 2024)

As such, the importance of work pressures and injustice perceptions is not new. Already in the eighteenth century, Immanuel Kant concluded that nothing causes more indignation than injustice. In Germany, Honneth´s research illustrates the importance of respect, dignity, and fairness. In "The Honor Code. How Moral Revolutions Happen", Appiah (....) suggests that modern revolutions do not happen because of social conflicts, but because of perceptions of violations of honor, respect, and dignity. In fact, in the Western world, perceptions of increasing levels of inequality correlate with increasing perceptions of lack of recognition of "identity" and higher expectations that people want to be recognized. Fukuyama claims that indignation and perceptions of injustice are mostly caused by a lack of recognition (Fukuyama 2018). It seems that the demand for identity and recognition is also increasing in the field of HRM. Increasingly, people are attentive to the justice of events and situations in their everyday lives across a variety of contexts and to various actions and decisions made by organizations and their leaders every day. Unjust and unfair treatment, the perception of vulnerability, and a lack of recognition can strongly influence individual behavior and may exert a good or bad impact on individual and organizational performance.

Empirical research in the field of public ethics also shows that there is a negative correlation between the effectiveness of integrity policies and HR reforms implemented as a consequence of budgetary constraints. For example, an OECD study showed (2015) that the impact of austerity measures is believed to be strongest in the field of lowering job satisfaction. Austerity measures also decrease trust in leadership and a decrease in workplace commitment (Demmke, 2016).

Table 22: Austerity measures and effects on workplace behavior (Demmke, 2016)
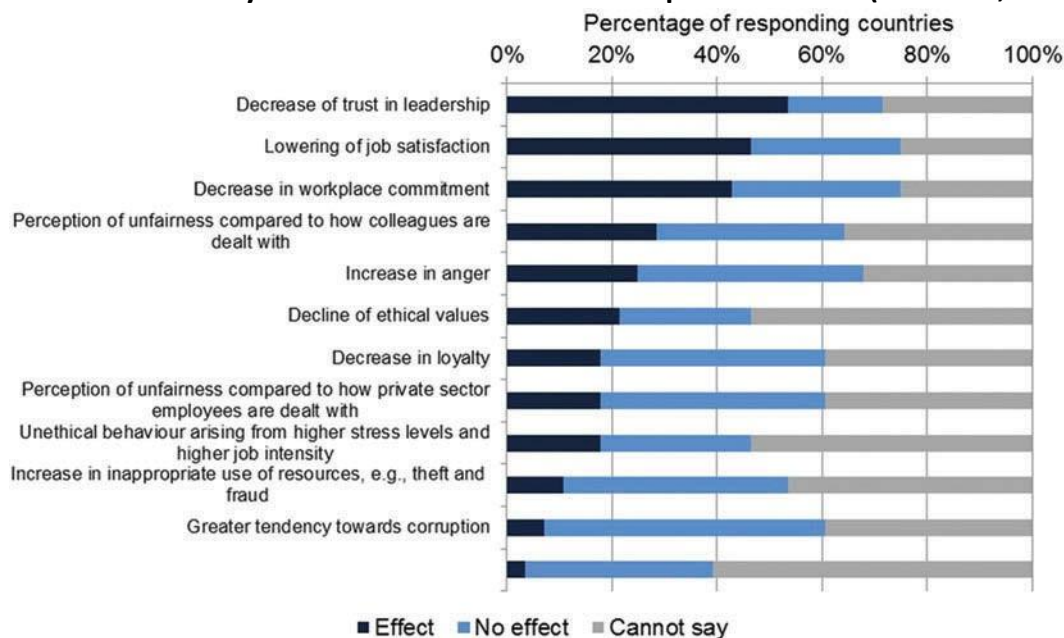
Still, although well known, the importance of the impact of austerity measures on workplace behavior is widely underestimated (Demmke, 2016). Unfortunately, the relationship between austerity and workplace behavior is under-researched. An international study (Demmke, 2016) showed that HR management is not seen as a strategic factor in times of austerity reforms. Instead, most countries focus on cost reductions and downsizing, and not on responsible restructuring. As a consequence, public employees turn inwards and react with changing behavioral patterns. The higher the budgetary pressures and the tougher the impact on working conditions, the more negative the effects on workplace behavior. This also resonates with the discussion about the above-mentioned study by the Institute of Business Ethics – Ethics at Work 2024 (IBE, 2024).

Thus, ultimately, research in the field of organizational justice shows the enormous importance of justice and fairness perceptions and how and why employees react to leadership and the implementation of HR policies. Also, in the future, it is likely that countries will face value conflicts and must balance efficiency considerations (and manage budgetary pressures) with other considerations. However, when doing so, much more emphasis should be placed on the value conflict between efficiency considerations, performance expectations, and injustice and unfairness perceptions that influence workplace behavior. Generally, austerity measures always come with a price attached.

3.2. The case of organizational culture and the management of employees

According to the responses of many European countries to this survey, one of the major obstacles and difficulties for effective performance in the national public service is the fact that its own

organizational culture does not match its ethical standards. This is linked to the fact that many countries have stated that ethics policies are not taken seriously, and there is insufficient awareness and knowledge of ethics rules.

Thus, countries believe that organizational culture matters and is important!

But what does this mean? Contrary to the popularity of the concept of organizational culture, there is very little (common) understanding about what organizational culture means. "Unfortunately, the term 'ethical culture' is an abstract concept. Many people find it difficult to understand and describe it, and to acknowledge why it should be a vital goal for high-performing organizations. Additionally, ethics and ethical culture are often still viewed as 'soft' issues by executives. This has not helped to legitimize the concept. To add to the uncertainty, ethical culture is notoriously difficult to operationalize practically with many organizations relying on superficial indicators to understand and evaluate it" (Vorster & van Vuuren, 2022, 1).

Take the case of cheating. Most people assume that cheating is attributable to fixed personal character. In reality, cheating at the workplace is heavily influenced by organizational norms, peer behavior, and the (non-existence of) rewards and sanctions. Cheating in organizations occurs "with depressing regularity" (Rhode, 2018, 37). When employees cheat their organization, for example, by taking company property, they frequently reason that the company can easily afford it, or that everybody does it. This form of moral reasoning allows people to distinguish between private and professional life. Rhode (2018) calls this behavior "diffusion and displacement of responsibility" (Rhode, 2018, 47), which is strongly influenced by organizational culture. Still, this does not clarify the meaning of organizational culture.

Thus, it is necessary to demystify the concept. Amongst experts, best known is the seminal definition of organizational culture by Schein (1988, 9). Organizational culture is "a pattern of basic assumptions, invented, discovered, or developed by a given group, as it learns to cope with its problems of external adaptation and internal integration, that has worked well enough to be considered valid and, therefore is to be taught to new members as the correct way to perceive, think, and feel about those problems." (Schein, 1988, 9). There exist many more definitions about national and organizational culture (but we will refrain from discussing these).

Moreover, existing research differentiates between ethical culture, ethical climate ethical leadership, ethical management and ethical infrastructure. According to Roy et al. (2023), Ethical culture has a profound impact on the ethical decision-making and behavior of managers and employees (…..). The presence of ethical culture creates the organizational conditions and procedural aspects (…..). In recent times, longitudinal studies have concluded that employee and leadership well-being is directly connected with the presence of ethical culture in organizations, whereas the lack of it leads to leadership burnout and stress (Roy et al., 2023, 97).

Sunstein defines organizational culture as anything that is considered "normal" (Sunstein, 2021).

If organizations accept morally abominable conduct, employees learn not to disapprove of, and may even be fine with, morally bad conduct. "That is the power of normal "(Sunstein, 2021, 21). „If your government jails people because of their political conviction, you might not think that it is so terrible if public officials read your email. If you live in a society in which officials (…) steal public money for their own use, you might not mind so much if an official asks for a little bribe for letting you open a business. If sexual harassment is rampant in your society, you might not object much if

male employers flirt with female employees…" (Sunstein, 2021). And, vice versa: As organizational behavior in general improves, unethical actions that were previously seen as fine or as mildly distasteful may come to seem bad or terrible ("because things have gotten so much better that people see them as worse. Changing norms and values focus public attention on issues that have once been neglected "(Sunstein, 2021).

Following this practical definition by Sunstein, it is easier to understand why organizational culture is important and why it can promote ethical behavior or unethical behavior.

Thus, if we continue to de-mystify the broad and blurry concept of organizational culture, we are still left with the question of how to measure it and how to assess the benefits and costs of organizational culture.

A most practical model is offered by Voster and van Vuuren (2022, 34) who "break down the concept of organizational culture into seven dimensions:

- Ethics accountability,

- Employee commitment to ethics

- Middle-management commitment to ethics

- Leadership commitment

- Ethics talk

- Ethical treatment of employees and

- Ethical awareness.

In the second step, each dimension is operationalized and "broken down" into sub-factors and indicators. Take the case of the ethical treatment of employees. Ultimately, the breaking down of the dimensions into sub-factors and indicators allows for the measurement of how ethical employees are managed and what role is given to justice, fairness, and sound working conditions. Like this, organizations are in the position to generate evidence and data about this sub-dimension of organizational culture. This, again, will also allow organizations to get better insights into the costs and benefits of organizational culture (Voster & van Vuuren, 23)

This short (and rather general) de-mystified example of measuring organizational culture illustrates the importance of breaking down the rather blurry concept of organizational culture into operational items and dimensions. To this end, countries have used assessment instruments that can be used to determine employees´ perceptions about organizational culture, organizational climate, and the state of ethics. For example, countries administer so-called ethical climate questionnaires that can be managed (anonymously) by employees. This instrument can provide the organization with the employees´ perceptions of various ethical climate perceptions. However, these assessments make sense if carried out periodically and if results are being followed up by management.

If this is done, it also becomes easier to assess the benefits of organizational culture costs, or the costs of an unethical organizational culture! Ultimately, organizational culture and organizational climate are about routine behaviors and what types of (routine) behavior are expected, supported, and rewarded. Looking from this perspective, an ethical culture has a great potential to

play a significant role in the ethical well-being of the organization and the employees. Still, the notion *ethical culture* too broad and abstract to be (effective and) operational. Therefore, most effective is to break it down into concrete examples: One of these examples is the case of whistleblowing policies. Here, ethical culture can be defined as how an organization give attention and how it treats whistleblowers – especially if they voice concerns internally. If whistleblowers enjoy protection, support and feel comfortable, this is an example of ethical culture.

From an international perspective, for a long time, the Netherlands could be characterized as a fore-runner in the institutionalization of ethics policies and the promotion of the concept of ethical culture. Here, the work of its Dutch National Integrity Office (BIOS) was regularly pitched as 'good practice'. BIOS was part of the Ministry of the Interior, but in 2009 it gained a more independent position. Still, because BIOS was publicly funded, most of its activities were without charge for public organizations. Differently to most other European anti-corruption and integrity bodies, did not investigate incidents, but had a purely preventive task, operating as a center of knowledge and expertise in the field of promoting integrity. Within this mandate, it focused on ethical organizational culture. "BIOS helps organizations to organize, manage, and implement integrity policies. More precisely, BIOS helps organizations to help themselves. This distinguishes BIOS from 'ordinary' ethics consultants that can be hired to actually set up, audit, or fix integrity systems in organizations, or to investigate possible wrongdoing" (Hoekstra, in Huberts & Hoekstra, 2015, 55). Until today, the Netherlands is the only country that has also published a monograph in the English language about its public integrity management (Huberts & Hoekstra, 2016).

3.3. Ethical leadership – concept and administrative reality

3.3.1. *Ethical* leadership as a myth

Before we discuss the effectiveness of ethical leadership, we need to clarify what leadership is and why ethical leadership is difficult (Brunning, 2015; Barber, Cordell; Fischer, Dietz & Antonakis 2024; Modliba & Treffers, 2024; van Knippenberg & Sitkin, 2013; Bedi, Alpaslan, & Green, 2016; Banks et al., 2020; Rehman Khan & Javed, 2018; Brown,. Treviño, Linda K., Harrison, 2005; Yukl, Mahsud, Hassan & Prussia, 2013; Seel, 2011; Lindebaum, Gedes & Gabriel, 2017; Stocker, 1986; Harman, 2003; MacIntyre, 2007; Rothman, Vitriol & Moskowitz 2022; Guarana, Rothman & Melwani, 2012; Barber & Cordell 2023; Kusch (ed), 2020; Doris, 2005; Bazerman & Sezer, 2016. 95-105).

Obviously, there exist many definitions and theories about leadership. Likewise, there exists a vast literature about leadership styles. Overall, leadership is a contested concept. However, generally, it can be defined as the ability of an individual, group, or organization to manage, influence, steer, or guide other individuals, teams, or organizations. Leadership can also be understood as a trait or as a skill set related to the ability to convince, motivate, and guide a group toward a desired outcome. Thus, overall, leadership research has advanced tremendously. Still, a number of key questions remain unanswered.

In"*Eight puzzles of leadership science*", Banks (2023) introduced eight puzzles that challenge the field:

1. Effect size benchmarks – How strong are causal leadership effects?

2. Leader behavioral taxonomies – What are the fundamental components of leadership and followership behaviors?

3. Behavioral overlap – Which leader behaviors co-occur, and which are redundant?

4. Cultural generalizability – Are some leadership behaviors the same way across different cultures?

5. Demographic differences – Do leader behaviors have different effects depending on gender, race, or age?

6. Follower influence – How do contextual factors and followers influence shape leader behavior?

7. Barriers for women – What prevents women from rising to top-leadership positions, and how to remove barriers?

8. A unifying theory – Can we move beyond fragmented theories to a coherent leadership framework?

Also, ethical leadership is still a "puzzle".

Often, ethical leadership is defined as "the demonstration of normatively appropriate conduct through personal actions and interpersonal relationships, and the promotion of such conduct to followers through two-way communication, reinforcement, and decision-making" (Brown, Treviño and Harrison, 2005). Two interrelated aspects are required to be an "ethical leader": the leader must be perceived to be a *moral person*; and the leader also needs to be a *moral manager* (Treviño, Hartman & Brown, 2000). Being an ethical, moral manager requires managers to understand employee development, motivation, and behavior. As such, this sounds plausible because it is difficult to imagine how an unethical person can be an ethical manager, even if many cases and situations exist where "good people engage in unethical conduct without their own awareness" (Bazerman & Sezer, 2016, 95).

Brown et al (2005) were the first to suggest a definition of ethical leadership and the possibility to measure ethical leadership: Leadership is "the demonstration of normatively appropriate conduct through personal actions and interpersonal relationships, and the promotion of such conduct to followers through two-way communication, reinforcement, and decision-making" (Brown et al., 2005, 120) (….). "Ethical leadership emerges out of a combination of characteristics and behaviors that include demonstrating integrity and high ethical standards, considerate and fair treatment of employees, and holding employees accountable for ethical conduct" (Brown/Trevino, 2005).

Thus, the importance of leadership stems from the conviction that leaders exercise a highly important influence on their followers. Next, leaders should) act as role models. Leadership behavior influences many outcomes, such as work climate, organizational culture, work satisfaction, work performance, but also work engagement, commitment, and, more critically, turnover intentions and perceptions of injustice or unfairness.

Not surprisingly, in the field of public service ethics, ethical leadership is constantly mentioned as one of the most important and effective instruments in the fight against unethical behavior. This can also be confirmed in our study. Almost 80% of all responses rate ethical leadership as (potentially) highly effective, or moderately effective.

Figure 28: Effectiveness of (ethical) Leadership

	High Effective	Moderately Effective	Effectiveness depends on context	Rather ineffective	Ineffective
Ethical Leadership	62,5%	16,6%	16,7%	4,2%	0,0%

Likewise, the lack of active leadership and leadership commitment are also considered the major obstacles and difficulties for an effective policy in your national public service. This can also be explained: Whereas the importance of ethical leadership can be seen in the important role model role and influential function of (top-down) leadership, the problem with the concept of (ethical) leadership is that the reality of leadership is characterized by role (and value) conflict, role ambiguity, role overload (or workload overload) and a complex leader-follower relationship. Whereas the leader is supposed to be a *moral person and* needs to be a *moral manager,* the reality is more complex. Often, leaders exercise destructive leadership, or dark leadership, or – even more important – amoral leadership. Thus, also in this field, (ethical) leadership cannot be conceptualized without an understanding of context, situation, role expectations, and without a specific leader-follower context.

Figure 29: Overall, what are the major obstacles and difficulties for an effective policy in your national public service?, N=24

	Major Obstacle	Minor Obstacle	No Obstacle	Average	Median
Poor quality of existing laws, regulations and codes	8,7%	30,4%	60,9%	2,5	3,0
Enforcement of codes (if codes exist)	25,0%	37,5%	37,5%	2,1	2,0
Lack of active leadership and leadership commitment?	30,4%	52,2%	17,4%	1,9	2,0
Lack of ethics-related training	8,3%	50,0%	41,7%	2,3	2,0
Organizational culture does not match with ethical standards	16,7%	54,1%	29,2%	2,1	2,0
HRM policy contradicts with ethical requirements (no independent selection and recruitment procedures, politicized administration, control of diplomas and references, no review list of vulnerable functions, taking of oath.)	4,3%	26,1%	69,6%	2,7	3,0
HRM policy is not strictly merit-based (exceptions for politicians, top managers, public employees, minorities, women, disabled persons)	4,4%	39,1%	56,5%	2,5	3,0

Ethics policies are not taken seriously, not enough awareness and knowledge of ethics rules	20,9%	45,8%	33,3%	2,1	2,0
No monitoring (registration of ethical violations lacking)	33,3%	29,2%	37,5%	2,0	2,0
No independent ethics examinations (e.g., through ethics commissions)	16,7%	33,3%	50,0%	2,3	2,5
Lack of evaluation of violations	18,2%	40,9%	40,9%	2,2	2,0
Lack of sanctions/deterrence for administrative	4,3%	52,2%	43,5%	2,4	2,0
Ethics policies are not integrated into other policies (e.g. , through unfair recruitment, pay, promotion policies)	8,7%	43,5%	47,8%	2,4	2,0
Total	**15,4%**	**41,1%**	**43,5%**	**2,3**	**2,0**

It is also not clear whether ethical leadership is a proper leadership style, a component of other leadership styles, or both. For example, transformational or transactional leadership styles cannot be separated from ethical leadership styles. Next, dealing with different forms of unethical behavior like corruption, fraud, or sexual harassment requires different leadership styles than dealing with stealing of organizational resources or dealing with poor performance (Lasthuizen, 2008).

Next, many variables/factors influence individual leadership styles and behavior, for example, the characteristics of the person (the own motivation to lead, leader´s personality, own values); the superior´s influence on leaders (degree of awareness of leader´s leadership expectations; superior´s interests in leader´s leadership styles), past (leadership) experiences with leaders and followers, management experiences as a leader, the context of leadership and organizational culture (organizational design, degree of leadership autonomy, responsibility) and the personal interest in leadership/management (awareness of- and interest in leadership, training) (Vogel, 2016).

We should also distinguish between political leadership and administrative leadership. This distinction is important because it deprives us of the need to discuss in detail some political leadership dilemmas, like the dirty hands theory. *Dirty hands* dilemmas exist more frequently in political life than in administrative life ("An act is one of dirty hands if (i) it is right, even obligatory, (ii) but is nonetheless somehow wrong, shameful, and the like. So, in Walzer's case of torturing someone to force him to reveal where his group has planted a bomb among innocent civilians, the torture may be justified, even obligatory, but wrong and shameful. In other ways, too, dirty hands involve cases where one ought to do what morally one cannot do" (Stocker, 1986, 36-61).

This short introduction to (ethical) leadership also explains why countries have these opposing attitudes towards ethical leadership. On the one hand, leadership is seen as one of the most important and effective instruments in the fight against unethical behavior. On the other hand,

(ethical) leadership is also perceived as one of the most important obstacles in the field of ethics management.

In the following, we will try to examine and understand this ambiguity.

3.3.2.   Ethical leadership and conflicting roles

Often, ethical leadership is seen as clear, integer, trustworthy, unconflicted, and non-ambiguous role-model behavior.

This perception conflicts with the fact that people always take on different roles in both their personal and professional lives. A person may simultaneously be a supervisor, a parent, a partner, and a friend. While managing multiple roles can be fulfilling, it can also lead to stress when the demands of these roles become overwhelming (Brunning, 2023, 298). In the workplace, individuals often choose roles that align with their self-concept, which contributes to their overall well-being. Additionally, an individual's background, including previous experiences with supervisors, workplace culture, and employee expectations, shapes their role within an organization.

Katz & Kahn (1978, 187) argue that organizations thrive when individuals' attitudes, beliefs, perceptions, and expectations align with the motivation and behaviors needed for success. This alignment is especially critical when considering dual roles, where individuals must balance multiple responsibilities, such as being both an expert and supervisor, or a leader and a mother/father. Each social role involves behavioral expectations that shape an individual's self-perception as they respond to these role demands.

However, in today's work environments, the boundaries between the private and public sector, civil servant and public employee, professional and private life, office and home work, leader and expert are often blurring, especially in policies or as regards tasks where responsibilities are shared among various members. These blurred boundaries can lead to confusion, role ambiguity, and role conflict, making it essential to develop strategies for managing multiple roles effectively. Similar trends are being discussed in the field of conflicts of interest. Here, the boundaries between conflicts of interest and conflicting interests are blurring. Consequently, ever more conflicting interests are defined as conflicts of interest (and vice versa), which leads to a conflation of concepts (and ever more difficulties in managing CoI). Leaders seem to face ever more role conflicts, too!

Also, in the last years, the roles, tasks, and competency requirements of leaders have continuously changed, and technological innovation is being introduced at ever faster speeds. Parallel to this, workload and responsibilities are increasing. As a result, leaders are often tasked with managing demanding and extensive workloads within their fields. Moreover, leaders take on multiple responsibilities but face resource limitations. This becomes even more central when balancing multiple roles and responsibilities. In this scenario of changing and increasing role conflicts, it also becomes ever more difficult to exercise designed roles and act as a trustworthy and ethical leader when the reality is characterised by increasing role conflicts, role ambiguity, and role (work) overload.

Table 23: Goals and priorities of leaders

Conventionally, my main goal as a leader is to improve organizational (and individual) performance. Other priorities are getting things done, reaching targets, reacting to daily ad hoc demands, responding to political demands, achieving financial gains, effectiveness and performance. These daily management tasks and other pressures leave little time to reflect about ethical decision-making and ethical leadership
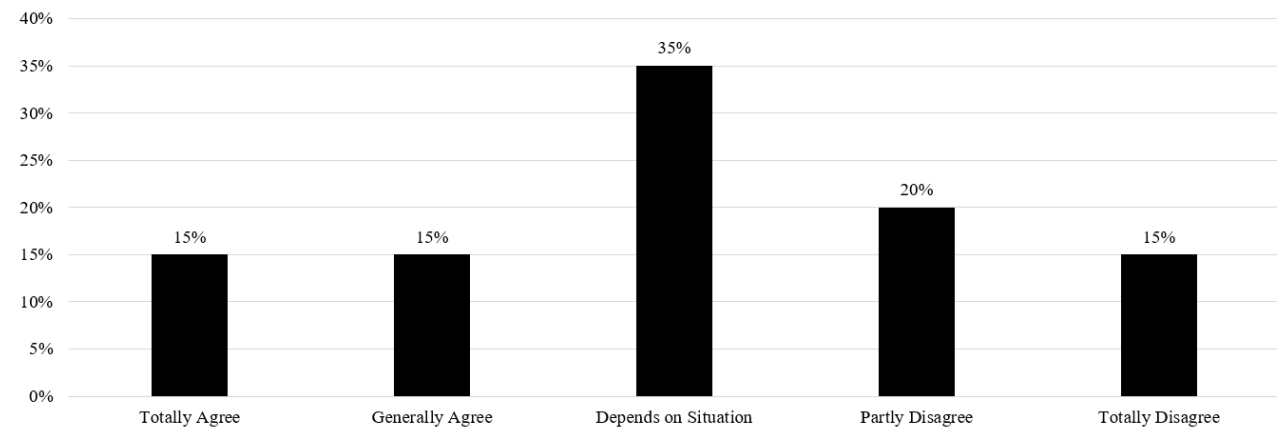
These trends do not only concern leaders.

Looking from the outside, all employees fulfill role expectations. Once people enter an organization, they also take over certain organizational role expectations (Luhmann, 2022, 166-172). "Broadly speaking, roles 'are bundles of expectations directed at the incumbents of positions in a given society' (Dahrendorf, 2022 (1968), 36). These expectations are typically broken down into those governing our behaviour, and those shaping how we are to appear and feel (Dahrendorf , 2022 (1968), 36).

To this, should be added how leaders relate to their role expectations. In different administrative cultures, role norms are also more or less aligned with the organizational context, culture, norms, and values. For example, a leader in a military organization may have different role expectations than a leader in a ministry of public administration.

Therefore, Leaders in the public services are supposed to fulfill certain roles, but they also relate to these role expectations. As regards ethical roles, leaders may want to fulfill role assumptions of integrity and virtue, or believe that this role assumption is rather an unnecessary role and leadership should essentially be an amoral concept (Lindebaum, Gedes & Gabriel, 2017, 649).

Other leaders´ role expectations are also that they should not engage too much in subjective, emotional, individualized, transformational, and pseudo-charismatic leadership. Instead, they should serve a particular type of morality, one that emphasizes equal treatment, performance, and proper allegiance to agreed rules, procedures, and norms (Lindebaum, Gedes & Gabriel, 2017, 650). Thus, to a certain degree, leaders try to fulfill their leadership role expectations, e.g., as being professional, competent, authoritarian, transformational, or follower-oriented (Barber & Cordell (ed.), 2023). On the other hand, followers have role expectations towards leadership, too. However, most followers expect their leaders to behave ethically and to treat their subordinates with dignity and respect, acknowledging their needs and aspirations (Lindebaum, Gedes & Gabriel, 2017, 649).

We note that it is important to understand the processes of role conflict, role ambiguity, and workload in the following discussions about the effectiveness of ethical leadership. Overall, role conflicts, role ambiguity, and high workload may hurt how leaders exercise leadership. Overall,

striving for role balance is crucial for the effective navigation of multiple roles. However, this is rarely easy. When role conflicts exist (which is almost always the case), exercising ethical leadership is difficult. Thus, leadership theories should take into account that role conflicts, role ambiguity, and role overload influence whether and how leaders exercise ethical leadership.

3.3.3. The concept of ethical leadership as a solution to unethical conduct?

Although it seems, positive evaluations of leadership coincide with positive outcomes of leadership, and negative leadership with negative outcomes, the reality of ethical leadership is much more complex (Sun & Zhang in Karssing & Hoekstra, 2025). As such, the link between leadership and outcomes should also not be mistaken to imply easy causal relationships. Thus, there is a risk that Ethical leadership research implies a feel-good world in which good deeds lead to good outcomes when the reality of leadership is highly complex, conflicting, and ambivalent. Ethical leadership is as important as it is an overly broad and idealistic concept, promoting the idea of agency and an ideal of individual mental personality, a strong personality without ambivalences and inner conflicts. To be short: an idea of a wise leader. As such, ethical leadership is an ideal with an eudemonistic character. Advocates of this view, such as Plato, argue that this ideal is possible and that leadership can free itself from conflicts and ambivalence. Moreover, leaders can make themselves aware of what is good, ethical, and valuable, in terms of what one knows oneself to value, and in terms of what is actually valuable. This knowledge helps leaders in avoiding conflicts that involve judgments of value, and prevents one from self-sabotage.

Also, moral leadership as such offers no guarantee of ethical behavior, as the term moral can mean many things.

Thus, from a first point of view, the concept of ethical leadership is as broad as its opposite concepts like destructive leadership, dark leadership, unethical leadership, tyrannical leadership, abusive leadership, authoritarian leadership, exploitative leadership, exploitative leadership and toxic leadership.

All forms of leadership behavior are intentional, or unintentional, caused by the leaders themselves, or by the followers, by stress, anxiety, supervisor characteristics (such as perfectionism, machiavellism and narcissism), negative affective states, negative leadership styles, external pressures such as goal conflicts, work pressure, change processes, etc.

In every case, unethical leadership behavior is costly: Consequences are work frustration, exhaustion, stress, greater turnover, lower subordinate performance, lower job satisfaction, more team conflicts, less trust in leadership, lower identification with the organization, increased organizational deviance, etc. (all Modliba/Treffers, 2024).

Still, this does not mean that ethical leaders can be ethical, because unethical leadership does not have critical effects. Unfortunately, leadership is more complex and paradoxical.

Figure 30: Leaders and role conflicts

	Totally Agree	Generally Agree	Depends on Situation	Partly Disagree	Totally Disagree
Conventionally, my main goal as a leader is to improve organizational (and individual) performance. Other priorities are getting things done, reaching targets, reacting to daily ad hoc demands, responding to political demands, achieving financial gains, effectiveness and performance. These daily management tasks and other pressures leave little time to reflect about ethical decision-making and ethical leadership	15,0%	15,0%	35,0%	20,0%	15,0%
Because other things are more important than ethics and trust, ethics and trust is more important than any issue (D. Thompson)	30,0%	30,0%	35,0%	5,0%	0,0%
Overall, handling misconduct is complex, time consuming and a highly difficult and stressful leadership task. Therefore, often, Leaders shy away from managing misconduct.	5,0%	25,0%	25,0%	25,0%	20,0%
Trust and trustworthy leadership are commonly seen as important preconditions for effective leadership. As such, trustworthiness con be defined as the perception of someone to behave with fairness, integrity, professional, and competence. In times of quickly changing environments and constant innovation, it is becoming more challenging to act as trustworthy leader.	33,3%	28,6%	14,3%	14,3%	9,5%
Total	**20,8%**	**24,7%**	**27,3%**	**16,1%**	**11,1%**

Country respondents note that the daily life of leaders is highly ambivalent and conflictual. Following this, it is unclear what being a moral person and moral manager exactly means (or being an emotional or empathic leader).

Harman noted that twenty years ago, there was surprisingly little consistency in people's friendliness, honesty, or any other personality trait from one situation to another, different situations. People behave differently in different situations. "These conclusions and the evidence for them have significant implications for business ethics" (Harman, 2003, 87). It is, therefore, difficult to define a moral person. "Evidence indicates that people may differ in certain relatively narrow traits but do not have broad and stable dispositions corresponding to the sorts of character and personality traits we normally suppose that people have" (Harman, 2003, 92).

Of course, this does not deny the existence of positive and friendly character traits and in no way undermines the notions of agency and of responsibility (Harman, 2003, 93).

However, it questions whether broad concepts like moral manager and moral person make sense, or, whether they need refinement.

As an example, we take the ethical leadership scale, as defined by Brown et al (2005). For the first time, this scale defined 10 items that could be assessed (and measured !!!) on an ethical leadership scale. According to this scale, an ethical leader

1. conducts personal life in an ethical manner
2. defines success not just by results but also the way that they are obtained
3. disciplines employees who violate ethical standards
4. makes fair and balanced decisions, fairness
5. can be trusted
6. discusses business ethics or values with employees
7. sets an example of how to do things the right way in terms of ethics
8. has the best interests of employees in mind
9. when making decisions, asks "what is the right thing to do?"

All of these characteristics of ethical leadership are centered on fairness, honesty, trustworthiness, communication of ethical standards, principled decision-making, and distribution of rewards and sanctions, being kind and showing compassion towards others.

However, when looking more closely, all items are also very broad and difficult to define. Take the case of "*has the best interests of employees in mind*". This can mean many things. What means *conducting personal life in an ethical manner?* How to define *fairness in making fair and balanced decisions?*

Not only because of this criticism (since the first publication of the ethical leadership scale (ELS)), but many cases of adaptation have also been proposed. For example. Yukl, Mahsud, Hassan & Prussia (2013) suggested the following definition of ethical leadership.

An ethical Leader is a person who

1. Shows a strong concern for ethical and moral values.
2. Communicates clear ethical standards for members
3. Sets an example of ethical behavior in his/her decisions and actions
4. Is honest and can be trusted to tell the truth.

5. Keeps his/her actions consistent with his/her stated values ("walks the talk")
6. Is fair and unbiased when assigning tasks to members
7. Can be trusted to carry out promises and commitments
8. Insists on doing what is fair and ethical even when it is not easy.
9. Acknowledges mistakes and takes responsibility for them
10. Regards honesty and integrity as important personal values
11. Sets an example of dedication and self-sacrifice for the organization
12. Opposes the use of unethical practices to increase performance
13. Is fair and objective when evaluating member performance and providing rewards
14. Puts the needs of others above his/her own self-interest.
15. Holds members accountable for using ethical practices in their work

Still, despite trends towards more clarity of conceptualization, many problems persist (take point 6 *Is fair and unbiased when assigning tasks to members* - fairness can mean many things!!!)

Moreover, different aspects of leadership are mixed, such as what a leader does and how he/she behaves, why a leader does what, how well does a leader does what and how leadership contributes to outcomes (Fisher et al, 2024).

Thus, measuring why a leader does what, how well a leader does what, and how effective leadership is.... are all highly evaluative and subjective categories.

Often, the behavior of managers is mixed with the evaluation of the behavior, e.g., whether the behavior is beneficial or just, or the intentions are positive or beneficial. Therefore, it is far from clear how ethical behavior determines outcomes (causal indeterminacy) and whether outcomes (follower performance) are explained by another outcome (follower motivation). Moreover, despite the assumption that ethical leadership can be measured, this remains unclear. In this case, take item 8: "*Insists on doing what is fair and ethical even when it is not easy*". As such, the interpretation and assessment of "fairness" can mean many things.

Moreover, there is conflation between leaders' (ethical) behavior with outcomes (observers' evaluations) and causal illusions. Even if two evaluators observe the same leaders' behaviors, they may arrive at different judgments about whether somebody is fair. "…leadership styles are likely affected by leader behaviors, but whether leaders have (…) an ethical leadership style is not an objective leader property but a subjective evaluation through the eye of the beholder" (Fischer, Dietz & Antonakis, 2024, 19).

Similar observations can be made towards unethical leadership. Therefore, evaluations of, for example, being friendly, just, fair, ethical, and follower-oriented are prone to subjective and biased assessments.

3.3.4. Ethical Leadership in the national central public administration

Thus, the concept of ethical leadership is highly ambivalent. While European countries and the EU Institutions confirm that (ethical) leadership is highly important, the concept also easily follows a naïve ethical holism, often meaning that a moral person and a moral manager are good and good is good.

It also remains unclear whether ethical leadership is a universal concept (similarly to the understanding that virtues and values are good and should be the same in all contexts, at all times

and in all institutional settings, cultures etc.) and tautological thinking (positive outcome is defined by the positive leadership style).

Like this, classifying someone as ethical becomes a judgment call. An assessment of the effects of ethical leadership is an assessment of the positivity. To sum up: There may be "excessive positivity" in the definition and measurement of ethical leadership.

However, it remains unclear what type of behavioral patterns influence outcomes and how evaluations of a leader's behavior by followers influence outcomes. For example, if ethical leadership is linked to transformational leadership, it is unclear whether transformational leadership is ethical and if so, how (here, one should note that, also transformational leadership is also an idealized leadership style).

Next, judging what is ethical leadership is always very much in the eyes of the beholder, as it is an outcome of evaluative practice by followers. Thus, whereas the concept of ethical leadership is built on the assumption of ethical certainty, ethical clarity, and virtue-based management, the reality of leadership is stressful, complex, conflicting, ambivalent, and fluid.

This leads us to the question of whether and how it is possible to be ethical at all. As such, concepts of ethical leadership imply clear values, role expectations, and virtuous behavior, thus displaying ethical clarity, certainty, and decisiveness.

How does this relate to daily human and leadership behavior?

The case of Latvia

In order to gather the opinions from leaders in state administration institutions the Latvian State Chancellery organized a short survey. We received opinions from 84 leaders.

The survey was distributed to the target group of the Senior Management Leadership Programmed that includes State Secretaries and deputy State Secretaries of the ministries, as well as heads and deputy heads of public institutions – in total around 100 institutions, 270 senior level managers.

In the answers we have indicated the response the received the most answers from senior managers.

Statement 1: *Conventionally, my main goal as a leader is to improve organizational (and individual) performance. Other priorities are getting things done, reaching targets, reacting to daily ad hoc demands, responding to political demands, achieving financial gains, effectiveness and performance. These daily management tasks and other pressures leave little time to reflect about ethical decision-making and ethical leadership*

Survey results: Totally agree: 3,6%; generally, agree 19,3%; depends on the situation 24,1%; partly disagree 30,1%; totally disagree 22,9%.

Statement 2: *Because other things are more important than ethics and trust, ethics and trust is more important than any issue (D. Thompson)*

Totally agree: 34,9%; generally, agree 45,8%; depends on the situation 9,6%; partly disagree 8,4%; totally disagree 1,2%.

Statement 3: *Overall, handling misconduct is complex, time consuming and a highly difficult and stressful leadership task. Therefore, often, Leaders shy away from managing misconduct.*

Totally agree: 8,4%; generally, agree 22,9%; depends on the situation 30,1%; partly disagree 22,9%; totally disagree 15,7%.

Statement 4: *Trust and trustworthy leadership are commonly seen as important preconditions for effective leadership. As such, trustworthiness con be defined as the perception of someone to behave with fairness, integrity, professional, and competence. In times of quickly changing environments and constant innovation, it is becoming more challenging to act as trustworthy leader.*

Totally agree: 16,7%; generally, agree 21,4%; depends on the situation 10,7%; partly disagree 21,4%; totally disagree 29,8%.

Answers from the European countries and the EU show a very complex situation. As is the case in Latvia, ethical leadership challenges are perceived differently and from individual to individual. Next to agreeing that leadership is the most important instrument in the fight against unethical behavior, European countries also believe that the lack of ethical leadership and the lack of leadership commitment pose obstacles for effective ethics management.

Table 24: Leadership as the major obstacle to effective ethics policies

Overall, what are the major obstacles and difficulties for an effective policy in your national public service? Lack of active leadership and leadership commitment
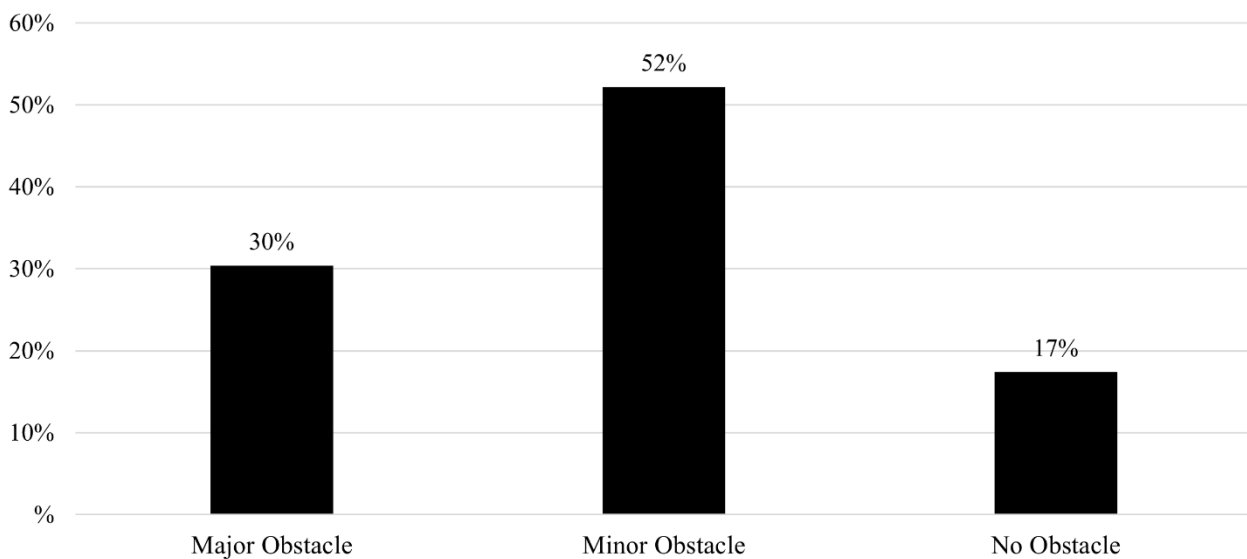
Overall, a relatively high percentage of countries also agree that it is becoming ever more challenging to act as a trustworthy leader. This, again, could be explained by the speed of change and innovation, which makes it different for leaders to act with certainty, professionalism, and competence. Thus, leaders and leadership are under constant adaptation pressure. It means that leaders work in a context of change, innovation, ambivalence, and ambiguity. Often, work situations are unsettling, unclear, ambivalent, and producing (inner) conflicts. This is also confirmed by many European countries, who agree that it is challenging to be an ethical person because of the (constant) need to manage conflicts, conflicting interests, and conflicting targets.

Thus, overall, ethical leadership in theory and ethical leadership in practice are difficult to combine.

Still, it is important to distinguish between administrative leadership and political leadership. Whereas countries believe that it is difficult to be an ethical political leader as such, this cannot be said as regards administrative leadership. Even if our data also confirms that it is difficult to be an ethical public manager, ethical challenges and ethical conflicts differ in the administrative and political spheres. Whereas conflicting interests and values abound in the political sphere, this is less the case in the administrative sphere (although we also confirm the existence of conflicting values and interests).

Figure 31: What are considered the greatest challenges for politicians and top officials?, N=18

	n	Percent
difficulties to manage side-activities and revolving-door issues (ethical challenges arising from moving between the public and private sectors):	9	50,0%
Politics is always about managing conflicting values, interests, and objectives. Therefore, it is challenging to be an ethical politician	13	72,2%
trends in (international) politics are towards moral relativism and tolerance for unethical conduct	2	11,1%
Overall, a decline of good governance principles, like the principle of merit and the rule of law	3	16,7%
a lack of understanding amongst politicians that ethics policies contribute to organizational and individual performance	8	44,4%
too high tolerance as regards cases of corruption and conflict of interest of ministers	4	22,2%
difficulties in managing ethical issues of politicians because of too high complexity of the issue at stake	7	38,9%
general trends towards more politicization in public life	9	50,0%
others	3	16,7%

Of course, ambivalence and conflicts as such are not threats to integrity (Coates, In Praise of Ambivalence, 2022; Brunning, 2015). Yet, managing ambivalence, conflicts, and conflicting interests is a daily reality. In his famous speech to the US Office of Government Ethics on 11 September 1991, Dennis Thompson claimed that "because other issues are more important than ethics, ethics is more important than any other single issue". In our study, many countries (totally, or generally) agreed with this statement.

Figure 32: Other things are more important, therefore, ethics is more important

	Totally Agree	Generally, Agree	Depends on Situation	Partly Disagree	Totally Disagree
Because other things are more important than ethics and trust, ethics and trust is more important than any issue (D. Thompson)	30,0%	30,0%	35,0%	5,0%	0,0%

Contrary to this, perceptions of leadership are about persons who are certain, clear, wise, integer, just, fair, determined, and transformative. Ethical Leadership is also linked to stability and agency. To understand further what stable action may involve, we can first deconstruct agency into various practical capacities. Three capacities are important: the capacity to evaluate reasons and make judgements, the capacity to decide what to do, thereby forming intentions to act, and the capacity to maintain intentions over time, to be resolute. These behavioral traits are, however, rare and difficult to define. In reality, Ambivalences are normal, also in social relationships, friendships, and with spouses. Mental states are rarely pure, integrative. Ethical leadership is rarely 100% ethical, and more complex, loving someone is rarely about unconditional love without obstacles, issues you do not like. Of course, this does not resolve the reality of ambivalences, but ambivalences are reality (Razinsky, 2017)

4. THE GREAT UNKNOWN - ENFORCING ETHICS POLICIES

4.1. Enforcement – not only illegal behaviour

There exists a noticeable difference between ethics laws and ethical rules, which condemn the don´t (what is considered as unethical and illegal behavior), and ethical codes and standards that promote the "do" (what is considered as integrity or as ethical behavior). As such, the ideal of what is considered ethical is far less clear than what is considered unethical and illegal behavior. Moreover, there exists a considerable difference between the adoption of ethics policies, the institutionalization and implementation of policies, and their enforcement.

As regards both forms, unethical behavior and illegal behavior, substantial uncertainty exists about how ethics policies are monitored and enforced (Karssing & Hoekstra, 2025).

Illegal behavior is, ideally, dealt with by disciplinary legislation and criminal courts. Contrary to this, unethical behavior is mostly managed by leaders, HR offices, judicial offices, and other ethics bodies.

More concretely, in all European countries, a distinction is being made between criminal law and enforcement activities that focus on criminal conduct and illegal violations, for exp., on corruption and fraud, and administrative (disciplinary) sanctions that deal with other forms of unethical conduct, such.

In all European countries, civil servants are subject to disciplinary law proceedings in cases of serious forms of unethical conduct. Overall, disciplinary law addresses individual cases and individual causes for unethical behavior, like unethical behavior, alcoholism and drug use, theft, working time fraud, etc. One of the best-known statistical sources for enforcement practices is data about disciplinary violations and the issuing of warnings, sanctions, reprimands, etc.

However, precisely because of the focus on individual conduct, disciplinary law is (mostly) addressing individual cases and individual causes for unethical behavior. Like this, it is ineffective when addressing organizational causes for unethical behavior (organizational injustice, unethical behavior as a consequence of pressures, stress, unethical culture…). This poses a serious limitation to the effectiveness of disciplinary law.

Other than this source, there exists no data about the effectiveness of enforcement practices by other ethics bodies. For example, there exists no comparative information about the enforcement of violations of disclosure duties, the non-reporting of side activities, gifts, or revolving door violations. The more we go into detail, the less factual the evidence. In the field of the enforcement of non-financial) interests, sporadic information suggests that enforcement bodies are very reluctant to impose sanctions in these cases. Moreover, even if disclosure policies are closely monitored, in a few cases, financial, but not non-financial interests, are identified and sanctioned (EFSA, 2022).

The lack of evidence about the enforcement of ethical violations, other than criminal violations, is highly contradictory. Overall, European countries and the EU agree that people should know that rules and ethical standards are enforced and that there will be certainty in enforcement. In our survey, 47% of respondents agreed with this statement, and 30 % responded that it depends/cannot say (because of lack of information about enforcement standards).

Thus, this endorsement about the need for certainty contradicts the existing difficulties of countries in the monitoring and enforcement process of revolving door policies, as regards side-activities, in the field of disclosure policies, and here, the enforcement of not reporting non-financial interests.

One reason for the lack of information about enforcement practices is, again, the existing fragmentation of enforcement authorities. In most countries, HR and judicial offices are responsible for the monitoring of conflicts of interest, disclosure policies, revolving door issues, gift policies, and Side-activities. However, there exists no evidence on how, for example, HR- and judicial offices enforce ethics policies. Evidence in the United States shows that there is tremendous variation in the enforcement powers of different authorities and ethics agencies and how they implement that power, as well as a lack of transparency in the process. The same seems to be the case in Europe.

This also raises the questions whether HR- and judicial services should be responsible at all and whether they have the right skills to monitor and enforce these policies. Again, this issue raises the question whether specialized institutions (like the French HATVP) are better suited to take on these responsibilities.

In our study, we also asked whether enforcement practices vary enormously amongst courts, ministries, disciplinary and (anti-corruption) bodies, but also amongst responsible ethics bodies

and HR services. The answers to this question remained unclear. More than half of all respondents answered that they do not know.

Figure 33: Enforcement fragmentation

	Strongly Agree	Partly Agree	Cannot say, it depends	Partly Disagree	Strongly Disagree
Overall, enforcement practices seem to vary enormously amongst anti-corruption agencies, but also amongst other responsible authorities, ethics bodies and HR services. The consequence is a trend towards growing enforcement fragmentation.	4,2%	16,7%	54,1%	12,5%	12,5%

Moreover, enforcement styles and practices seem to differ among policies.

Figure 34: The focus of enforcement activities

	Strongly Agree	Partly Agree	Cannot say, it depends	Partly Disagree	Strongly Disagree
So far, enforcement activities have always focused on criminal and illegal conduct, for exp., on corruption and fraud. And much less on the violation of behavioral standards, misconduct and conflicts of interests, such as disclosure policies and revolving door issues	12,5%	25,0%	20,9%	20,8%	20,8%

Sanctions provide for the possibility to terminate employment, issue reprimands, decide on fines and sanctions, and reassign duties. However, overall, little is known about the effects of using warnings, reprimands, zero-tolerance policies, the use of administrative sanctions, prohibitions, and other deterrent policies. For example, in Germany, 53% of all disciplinary decisions-imposed fines and 22% reprimands. In very few cases, officials are removed from office for ethics violations. Thus, in almost all cases, disciplinary actions were limited to warning letters or reprimands.

Elsewhere in Europe, these practices are similar: According to Q 5.3.9 in our survey, "In cases of disciplinary misconduct, central administrations mostly focus on issuing warnings or reprimands. Very few administrations decide to remove a government official for ethical misconduct." 43% of respondents agreed, and only a few respondents disagreed.

Figure 35: Managing challenges in the enforcement of ethics policies, N= 24

	Strongly Agree	Partly Agree	Cannot say, it depends	Partly Disagree	Strongly Disagree
In cases of disciplinary misconduct, central administrations mostly focus on issuing warnings or reprimands. Very few administrations decide to remove a government official for ethical misconduct.	13,1%	30,4%	30,4%	17,4%	8,7%

Of course, this could be interpreted as "lax" enforcement practice.

Disciplinary measures are always the very last resort in the management and enforcement of misconduct. As regards many forms of misconduct, it is inappropriate to start disciplinary proceedings. Still, it is appropriate to monitor and to enforce against wrongdoing.

Take the case of conflicts of interest policies:

In this field, many member states face difficulties in the monitoring and enforcement of wrongdoings and violations. For example, many public administrations report difficulties in the verification process of disclosure policies. To a certain extent, this raises serious doubts and questions whether investments in the disclosure and monitoring process make sense at all, if countries do not have sufficient experts who can verify disclosed information, or if monitoring is not followed up with enforcement and sanctions. In many cases, only a few conflicts of interest are identified, not because they do not exist, but because they are detected (EFSA, 2022). This contradicts the opinions of the national central administration, who (strongly) agree that "if sanctions have a deterrent effect, they need to be credible, just, impartial and deterrent. Certainty matters more than severity" (Question 5.3.6). 82% of all European countries and the EU Institutions (strongly) agree!

Figure 36: Enforcement practices in central public administrations

	Strongly Agree	Partly Agree	Cannot say, it depends	Partly Disagree	Strongly Disagree
So far, enforcement activities have always focused on criminal and illegal conduct, for exp., on corruption and fraud. And much less on the violation of behavioral standards, misconduct, and conflicts of interest, such as disclosure policies and revolving door issues	12,5%	25,0%	20,9%	20,8%	20,8%

Overall, enforcement practices seem to vary enormously amongst anti-corruption agencies, but also amongst other responsible authorities, ethics bodies, and HR services. The consequence is a trend towards growing enforcement fragmentation.	4,2%	16,7%	54,1%	12,5%	12,5%
In my country, there exists little evidence about the use of warnings, reprimands, policies of zero-tolerance, the use of administrative sanctions, prohibitions, and other deterrent policies.	13,1%	8,7%	21,7%	21,7%	34,8%
Often, central/federal administrations shy away from introducing ethical (mis-) behavior and ethical conduct as indicators into performance assessment systems.	8,7%	13,1%	26,1%	39,1%	13,0%
Civil Servants should know that rules and ethical standards are enforced and that there will be certainty in enforcement. However, this is not always the case.	13,0%	26,1%	26,1%	30,4%	4,4%
Next, if sanctions have a deterrent effect, they need to be credible, just, impartial and deterrent. Certainty matters more than severity.	34,8%	47,8%	13,0%	4,4%	0,0%
People should know that rules and ethical standards are enforced and that there will be certainty in enforcement. However, there is lack of information about the enforcement of ethical standards in the various institutions and administrations.	17,4%	30,4%	30,4%	21,8%	0,0%
Enforcing misconduct differs in theory and in practice. In theory, most institutions have the authority to impose significant fines, but do	13,0%	4,4%	52,2%	26,1%	4,3%

not do so. In reality, only a few institutions recommend that officials be removed from office for ethics violations.					
In cases of disciplinary misconduct, central administrations mostly focus on issuing warnings or reprimands. Very few administrations decide to remove a government official for ethical misconduct.	13,1%	30,4%	30,4%	17,4%	8,7%

4.2. The case of monitoring and enforcing revolving door policies

The term "revolving door effect" refers to the practice of people who "switch between" the public and the private sector. Often, it is misinterpreted as a concept that focuses on politicians or civil servants who move from the public into the private sector. In reality, during the past years, the understanding of the concept has expanded from focusing on *post-employment* to the whole HR cycle, starting from recruitment. Today, the concept is called the *revolving door*.

The main advantage of the revolving door is that those moving to the private sector have skills, resources, and competencies useful for access to decision-makers, especially since the diversity of contacts and networks that people who previously worked in the public sector bring with them represent great added value.

Therefore, the practice of the revolving door effect allows the representation of specific interests, a practice called lobbying or lobbying, which comes with both advantages and disadvantages: on the one hand, lobbying is beneficial to both business and the public sector because evidence-based policy making is possible. On the other hand, it can pose ethical risks such as undue influence, conflicts of interest, lobbying, corruption, and favoritism, if not adequately regulated and monitored. As such, the concept is not very different from the issue of "Side-activities". However, during the past decades, certain "revolving door" cases have resulted in a lot of media attention and allegations, also on the EU level (European Parliamentary Research Service (EPRS), 2024).

Overall, the arguments around the impact of the revolving door roughly fall into three groups: a) it does not matter much, since no significant impact on behavior ought to be expected; b) it should be welcomed, because of actual benefits that come with it; and c) it provides reason for concern since it is likely to influence conflicts of interests and undue influence in critical ways (Zinnbauer, 2015, 8).

Supporters of the not-matter position argue, for example, that the number of concerned persons is actually very small, mostly because many top officials have no incentives to leave the public sector in some countries or because lower-level public employees do not pose actual conflicts of interest or corruption challenges when switching roles.

Another argument is that the revolving door may also have positive effects. One central argument in that switching back and forth between the public and private sectors equips these persons with

valuable knowledge about those dossiers in which they are working. According to Zaring, the revolving door makes for better regulators and policymakers, for better communication between the government and its stakeholders.

These beneficial effects can also be summarized as "schooling," "signaling competence," "efficient communication," and "talent attraction" effects (Zinnbauer, 2015, 9).

Contrary to these positive effects, there also exist significant concerns about the negative effects of the revolving door.

At its worst, it may serve as a "subtle mechanism that enables a sort of time-shifted quid pro quo, where favourable consideration of a private stakeholder's or industry's special interest will be rewarded with well-paid employment or money-spinning consulting contracts and speaking engagements later on" (Zinnbauer, 2015, 9).

"Viewed less drastically, it might still plausibly be regarded as a subtle, yet impactful nudge to elicit conducive behavior by policy-makers or pre-emptive lenience by regulators and enforcement officials who, just like their peers in the executive branch, have set their sight on a much more lucrative private sector job after their public tenure. And even if material gains or career prospects do not factor into decision-making, it is at times argued that the collegial ties and personal connections that "revolvers" have forged with the business world will ultimately make it very hard for them to not gain or grant privileged attention and access to their former peers, and thus help some interests gain a crucial edge in a crowded world of policy and rule-making, where an ever- growing number of voices and interests to be heard. Closely related to this subtler psychological influence, the revolving door is at times also viewed as a catalyst for generating a type of counterproductive groupthink often abetted by shared educational background and shared world views, which lock the regulated and the regulators into a somewhat narrow way of understanding and seeking to solve particular policy issues. This, in turn, comes with the risk of unduly narrow analysis and imaginable policy options, and at worst, amounts to a sort of cognitive or epistemic capture that prevents more public interest-oriented proposals from surfacing saliently in the regulatory or policy-making process. The revolving door in this context becomes a key driver and risk factor for policy capture by special interests. Finally, concerns about the revolving door also pertain to the policy enforcement and monitoring stage, with suspicions that ex-staffers of regulatory agencies could harness their inside knowledge to help regulated industries more effectively exploit loopholes in regulation, or outwit inspection regimes" (Zinnbauer, 2015, 9).

Whatever position is taken as regards the revolving door issue, what matters is that the issue at stake becomes ever more important. As such, also mobility of holders of public office and top civil servants is expanding. Today, globalization, media, networks, communication channels, and digitalization trends allow former office-holders and top civil servants unprecedented opportunities to be innovative in their future roles. The relative ease of travel and communication makes representation, consultancy, conferences, and academic roles excellent forums for former office holders and top civil servants. Never before had former people so many opportunities for employment, visibility, and influence (Andersen, 2010, 73-74). Overall, opportunities for post-political lives have changed. Because they are looking at longer periods of retirement than ever before, they use different criteria in choosing how to occupy themselves than did their forbearers: Often, these people 'are also preoccupied with their historical repute, and thus they write memoirs, teach at universities, and search out awards and prizes' (Andersen, 2010, 66).

Finally, the legal status of top officials has changed. Whereas in the past, most top officials enjoyed very high job security (or even lifetime tenure), today, many top officials are offered fixed-term contracts (which means that they need to look for other job opportunities after the end of their job terms). This again, also means that revolving door issues are more acute in central administrations with less job security (and who offer fixed-term contracts) than in central administrations that offer lifetime tenure (like the German administration).

We also note that public-private partnerships and outsourcing policies add to the complexity of managing revolving door policies.

Figure 37: Dimensions of the revolving door (Demmke et al., 2021)
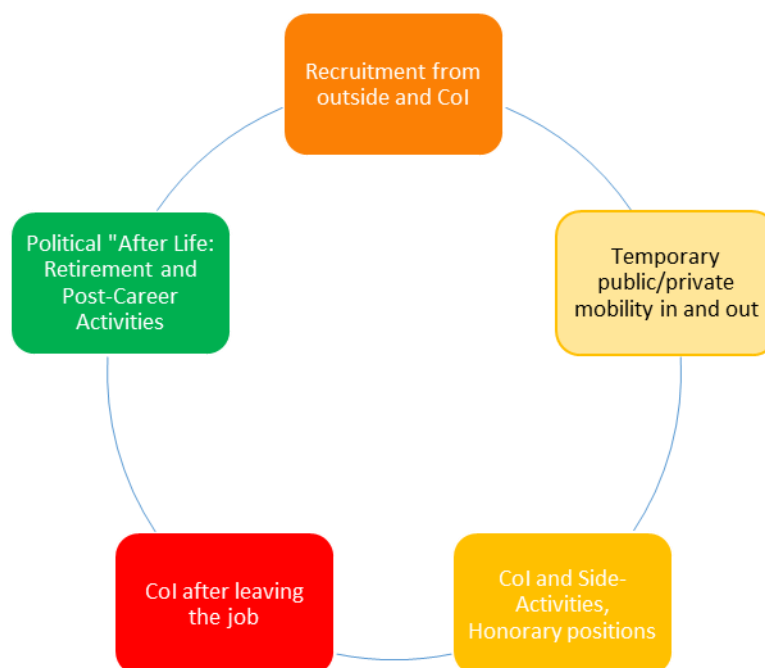
Next to this expansion of the concept, standards for examining potential conflicts of interest have also "deepened" and become stricter. For example, today, a stronger focus is on the need to prohibit certain future activities, in specific cases. More recently, enhanced security considerations for people moving into security-sensitive areas/sectors/professions have caused a widening of sector-related considerations, from economic interests to political interests.

In most countries, the official focus is on all public officials. However, in reality, concrete checking focuses on senior officials who are working in risk areas and have to report on mobility intentions. In some countries, specific ethics bodies like the HAPTV (France), ACoBA (United Kingdom), ANAC (Italy), the National Integrity Agency (ANI) in Romania, or the Standards in Public Office Commission (SiPO) in Ireland. In other countries, monitoring is carried out by internal bodies through various forms of self-management and self-regulation (unfortunately, there is no space here to discuss the problems of self-management and self-regulation).

Fostering compliance in the area, an increasing trend in most countries is to introduce so-called cooling off periods, strict reporting/notification periods

During the past years, the enforcement of revolving door policies also enjoyed" high media attention. This can be explained by the scandal–driven nature of the subject. Mostly, revolving

door scandals concern top politicians. Thus, *switching sides* easily receives media and public attention, and much more than the violations of gift policies or disclosure policies.

However, the management and monitoring of revolving door cases is highly sensitive and complex. Problems and challenges are less known, and awareness about enforcement activities is low.

Only from a first point of view, managing revolving doors looks relatively clear and not difficult.

To start with: Revolving door cases are very diverse and can be unproblematic and highly problematic (a former colleague is contacting former colleagues can be as unproblematic as problematic, if this is about secret and confidential issues).

In all national public administrations, after ceasing to hold office, former officials (or Holders of Public office) continue to be bound by their duty of integrity towards their former employer (at least for some time). These officials (or Holders of Public Office) shall inform their (former) employer within a specific amount of time (for example two or three months) of their intention to engage in a new professional activity during a cooling-off period (of mostly, 18 months or two years) after they have ceased to work in the former position. Normally, 'professional activity' is interpreted as meaning any professional activity (whether paid or unpaid). The former employer shall then examine the information provided to determine whether the nature of the future professional activity may create conflicts of interest.

(*Take the following (very broad and simplistic) hypothetical case: A former official worked in a Ministry of Finance where he was responsible for the supervision of investment banks. He/she then decided to accept an offer to work as a top manager in a private investment bank that was supervised by the national Ministry of Finance*.)

In our study, countries agree that the management of revolving door issues belongs to the greatest challenges in the field of ethics policies.

Table 25: Overall, in which policy fields exist the most difficulties in monitoring and enforcing ethics policies?, N=17

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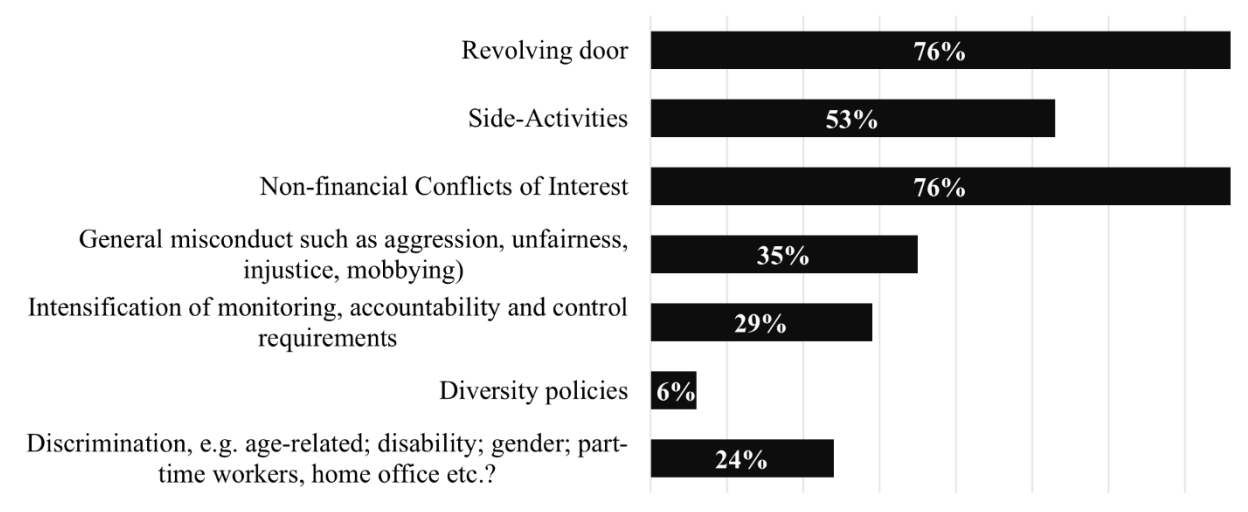
This has also been confirmed by academic experts who conclude that the management of revolving door issues is a "blind spot" and countries have great difficulties in managing and monitoring revolving door policies (Loyens &Heres, 2022).

Take the case of Portugal and the law aiming at combating the 'revolving doors' between political offices and economic groups (Law no. 25/2024, of 20 February), which was passed as a direct result of several revolving door cases. "The President of the Portuguese Republic, when promulgated this Law wrote and published on the official website of the Presidency of the Republic that he had "potential doubts regarding the expected application of impediments to entities, particularly private ones, that hire former political office holders in violation of this regime" (https://www.presidencia.pt/atualidade/toda-a-atualidade/2024/02/presidente-da-republica-promulga-decreto-da-assembleia-da-republica-197997/)" (Portuguese answer to this survey).

Therefore, often, administrations shy away from monitoring and enforcing revolving door issues.

The case of Poland

"Act on Limiting the Conduct of Economic Activity by Persons Performing Public Functions introduces a one-year cooling off period also for (among others) officials in senior or middle management positions in the civil service. However, the enforcement is rather poor: Under the provisions of the Act, such persons need the approval of the dedicated Commission to be employed in the private sector, in entities in respect of which they have made individual decisions, if they wish to be employed there sooner than one year after leaving office. The Commission shall take decisions only in respect of persons who apply for authorization to be employed. However, it has no power to require the submission of an application from persons who cease to hold public office, nor does it have the power to impose sanctions on persons who fail to comply with a statutory obligation or who fail to comply with a decision to refrain from taking up employment. As the Commission's actions are purely reactive, the data on the employment movements of people who have held public office are therefore partial and unrepresentative. According to the Civil Service Act – members of the civil service may not take up additional employment without the written consent of the competent Director-General of the office or perform activities or actions contrary to his/her duties under the Act or which undermine confidence in the civil service. However only persons holding the senior positions in the civil service (approx. 3% of the civil service) or are nominated civil servants (approx. 6,4% of the whole corps) are also obliged to apply for written consent of the competent Director-General of the office if they want to undertake additional income-generating activities (in their case performing additional income-generating activities without a written permission from a relevant Director General mean violation of the law). This means that, in practice, control of the additional activities carried out by more than 90% of corps members is only possible, if signal information on the occurrence of irregularities is received".

Looking into details, these challenges have to do with several complexities and dilemmas.

For example, as a principle, employees are free to work wherever they want. This is a fundamental principle and a fundamental right. Moreover, most countries promote mobility policies, public-private partnerships, and the outsourcing of policies. Overall, public-private mobility is seen as having positive effects. Too strict revolving door policies may also prevent people from moving into the public sector. Thus, in times of demographic challenges and difficulties in attracting

"talented" potential applicants, strict revolving door rules may deter people from applying for public sector jobs.

Thus, even if agreement exists that revolving doors may open the potential for serious conflicts of interest, the proportionality principle applies when monitoring each case.

Another difficulty concerns the fact that the revolving door is not an integrity violation. Instead, it involves risks for violations. Like this, administrations can rarely be sure whether a "leaving" official (or politician) will also transfer from a potential conflict of interest into an actual conflict of interest. Therefore, revolving door policies are also prophylactic policies. This may conflict with European legal traditions, to which somebody can be fined or convicted only after a violation has taken place.

In reality, it is always difficult to determine in advance whether conflicts of interest arise when changing a job. This needs to be checked very carefully and, again, in a context of proportionality. For those officials in charge of monitoring, they need to check in detail whether "revolving" sectors and functions and job requirements are practically the same when changing the job (thus, most cases are much more complicated than the above-mentioned case, because sector, function nor job tasks are rarely the same, or very similar).

In daily life, this is a sensitive task for these officials. For example, it also means the need to generate information about the future professional activity and to enter into contact with the future employer (who may have little interest in providing data). However, future (private sector) employers may not be cooperative. In this sense, the Portuguese reply to this issue is illustrative: *"The difficulty with revolving doors relates to their application by private organizations"*.

In cases of lack of cooperation with the future employer (and the lack of insights into the future job position and function), it is even more difficult to prohibit a future professional activity. Not only because decision-makers can never be entirely sure about whether potential conflicts of interest will turn into actual conflicts of interest. Again, this is also a human rights issue.

Again, other management difficulties concern time pressure, for example, the need to make decisions before a person moves or financial complexities. For example, as regards the latter, it is difficult to align the duration of transitional allowances with the length of post-office restrictions. Overall, countries do not monitor whether transitional allowances serve their stated purpose (Blomeyer & Sanz, 2017, 10).

Because of the complexity of the various dossiers, countries shy away from monitoring and enforcing these issues. Often, they also underestimate the importance of the issue and do not take it seriously (managing revolving door as a blind spot - Loyens & Heres, 2023). This, again, leads to a vicious circle and supports lax enforcement practices. Consequently, administrations detect very few conflicts of interest and suggest mitigation measures. Afterwards, it often remains unclear whether these mitigation measures are followed up.

In this study, we could not get evidence on whether and how often administrations prohibit the taking up of a new job and monitor closely cooling-off periods. Therefore, also, in our study, the management of revolving door remains a "blind spot".

To make it more complicated: Comparative research suggests that breaches occur regardless of regulatory regime. These findings come down to a "bankruptcy" of revolving door enforcement.

In our study, countries admit that mobility is one of the most important challenges and pressures for unethical conduct. This also means that the management challenge in the field of revolving doors is not going away easily. Countries need to take the issue more seriously. Either they enforce revolving door policies and consider the existing ethical challenges more seriously when supporting mobility, or revolving door policies should be simplified and codified. Or, both ways. As such, the existing rules and policies suffer from too much complexity. Thus, notwithstanding the importance of the topic of revolving door, countries should consider how to codify and simplify rules and policies.

Policy makers, who are in charge of designing new revolving door policies, should also consult those officials in charge of monitoring revolving door issues, before adopting new laws, codes, and guidelines in the field. As already discussed, if revolving door policies are supposed to be more effective, policies need to be credible, just, impartial, and deterrent. Certainty seems to matter more than severity.

Otherwise, enforcement in the field of revolving door policies is mostly a toothless tiger. Still, the topic is seen as gaining in importance, not so much because of the emergence of potential conflicts of interest when switching jobs. Instead, in times of growing security concerns, another (growing) concern is the "confidentiality" aspect, the security aspect, and the "impairment" aspect when switching sides.

Case Germany

In Germany, an amendment to the Federal Civil Service Law on the interpretation and application of Section 105 of the Federal Civil Service Act (BBG) on follow-up activities of former civil servants was introduced in 2024.

According to Section 105, Paragraph 1 of the BBG, retired and former civil servants must report any gainful employment or other employment outside the public service if the employment is related to official duties in the last five years before the end of the employment relationship and the employment may affect official interests. However, activities that are carried out without any economic bias or that can be classified as socially appropriate behavior are not subject to the reporting obligation (e.g. pure leisure activities).

Regulation in Section 105 Paragraph 2 of the BBG provides for stricter regulations for two groups of people:

• To former civil servants who were political civil servants

• To former civil servants who were entrusted with a security-sensitive activity in the last five years before the end of the civil service relationship.

For these groups of officials, any gainful employment or other employment outside the public service must be reported to the responsible authority.

A specific approval is required to take up employment or other work for a foreign power, provided that the planned activity is related to security-related interests. The term foreign power primarily includes governments of foreign states, but also governments in exile and intergovernmental or interstate organizations with independent state

According to law, the responsible authority (e.g. the Ministry of the Interior) examines whether and to what extent there is concern that the activity will impair official interests.

Standard for examining the prohibition

In principle, retired civil servants are free to work.

However, the employment must be prohibited if there is a concern that **it will harm official interests**.

With regard to post-official activities, **the only standard for examining the prohibition is maintaining trust in the integrity of the professional civil service, which is, as such, a very broad standard.**

According to case law, a prohibition is generally **justified in two cases**:

(1) If the employment gives the impression that the retired civil servant is not observing a duty of service that continues to apply in **retirement**, such as in particular **the duty of official secrecy**. Even after leaving active service, a civil servant may not privately use the official knowledge he or she acquired in the course of his or her service. This would undermine the public's trust in the integrity of the professional civil service.

(2) If the employment gives rise to the impression that the civil servant had already put the integrity of his or her official duties aside during his or her service to open up the possibility of gainful employment in retirement, or not to block it. In addition, imitative actions by active civil servants should be avoided. Sufficient for concern is the "reasonable appearance" that such activity could raise doubts about the integrity of the professional civil service in the minds of a reasonable and objective citizen.

The examination must always include

a) **Which specific tasks have been performed**? This is a key factor in determining whether a particular gainful employment or other occupation should be prohibited.

b) **a considering of the position the former civil servant held in the administrative hierarchy of his or her former employer, as this can influence the probability that the impairments to be prevented can occur when viewed in a typical manner** (cf. Administrative Court of Karlsruhe, decision of November 23, 2010, ref. 6 K 2145/10).

For the refusal of a permit according to Section 105 Paragraph 5 BBG, another **test standard is supplemented in case of security-related concerns** and by considering the relationship between the Federal Republic of Germany and the respective foreign power under international law or alliance partnership.

Furthermore, in the decision-making process, the interests of the applicant and those of the respondent as well as the affected interests of the general public must be weighed against each other (Administrative Court of Karlsruhe, decision of November 23, 2010, ref. 6 K 2145/10).

It must also be asked in each case **whether there is a particular public interest in a ban** on future activity. Concern about impairment of official interests exists **if**, upon reasonable assessment of the currently discernible circumstances, **an impairment of official interests is likely**. Here, again, any specific circumstances of the individual case must always be considered. **In other words, a risk forecast must be made based on the circumstances of the individual case** (cf. VG Hannover, GB of 15.03.2006 - 13 B 982/06).

- **The official interests to be protected include, on the one hand, the protection of current employees from conflicts of loyalty and, on the other hand, the protection of the administration's reputation in the public eye**. The former employer has a legitimate official interest in ensuring that the affected person's previous authority, particularly as a superior, does not have any repercussions on the employees' performance of their duties or that this impression could at least be created in the public eye. When making a

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> risk assessment with regard to the interests of the former employer, **the question of where the person concerned was placed in the administrative hierarchy of his former employer is of considerable importance** (OVG Rhineland-Palatinate, judgment of June 6, 1990 - 2 A 119/89 -). **The higher the person concerned was in** the **administrative hierarchy of his former employer, the greater the likelihood that the impairments to be prevented could occur, with the result that the limits of a ban on activity that must be imposed must be all the more broadly defined.**

The case clearly shows that any assessment must consider each case separately. Overall, the position and hierarchy of the official in question play an important role in determining the gravity of the issue. In addition, the involvement in confidential and security-sensitive issues plays another (increasingly) important factor.

Still, in all cases, the interests of the applicant and those of the respondent as well as the affected interests of the general public, must be weighed against each other.

Every examination must always assess which specific tasks have been performed and which tasks will be performed in the future. Also, in every case, it must be asked in each case whether there is a particular public interest in a ban on future activity and whether taking up a future professional activity will impair the integrity of the civil service.

The management of revolving doors is gaining in importance. Parallel to this, it is becoming ever more difficult to monitor, simply because the concept is becoming ever more complex. The German case study shows this as regards the introduction of specific and additional requirements for people who are working in sensitive (security-related) policy areas. Next, when assessing revolving door policies, it should be considered that the decision to prohibit the taking up of a new job is extremely rare (German Parliament (Deutscher Bundestag), Scientific Service, 2022). This can be a) either lax enforcement practices, b) difficulties during the assessment of the various individual cases and great uncertainties whether a prohibition to take up a future position is the only solution, or c) the fact that few cases are sufficiently grave.

Figure 38: Numbers of prohibitions to take up a new position in Germany

Year	2014	2015	2016	2017	2018	2019	2020	2021 (until 8/21)
Notifications	5	14	25	20	39	43	26	14
Prohibitions	0	0	1	0	1	5	2	0

So (and even if we put aside worst- and best-case thinking), how to address revolving door challenges?

So far, most policy suggestions have suggested longer cooling-off periods, clearer conflict of interest definitions and recusal rules, and stricter monitoring and transparency standards.

Thus, the focus of attention was on the introduction of tougher and more complex (regulatory) standards combined with stricter monitoring efforts. Surprisingly little attention was devoted to the use of (improved) data management and measurement in the field, and interest in learning

from the daily life challenges of those officials who monitor revolving door cases. According to Zinnbauer (2015), "some pragmatism may be in order. Given all these challenges to developing a viable approach for comprehensively monitoring, comparing and tracking revolving door developments, the most pragmatic research strategy for the time being may still be to: a) focus on some particularly important arenas and interfaces between public and private actors where undue influence would cause the most harm; b) develop compelling revolving door empirical investigations and case studies for these risk hotspots; and c) conduct this analysis across several countries and repeat it periodically to introduce an element of comparison and tracking even at this qualitative case-study level" (Zinnbauer, 2015, 27 and 28).

Whatever the case may be (and we should apologize for this use of language, due to a total lack of empirical evidence and the impossibility of judging and to assessing the actual situation in this field), countries recognize the revolving door issue as being an (increasingly) important issue. As such, the management and monitoring of revolving door policies require an ever more professionalized management and monitoring approach. Every dossier must be dealt with individually. For this, administrations need highly qualified and skilled experts. So far, many countries are not sufficiently prepared to carry out these – often highly bureaucratic assessments. Consequently, the management of the revolving door is still a huge and widely underestimated management challenge. It also shows, again, that change (and innovation) in the field of ethics management may also lead to more bureaucracy and administrative burdens.

4.3. Political ethics and the toleration of unethical leadership behaviour: Reasons and forms

Public Policies cannot be effective if they are not taken seriously and enforced. As regards the question of what the major obstacles and difficulties are for effective ethics policies, 20,9% of countries responded that ethics policies are not taken seriously. Another 45.9% of all respondents considered this a minor obstacle. Only 33,3% considered this as no obstacle.

Moreover, there also exists a difference between perceptions that unethical and illegal behavior should not be accepted (and condemned) and the toleration of this behavior in practice. In our study, 47,6% of all respondents agreed about the existence of (too much) tolerance in ethics policies. Only 23,8% of respondents disagreed. For example, Portugal responded to this question that a strong social condemnation of the phenomenon of corruption exists. "*However, there is some tolerance of certain types of political (e.g. revolving door) and parochial (e.g. pull strings for someone) corruption and other types of misconduct that do not imply a violation of the law or that raise legal ambiguity*".

Figure 39: When there are scandals, these are quickly and, often, strongly condemned. But, there is also a paradox between the outraged media and political reactions and a policy of tolerance when it comes to enforcing and sanctioning these forms of misconduct, N=21

	1	2	3	4	5		Total	Average	Median
Totally Agree	1	9	6	5	0	Totally Disagree	21	2,7	3,0
	4,8%	42,8%	28,6%	23,8%	0,0%				

Total	1	9	6	5	0		21	2,7	3,0

This position seems to be representative of many other countries. At the same time, there exists a great variety of judgments amongst countries about question 2.5 in our survey *("Overall, amongst the public (citizens), there is a great diversity of judgments (ranging from gravely condemning to openly tolerating) in matters of public misconduct....")*. Whereas 23,1% of all countries agreed, 42,3% had no clear opinion and 34,6% disagreed.

Toleration? A wide menu of national opinions

To a degree, yes. To a large degree, however, corruption and other forms of public misconduct are widely condemned. Where there seems to be a greater diversity of judgments is regarding what exactly qualifies as (/is perceived/judged as) public misconduct.

It is wrong to say that public opinion is tolerant of reprehensible behavior. On the contrary, such a behavior is roundly condemned...

As a general rule, unethical behavior is condemned at least by a significant portion of the audience

The question is somewhat unclear, we cannot answer it

This question has been given a neutral rating as it is based on a subjective perception. There is no data or research available on this. In the case of crimes in which there is serious damage to the public purse (i.e., embezzlement of public money, submission of political decisions to economic interests), public disapproval is widespread.... In situation that are acceptable from a legal point of view (...), there is tolerance.

In view of the increasing polarization of society (....), it is difficult to give authoritative feedback on this topic. If you follow the public discussions in the various media, you tend to find that events that are labeled as cases of corruption are interpreted in the opposite direction by the other part of the political scene. So, we would not risk the answer that corruption and misconduct are tolerated – the problem lies rather in a certain misinformation or lack of credible sources of information in the media that leads society to misunderstand or misinterpret facts.

We also note that the link between toleration, unethical behavior, and enforcement has rarely been the subject of (international) research. Overall, little is known about the toleration of misconduct and when and why it occurs. At the same time, there is also substantial evidence that trends are towards less toleration of misconduct, at least in the field of administrative ethics. Therefore, we suggest distinguishing our discussion between toleration in the sphere of political ethics and the field of administrative ethics.

As we will see later on, we observe a notable difference between (increasing) toleration of political misconduct and (decreasing) toleration of administrative misconduct.

We start with the observation that, despite all people across the world sharing a general aversion to corruption, fraud, and other forms of unethical behavior (which suggests little tolerance for unethical behavior as such), corrupt and unethical people are still being supported, or even voted into office. Moreover, many commonly accepted values and principles like the principle of merit, impartiality, and the rule of law are also broadly accepted in many countries, but rarely fully implemented in practice. Also, amongst citizens, various forms of unethical behavior are tolerated

and accepted. How can tolerance be explained? (Lascoumes, 2011; Lascoumes, Pierre and Tomescu-Hatto, 2008; Pozsgai-Alvarez & Varraich, 2023; Sunstein, 2021; Brenan, 2018, Gallup Survey, Trump Rated Worse than other modern-day Presidents on Ethics, 13 September 2018; Morais et al., 2020; Krivulskaya, 2022; Davies, Leicht & Abrams, 2022; US House Committee on Oversight and Accountability (Democrats), 18 October 2024; Abrams, de Moura & Travaglino, 2013; Abrams, Travaglino, Marques, Pinto, & Levine, 2018).

4.3.1. Toleration of misconduct and organizational culture

In organizational theory, these phenomena are explained with explanatory variables such as societal climate or organizational culture. *Cultural assumptions and values influence workplace social functioning, behaviors, and decision-making about matters such as what is acceptable in behavior, and what is valued or important, in an organization (Schein, 2017). It is generally accepted that organizational culture manifests itself, and can be analyzed, at different levels: the surface-level visible artifacts including behaviors, style, stories, and physical structures, which could manifest as the organization's 'climate'; the espoused beliefs, values, norms and rules of behavior, that are conscious and articulated, used by employees in depicting 'the way we do things around here'; and the underlying assumptions, beliefs, and values, embedded and implicit, that are shared and taken-for-granted by employees (Schein, 2017). Because research has found relationships between organizations' culture and organizations' performance and effectiveness, there is corporate interest in knowing (measuring and benchmarking), changing, and leveraging cultures to achieve desired outcomes (Schneider et al., 2013).*

As discussed, Sunstein (2021) claimed that if people are surrounded by morally abominable conduct, or see a lot of it, they will not disapprove of, and may even be fine with, morally bad conduct (…). That is the power of normal "(C. Sunstein, 2021, 21). „If your government jails people because of their political conviction, you might not think that it is so terrible if public officials read your email. If you live in a society in which officials (…) steal public money for their own use, you might not mind so much if an official asks for a little bribe to let you open a business. If sexual harassment is rampant in your society, you might not object much if male employers flirt with female employees…" (Sunstein, 2021, 21 and 22).

Luckily, organizational culture can be influenced and changed, to the better, but also to the worse.

As "behavior in general improves, actions that were previously seen as fine or as mildly distasteful may come to seem bad or terrible (…). As mandates and behavior in general get worse, things that were once seen as bad or even as terrible may come to be seen as mildly distasteful or even fine "(Sunstein).

According to an EU gender-based violence survey (EU Gender-based Violence Survey, 2024), "the extent to which violence is tolerated in the wider community might influence the number of women who are ready to share their experience of violence in the survey. For example, the greatest differences between EU countries concerning non-partner violence are seen in the prevalence of degrading or humiliating sexual acts other than rape. Women who do not consider degrading or humiliating sexual acts carried out by a partner or non-partner might be readier to disclose violent experiences"). The survey notes that the proportion of women who have experienced physical or sexual violence is highest in the Nordic and Scandinavian countries. This

can be explained because a higher percentage of women in these countries do not accept degrading or humiliating acts and are also ready to disclose these acts.

In the field of corruption, "tolerance of corruption (1) varies across types of corruption, with embezzlement and patronage being, on average, the least and most tolerated types of corruption, respectively; (2) varies across countries, with respondents from (….) Spain being, on average, the (…) least tolerant, and (3) varies across countries for the same type of corruption, with respondents expressing more consensus about their disapproval of embezzlement compared to that of clientelism, nepotism, or conflict of interest" (Pozsgai-Alvarez & Aiysha Varraich, 2023).

In the field of conflicts of interest, Loyens, Borst & Heres (Loyens, K., Borst, R., & Heres, L. 2023, 1685–1710) conclude that the management of post-employment and revolving door policies is a "blind spot". Despite the existence of clear rules, many organizations lack the willingness to adequately tackle conflicts of interest in this field.

In France, Lascoumes (2011) distinguishes between black, grey, and white forms of corruption. Black corruption' is a form of corruption which a majority consensus of both elite and mass opinion would condemn and would want to see punished on the grounds of principle. Contrary to this, white corruption' is an "action which the majority of both elite and mass opinion would not vigorously punish because 'they attach less value to the maintenance of the values involved than they do to the costs that might be generated as the result of a change in rule enforcement". Grey forms of corruption are certain behaviors that people perceive as being deviant but not necessarily punishable because they are somehow consistent with their values and norms or belong to the category of 'petty favoritism' that has few harmful consequences for the public interest.

Figure 40: Dimensions of toleration of unethical behavior

	Typology of unethical behavior
Black (Illegal and grave form of misconduct)	Grand corruption and fraud Sexual Harassment Aggressive und unfair Leadership behavior (Case: To offer 200 euros to a policeman in order to avoid a penalty)
Grey (Illegal and/or unaccepted unethical behavior and misconduct)	Not reporting some non-financial interests; Gossiping; Disregard of merit principle (some forms of favoritism and politicization) Case: Using one's network of political connections to help a friend to find a job
White	Acceptance of gifts of low-level value; …., coming too late to meetings, certain forms of misconduct in private time, poor performance, being impolite because of stress

(Unaccepted unethical behavior and misconduct)	Case: Stealing printer paper from the office….

According to Lascoumes, a significant proportion of French citizens strongly condemn offenses against public integrity. Nevertheless, a surprisingly large number of people hesitate to condemn corrupt behavior. These attitudes not only represent a kind of pragmatic view of political activity in France. Rather, they seem to be also representative elsewhere in Europe.

Legal transgressions and violations in the black zone are usually judged more severely than the actions of those who are operating in the grey and white areas. For example, an important percentage of the population tolerates favoritism and politicization, certain types of fraud, false declarations of disclosures of interest, etc. Overall, citizens' justifications of their acceptance of corrupt behavior are extremely complex. Context, certain circumstances, and justifications can attenuate the severity with which corrupt behavior is judged. For example, tolerance of corruption can be linked with a personal cost-benefit analysis, where voters knowingly vote for corrupt politicians because they expect the overall benefits from a politician's term in office to be greater than the costs associated with corruption.

Overall, different forms of unethical behavior are neither evaluated nor judged uniformly. Lascoumes & Tomescu-Hatto argue that certain forms of behavior can be characterized as being deviant but not necessarily punishable because they belong to the category of lower or lighter forms of unethical behavior and have less harmful consequences for the public interest and concerned individuals. For example, most people regard it as unacceptable '*To offer 200 euros to a policeman in order to avoid a penalty*' (Lascoumes & Tomescu-Hatto, p.28).

However, many people find it acceptable *to ask an elected official for a letter of recommendation to obtain a place at the kindergarten* (Lascoumes & Tomescu-Hatto, p.28). Similar differences can be found as regards the perception of different forms of conflicts of interest, gift acceptance, bullying, leadership, harassment, the abuse of organizational resources, and different forms of corruption and fraud.

Still, this does not mean that different forms of unethical behavior should be tolerated.

4.3.2.   Toleration of political misconduct – ingroup toleration

President Joe Biden announced on 1 December 2024 that he had pardoned his son Hunter Biden, who faced sentencing this month for federal tax and gun convictions, marking a reversal as he prepares to leave office. By pardoning his son, Joe Biden has reneged on a public promise that he made repeatedly before and after dropping out of the 2024 presidential race. The president and his top White House spokesperson said unequivocally, including after Trump won the 2024 election, that he would not pardon Hunter Biden or commute his sentence. Joe Biden's pardon reversal reflects family loyalty over legacy. *The pardon means Hunter Biden won't be sentenced for his crimes, and it eliminates any chance that he'll be sent to prison, which was a possibility.*

Shortly afterwards, on January 20, 2025, the first day of his second term, U.S. President Donald Trump issued a proclamation pardoning approximately 1,500 people convicted of crimes related to the January 6 attack on the United States Capitol, which occurred toward the end of his first term.

In the US, during the 2016 elections, both Hillary Clinton and Donald Trump were systematically presented as unethical leaders. A great majority of people perceived Donald Trump as unethical and possibly the most unethical modern President of the US (Gallup, *"Trump rated worse than other Modern-Day Presidents on Ethics"*). No major party candidate in the US history has ever been linked so often with wrongdoing and even criminal conduct (for a full overview of all cases, ranging from criminal behavior to conflicts of interests, see U.S. Department of Justice, Final Report of the Special Counsel Under 28 C.F.R. § 600.8, delivered to Attorney General of the United States as of 7 January 2025; The New York Times, 1 November 2024 (Headlines story); Report by House Committee on Oversight and Accountability (Democrats), 18 October 2024).

Still, approximately 75 million US voters supported his candidature in the 2024 US election. How can this be explained if ethics policies are supposed to be taken seriously? Are they not?

US media offer relatively simplistic explanations: Voters have based their opinion on what Trump wants to do as President of the US, and not who he is and what he stands for (Los Angeles Times, 30 September 2020, Op. Ed: *Trump may be immoral, but most Americans don´t care*). Moreover, Americans have grown more likely to believe that an elected official who commits an immoral act in personal life can still fulfill the duties in public and professional life (Krivulskaya, 2022).

Seen from a more scientific approach, explanatory variables for the toleration of unethical behavior are more complex.

Unethical decision-making is not only committed by bad people. It is also not only intentional. Instead, ethical decision-making is influenced by many variables. Moreover, in daily life´s moral reasoning, people always find many ways to justify unethical deeds. Well-known are arguments like "My boss told me", or "Everybody does it". Whereas behavioralists claim that people make many intuitive judgments, that even good people engage in unethical conduct without their own awareness, and that organizational and individual decision-making is dominated by biased decision-making.

Therefore, findings in the field of behavioral ethics are somehow in conflict with the world of public law and public ethics policies. For good reasons, governments have established clear ethical standards and definitions of unethical behavior (and even so-called tolerance policies in the field of corruption, fraud, or (sometimes) gift taking). Public employees have many important tasks and responsibilities. They may interfere in human rights, they send people into war, they claim taxation, they sanction people, they control people, they decide upon people´s lives. For all of this, we need strong and clear ethical responsibilities.

In this context, it is obvious that research about bounded ethicality conflicts with the ice-cold reality of standardized public ethics policies. It can also be easily exploited by moral relativists.

Again, this contrasts with the perception by citizens and public employees of what constitutes unethical behavior, and unethical leadership (often) exists in the eye of the beholder. This perception can be inherently fluid and subjective and is influenced by social identity processes such as the social identity of the perceiver and the identity advancement of the transgressor. Thus, when using plain language, People may overlook, tolerate, or excuse certain forms of unethical behavior. This may happen more often if people believe that this form of unethical leadership has other useful purposes and side effects (such as helping the Republican party to win the elections, lowering their tax burden, supporting their values and attitudes…). Unethicality may then be

perceived as positive, if this supports the own view that the unethical behavior of a politician is just "human behavior", because nobody is perfect (thus, also not me).

Moreover, in a world where the more the social and economic context is perceived as constantly changing, risky, or even threatening (in case of security threats and war), more people are required to develop a certain ambiguity tolerance towards constant change and innovation. Change and innovation are "fuzzy" and require from people a lot of readiness to be adaptable and flexible.

However, in reality, people are also looking for security, clarity, simplicity, order, and strong leadership.

If leadership meets these expectations, it may be accepted (and even popular), even if leadership is unethical.

Thus, perceptions of unethicalness may be inherently fluid and subjective. They are also influenced by social identity processes such as the social identity of the perceiver and how the identity of the transgressor fits with that of the followers.

For example, unethical behavior can be accepted, as long as it is perceived as the leader's commitment to advance (political, economic, or other) group interests, or simply their own values. Of course, the extent to which group members accept or downplay the transgressive behavior of their leader has worrying implications for leadership. Ultimately, it appears that many followers are willing to explain away even the most serious breaches of law and morality by their leaders. When the behavior in question also has racist, xenophobic, or sexist undertones, the downplaying of behavior as less unethical by followers creates the opportunity for such behavior to become acceptable and normalized among large proportions of the general public. Here, we come back to the deliberations made by Sunstein (2021, see above).

As such, these explanations are nothing new and are well known from the social identity approach in sports psychology. According to the social identity approach, people see themselves as both individuals and part of a group, especially in a sports team. In sports, the influence of a good leader can be truly immense and can change the nature and culture of the team. Effective leaders not only embody the values of the group but also create a shared identity, a concept known as "identity leadership." This means that leaders who exemplify and represent the team's values can inspire their followers. The way leaders embody the values of a team can make a significant impact on the team's inspiration and success.

However, the social identity approach outlines how group members typically prefer homogeneous groups that abide by normative standards. Group members who deviate from the group's normative values threaten this homogeneity and normative consensus. Therefore, it should be expected that unethical in-group deviants like Donald Trump are especially likely to be derogated, resulting in the black sheep effect

Why, then, are in-group deviant leaders like Trump so often spared the same harsh criticism as is the case with other unethical members? How can this be explained? Across five studies, Abrams et al. (2013) demonstrate that people (often) apply ethical double standards for insiders (friends, colleagues, members of their political party) and outsiders. A so-called transgression credit theory also explains a tendency for unethical in-group leaders to be assessed more positively than ordinary in-group members and other out-group leaders and members.

In a later publication, Abrams et al. (2018) add that unethical leaders produce a dilemma for followers because they should choose between upholding the normative (ethical) values of the group while still tolerating the unethical behavior of the leader. Responding less critically to a leader's unethical behavior is one way to resolve this dilemma. However, this only happens if unethical leaders are viewed by their in-group followers as advancing the interests of their group or political party.

Of course, another method that people utilize in rationalizing the behavior of unethical colleagues or leaders is to downplay the severity of their behavior. Morais & de Moura (2018) also found that unethical leaders received more support if they secured profits, advantages or other benefits for the in-group. Thus, perceiving a leader as advancing the group's identity may similarly allow group members to more easily downplay their leader's unethical behavior as less unethical.

One should also add that accepting unethical behavior of a group leader implicitly also makes it easier for others to excuse or tolerate their unethical behavior. Specifically, Republicans viewed the sharing of false information, nepotism, and abuse of power as less unethical when these behaviors were attributed to Donald Trump than when they were unattributed.

Overall, the perception and judgment of unethical behavior in the political sphere is very much linked with ingroup success and trade-off expectations. At times, ethical standards are relaxed, both to justify the (election/political) success and to enable unethical success to continue. One reason why ingroup and outgroup unethical leaders receive different reactions to their behaviors is that a negative evaluation of a central member of one's group conflicts with the need to maintain a positive social identity. Another explanation for transgression credit is that derogating an ingroup leader may be perceived by other ingroup members as acting against the group. Group members' motivation to preserve the value of the leader and show respect and loyalty for the group, therefore inhibits their critical response to their leader's transgressions. Of course, it is also possible that religious values and ideological preferences explain why people tolerate or do not tolerate unethical behavior. For example, conservative groups typically score higher on traits such as authoritarianism than more liberal groups. Such traits are associated with obedience and submission to authority figures, so, in the case of the US- Republicans may be more inclined to downplay the perceived unethicalness of Donald Trump's behavior owing to their ideological tendency to submit to authority figures.

However, toleration of unethical political leadership conduct is not the only problem. What is perceived as unethical behavior is also influenced by other factors: For example, unethical behavior is evaluated as more acceptable if performed by male employees compared with women. We also found that attractiveness moderated the connection between gender and tolerance toward unethical work behavior. People judge more severely the same unethical action by plain-looking employees rather than by attractive-looking employees. New research also shows that the voice of a person influences perceptions of ethical leadership. Moreover, high job performance may provide a motivated reason to ignore moral violations. "Unethical, high-performing employees provide contrasting worth to the organization," researchers wrote. "The employees' unethical behaviors can be harmful, but their high job performance is also quite important to the organization's success. In this vein, high job performance may offset unethical behavior enough that the employee is less likely to be ostracized." Vice versa, unethical people are more likely to be scrutinized if they do not perform well.

These insights, however, should not lead to wrong conclusions: People are not completely biased, irrational, and subjective as regards perceptions and judgments of behavior.

Trends are also towards increasing perceptions of individual vulnerability (ranging from fears of being insulted, attacked to harassed, and discriminated) and less tolerance for the perpetrators (even in the case of mild forms of unethical behavior. Consequently, stricter regulations and guidelines are being introduced in many institutions across Europe that take the increased vulnerability of employees into account. More than ever before, people want to be protected against discrimination, unequal treatment, impairment of physical health integrity, threats to sexual integrity and self-determination, or against limitations of freedom of action and decisions regarding their personal life through the influences of others.

As such, this development can also lead to a culture of mistrust, suspicion, and control in which no one feels safe anymore, although the state and administrations are required to regulate and manage ever more forms of threats to individual integrity. In this scenario, asking for full integrity and zero tolerance is also a highly problematic goal (Rieder, 2024, 202). Ultimately, ethical purity easily becomes totalizing (Rieder, 2024, 208). On the other hand, ethical tolerance and relativism are only acceptable as long as those (others) whom we tolerate do not reject our tolerance, pluralism, and anti-discrimination. This is the fundamental logical flaw of moral relativism.

Thus, current trends are highly contradictory: Whereas we observe (increasing) toleration of political misconduct, trends are rather towards the opposite in the administrative sphere. However, in both spheres, (recent) trends are also towards relativizing tolerance and rejecting diversity.

4.4.   Administrative ethics - trends towards zero-tolerance?

Earlier in this study, we discussed the findings by Thoman et al. (2024), to which German public authorities report a sharp increase in written, verbal, physical, or online hostility or attacks on their work. These developments towards more aggression and hostility against public authorities and holders of public office run in parallel with an increasing individual sensitiveness to one's own vulnerability and the perception of not being respected, discriminated or disadvantaged. Thus, the rise in violence seems to go hand in hand with a rise of perceptions of violated personal dignity and lack of recognition.

Today, in the field of administrative ethics, everything public administrations and public officials do is open to ethical scrutiny. And, everything people experience is open to dignity, justice, and fairness perceptions.

Only at first glance, this has always been the case: Discussions about recognition, dignity, and vulnerability can not be separated from classical discussions about freedom, autonomy, and equality. For example, the conceptualization of human rights in the declarations of 1789 and 1948 is the implementation of the idea that personal dignity is inviolable. Or, take the case of Fanon´s *Les damnés de la terre (1961),* which discussed the relationship between individual dignity and colonialism.

Still, what is new is that governments and central public administrations witness a revival of debates about recognition, dignity, and vulnerability. Today, these take place in parallel public discussions about dignity and European responsibilities (colonialism, slavery), recognition (growing inequality, low social mobility, the *tyranny* of merit (Sandel)), and personal vulnerability

(discrimination and growing perceptions of violations of (national and personal) identity, and physical and psychological integrity). Everywhere, one can witness a new public and civic sensitivity as regards ideas of what is tolerable versus what is no longer tolerable (Fleury, 2023).

This can be best seen in the field of anti-discrimination and the protection of personal dignity and personal vulnerabilities.

Art. 11 of the EU Charter of Fundamental Rights states that

1. "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
2.
   2. The freedom and pluralism of the media shall be respected".

Likewise, Article 10 of the European Convention on Human Rights reads as follows:

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

This European conception of freedom of expression allows any free expression of opinion, unless it is harmful, offensive, racist, or discriminatory.

Thus, the crucial issue is to define when expressions become discriminatory and harmful. During the last years, disagreement about what constitutes discrimination, or bullying, or hate speech has continuously increased. People can no longer agree on what constitutes certain forms of discrimination, or bullying, or harmful expression of opinion.

For example, during the last years, more governments worldwide have been complaining about so-called "woke" policies in the field of diversity management, or gender-based language. These policies are being presented as discriminatory or as liberal censorship, and as turning against the principles of freedom of expression.

On the other hand, it is exactly these policies against diversity and inclusiveness that become discriminatory (and also in times when bullying, hate speech, unchecked disinformation, and harassment campaigns targeting all sorts of minorities proliferate).

Likewise, perceptions of being discriminated against, bullied, or harassed can depend on highly subjective perceptions of vulnerability. forms These include, in particular, interpersonal misconduct such as insults, humiliation, and other forms of psychological violence, sexual harassment, discrimination, including forms of bullying, for example, based on parenthood, illness or disability, physical characteristics, age, religious affiliation, ethnic origin, gender, or sexual orientation. Other vulnerabilities may concern forms of abusive, improper communication,

threatening behavior, intimidation, and various perceptions of insults, denigration, or defamation. Accordingly, all sorts of personal behavior that are perceived as inappropriate in an official context and likely to impair the collegial working relationship between employees may lead to complaints because of perceived forms of discrimination, bullying (sexual) harassment, or harmful behavior.

As regards both ways, campaigns against discrimination and harassment easily result in less freedom of opinion. Whatever position is taken, what matters is that fundamental rights are maintained and preserved. As such, this applies to principles of anti-discrimination (and vulnerability), diversity, and inclusiveness. However, it also applies to the principle of freedom of expression.

Of course, there is no easy solution. However, currently, by making the debate excessively difficult, the trend is also to pathologize the debate, as such. If people start to object to any views and any form of behavior because they perceive it as harmful, offensive, or discriminatory, then democracies are slowly dying.

Still, we note a significant difference between administrative ethics and political ethics. Whereas in the field of political ethics, toleration of unethical behavior is accepted in some forms, and in some fields, in the field of administrative ethics, trends are rather towards zero-tolerance and less tolerance for ambiguity, as such.

F. CONCLUSION

1. General conclusion

Now, it is time to return to Dennis Thompson's question: *"Why are we spending so much time on complicated public service ethics when the great ethical problems are not solved, and when there are so many other (more) important problems that need our attention?"*

It is indeed this question that European countries should answer: Do European countries take ethics seriously? How important are still (so-called) Western values? Do countries (still) teach what they preach?

This study offered several contradictory answers to these questions.

Today, no day goes by without public discussions about ethics. At the same time, we note that classical values and principles are threatened, and countries do too little to safeguard, protect, and promote good governance principles like the rule of law, impartiality, or merit. On the other hand, ethics have become a political weapon and are being instrumentalized for many (personal) purposes. They are also played against each other: principles of transparency against privacy, principles of accountability against principles of efficiency, principles of diversity and anti-discrimination against principles of merit, principles of involvement (participation and inclusion) against principles of favoritism, principles of the rule of law against moral relativism (and one rule of law conception against another rule of law conception), principles of vulnerability, dignity, and recognition against the principle of individualism, autonomy or identity.

Whereas political ethics have become subject to many interests, administrative ethics are as complex and detailed as ever before. Still, neither has become more effective.

In administrative ethics, there's a good reason to recall a very classic principle: the public service ethos. However, in a modified form.

Today, the "we" (the public ethos) is inconceivable without the "I" (the importance of the individual). On the one hand, it is time to recall the importance of common principles like impartiality, merit principle, rule of law, and common good orientation. On the other hand, it is important to recognize the importance of individualization, individual interests, and partiality.

Today, it seems that individual and particular interests conflict with the common good. The I, which no longer recognizes a "we," drifts into meaninglessness. Its freedom is exhausted in freedom from others (Schmid, 2025, 11). On the other hand, the "we", which no longer recognizes individual rights and individual opportunities, drifts into authoritarianism.

But how does social interaction and a common ethos come about? This is a classic philosophical question. It is becoming virulent again in times when European societies are drifting apart. Today, it is clear that this interaction cannot be achieved through hierarchical state power, law and order, or individualism, egoism, fragmentation, isolation, and inequality. Rather, it must be achieved through a commitment to collaboration, coexistence, solidarity, cooperation, and the rule of law.

Public ethics should be better taught. Likewise, today, public officials should be better (and more practically) trained about administrative law—why we have administrative law, the constitutional structure for and constraints on public administration, the rule of law, impartiality, merit,

enforcement, transparency, and judicial and legislative review of administrative activity. After decades of criticizing legalism and the existence of too many lawyers in the national public administrations, today, there is a need for more awareness about the importance of administrative law (Rosenbloom, 2022). Moreover, public officials must be supported in learning to be a responsible administrator (Cooper, 2006) and learn again how to use the constitution and the oath to uphold the law as the appropriate basis of ethical conduct (Rohr, 1978).

Likewise, Public ethics must be wanted. They must be seen as important, useful, and beneficial.

This, as such, is not a theoretical challenge. Instead, it is a daily life political issue.

As we have seen, in the field of public service ethics, rules, policies and management become ever more complex, numerous, sophisticated but also ever more individualized. Both trends are drifting apart. Both trends do not "produce" more effectiveness.

In fact, more effectiveness can only be the result of wanting ethics. Instead, today, ethics policies are developing towards distrust policies. We need more of them, because we distrust the intentions of holders of public office and public officials. Also, individuals want more ethics policies because they feel threatened and vulnerable.

Consequently, ethics policies are (increasingly) instrumentalized for particular (political) interests. What is missing is an "intrinsic" common understanding of the need for public service ethics.

2. Testing hypotheses and theoretical findings: A World full of contradictions

In this study, we operationalized the research by developing several hypotheses, which were tested case by case while analyzing the existing empirical data. After analysis of the data, we concluded that not all hypotheses could be tested by solely analyzing the data. For example, as regards Hypothesis 19, we lacked the necessary data to test this hypothesis. In these cases, we decided to summarize the existing (literature) research, thus applying qualitative approaches. We arrived at the following conclusions:

Testing of Hypotheses

H 1 Reforms and innovations in ethics policies are mostly a reaction to scandals rather than to carefully designed and planned strategies. Scandals are typically followed up by the adoption of more detailed and stricter rules/standards without considering implementation challenges

*The evidence **partially supports the hypothesis** that reforms and innovations in ethics policies are primarily reactive responses to scandals rather than the result of strategic planning. While only 33% of respondents agree that reforms are mostly reactionary, a clear majority (59%) believe that scandals lead to stricter rules and standards without due consideration of implementation challenges. Furthermore, 67% of respondents agree that insufficient staffing and funding hinder implementation, and 42% agree that enforcement is often overlooked. Together, these findings suggest that although opinions are mixed on the origin of reforms, there is strong support for the notion that implementation issues are routinely neglected in post-scandal policy responses.*

H 2 Instead of condemning all forms of unethical behavior, there exists a great diversity of judgments (ranging from gravely condemning to openly tolerating) for different cases and forms of unethical behavior.

*There is **partial support for the hypothesis** that ethical misconduct is not uniformly condemned and is instead judged with varying severity. While nearly half of respondents perceive a paradox between strong public condemnation and weak enforcement, and 24% acknowledge a diversity of public opinion on misconduct, a majority (54%) disagree that unethical behavior is broadly tolerated. These findings indicate that while perceptions of inconsistency exist, there is not a strong consensus on societal tolerance of unethical behavior.*

H 3 During the last decades, governments have increasingly introduced changes in the delivery of public services like the introduction of public-private partnerships, outsourcing, co-production management, etc. Public authorities have difficulties managing conflicts of interest in cases of constantly evolving public-private partnerships, outsourcing, or co-production.

*The **evidence strongly supports the hypothesis** that ongoing reforms in public service delivery, particularly through public-private partnerships and outsourcing, have introduced new and evolving ethical risks. Across all four figures, respondents consistently acknowledge the complexity and vulnerability of managing conflicts of interest in these governance structures. The third figure further confirms that differing ethical standards for contractors complicate accountability, especially when private personnel carry out public responsibilities. Together, the data point to substantial and widely recognized challenges faced by public authorities in adapting to these evolving service models.*

H 4 Countries assess leadership as the most effective instrument in the fight against unethical behavior, while it is also the greatest pressure and source of unethical conduct. Countries admit that trying to be an ethical leader in practice is constrained and depends on several contextual and situational factors.

*The **hypothesis is strongly supported**. While ethical leadership is rated among the most effective instruments in combating unethical behavior, it is also recognized as contextually constrained and frequently deprioritized in favor of operational or political objectives. Leaders often operate under pressure, and many shy away from dealing with misconduct due to the complexity and stress involved. Furthermore, the lack of committed leadership is identified as a significant obstacle to effective ethics policy. These findings highlight a paradox: leadership is both essential and frequently part of the problem in ethics governance.*

H 5 In the field of ethics policies, trends are towards the adoption of ever more policies, rules, wider concepts, stricter standards, and the institutionalization of ethics policies, but not necessarily towards improvements in the monitoring, measuring, and enforcement of policies

*The data provide **moderate to strong support for the hypothesis** that ethics policy development has prioritized expansion in scope, standards, and institutional structures without a corresponding improvement in enforcement, monitoring, or resource allocation. Respondents widely acknowledge the lack of implementation planning, limited sanctions, and insufficient staffing or budgeting for ethics management. Although enforcement tools exist on paper, their*

practical application appears inconsistent or underutilized, reinforcing the gap between rule adoption and real-world effectiveness.

H 6 In the field of ethics management, the greatest challenge is the enforcement of policies, the management of revolving door policies, and the measurement of policies.

*The **hypothesis is strongly supported** by the data. Enforcement is widely recognized as insufficiently prioritized and under-resourced. Revolving door policies, along with side activities and non-financial conflicts of interest, are seen as among the most difficult areas to monitor and enforce. Additionally, serious challenges persist in measuring ethics-related policies due to issues with data accuracy, availability, and consistency. These findings highlight that the backbone of effective ethics governance, enforcement, oversight of career transitions, and evaluation, is currently the most fragile aspect of the system.*

H 7 Ethics policies are managed by ever more ethics institutions, committees, bodies, and offices. There is a high risk that the institutionalization of ethics policies is leading to institutional fragmentation and growing coordination challenges amongst the responsible ethics bodies.

*The data **largely support Hypothesis** H7: particularly the claim that ethics management has become institutionally fragmented. While only a minority reports worsening coordination trends, the overall complexity and fragmentation of responsibilities make coordination inherently more challenging, as reflected in the challenges reported.*

H 8 The field of disclosure management is characterized by increasing complexities and difficulties as regards the monitoring of disclosure information.

*While **direct affirmation is not universal**, the pattern of challenges in key areas, combined with specific bottlenecks (verification, data complexity), provides strong **indirect support for the hypothesis** that disclosure management is becoming more difficult and complex.*

H 9 In the field of HRM, austerity policies, pay, recruitment, and mobility policies are most vulnerable to integrity violations

*The hypothesis that austerity, pay, recruitment, and mobility policies are most vulnerable is **partially supported**, but: Competency management (n) and outsourcing (o) are perceived as even more vulnerable.*

H 10 Measuring ethics policies is progressing in the field of corruption, but not in other ethics policies. However, the whole field is suffering from ongoing shortcomings in data management.

*Measurement efforts are strongest in corruption and fraud, with 75% of respondents reporting progress. In contrast, areas like conflicts of interest and revolving door policies are lagging, with over 40% seeing no development. This shows a clear gap in focus and resources across ethics policy areas. Across the board, **data management remains a key weakness**. Challenges with data accuracy, reliability, collection, and access are common. Many also report that no measurements are in place yet for some areas.*

*These **findings support Hypothesis** H10: while progress is being made in corruption, the wider ethics field is still fragmented and limited by poor data systems.*

H 11 As regards the innovation of ethics policies, countries place high trust in non-regulatory approaches, although the most popular instruments so far are regulatory approaches

*The **data clearly support Hypothesis** H11. While countries still rely most heavily on regulatory tools like laws, codes, and audits, they increasingly look toward non-regulatory and managerial innovations, such as training, value-based leadership, and data-driven AI, as the future of ethics policy innovation. This dual trend reveals a shift in strategic thinking: from enforcement to engagement, and from rules to systems and culture.*

H 12 Countries support the introduction of AI in public administration because of the supposed beneficial effects of AI and because countries are uncertain about potential critical ethical challenges

*The hypothesis **is partially supported**: Countries support AI's introduction primarily for operational benefits (e.g., decision-making, workforce management, efficiency). However, there is significant uncertainty about its role in addressing ethical concerns, reflected in the low counts for ethical advice and behavior-related metrics.*

H 13 Whereas in academic literature, most risks are associated with the introduction of AI in the field of performance assessment (as this may allow for additional forms of employee surveillance, control, and violations of privacy rights). Contrary to this, countries are eager to introduce AI in this field

***Contrary to the hypothesis,** countries are not particularly eager to introduce AI in individual performance assessment (9 responses). Instead, countries show far more interest in operational fields like recruitment (20), career development (17), and workforce planning (16).*

H 14 The development of data-driven HR analytics and data protection is contradictory

*The hypothesis that HR analytics and data protection are contradictory is **not strongly supported** since the majority of respondents disagreed (59.09%).*
***However,** the 18.18% who agree and 22.73% with "Other" responses suggest that this issue warrants further exploration, especially around specific areas where potential contradictions may arise.*

H 15 The Implementation of the EU AI Act increases administrative burdens

15 out of 19 respondents (78.95%) agree that the implementation of the EU AI Act increases administrative burdens, monitoring costs, or adds to fragmentation.

This aligns with the hypothesis.

H 16 The organization and institutionalization of ethics management is linked to the different constitutional, legal, administrative, and organizational structures in the various countries. There exists no best-practice model in the field

*This **hypothesis could not be confirmed** because of a lack of empirical data. However, it can be confirmed through the existing qualitative research (state of research and literature). We, therefore, **confirm this hypothesis**; however, **we also wish to clearly mention the existing lack of data.***

H 17 Countries do not carry out integrated assessments about the costs of ethical misconduct in the various policies. Best known are cost assessments in the field of corruption.

*The findings **strongly support Hypothesis** H17: Most countries do not monitor the costs of ethical misconduct.Where spending increases, it is aimed at preventive measures (training, awareness), not analytic assessments.There is no clear evidence that corruption stands out as the only field with structured cost evaluations, rather, the entire landscape lacks systematic financial tracking.*

H 18 Ethics policies cannot be effective as long as they are not integrated into other (good) governance logics, organizational cultures, and organizational justice, and aligned with political interests supporting these policies. Current trends are towards the instrumentalization of ethics policies for political purposes.

*A majority of respondents (52.17%) recognize the lack of integration as an obstacle to effective ethics policies. However, with 47.83% seeing no obstacle, the trend towards instrumentalization for political purposes **may not be universally observed** or may vary significantly across countries.*

H 19 Generally, factors such as political affinity do not allow establishing conclusive relationships with different approaches to handling corruption, conflicts of interest, bullying, or ethical leadership. However, Centre-right, or right-wing governments are more critical towards the introduction of strict(er) concepts in the fields of diversity, vulnerability, and anti-discrimination policies. Also, politicization, favoritism, and the hindrance of outside (judicial-, media-, and watchdog-) control are vulnerable to political developments.

*This **hypothesis could not be confirmed** because of a lack of empirical data. However, it can be confirmed through the existing qualitative research (state of research and literature). We, therefore, **confirm this hypothesis; however, we also wish to clearly mention the existing lack of data.***

H 20 Today, countries have developed much more sophisticated and complex ethics management systems than during our last assessment more than)) ten years ago. Also, ethical standards and ethical expectations have grown. However, (mostly) because of existing gaps in measuring ethics policies and monitoring ethical outcomes, we cannot conclude whether trends have led to more effective policies.

> ***This hypothesis could not be confirmed*** *because of a lack of empirical data. However, it can be confirmed through the existing qualitative research (state of research and literature). We, therefore,* ***confirm this hypothesis****; however, we also wish* ***to clearly mention the existing lack of data.***

The results of our (hypotheses) testing show that there is growing evidence that innovation in governance and ethics policies produces various (unintentional) side effects. In the United States, the sociologist Robert Merton (Merton, 1936, 894–904) was the first to discuss that any form of (political and institutional) action has many unanticipated consequences. This was followed by the famous invention of the concept of "bounded rationality" by Simon in *Administrative Behavior* (Simon, 1945). Since then many experts discussed the concept of unintentional effects and paradoxes of reforms from many different angles and approaches (Margetts, Perri 6, & Hood, 2010; Smith & Lewis, 2011; Jarzabkowski & Langley (eds), 2017) and also in the field of ethics policies (Nieuwenburg, 2007).

Especially when looking back at the "classics" in administrative sciences (Merton, Simon, Hood), it is surprising that many people perceive innovation, reform, and change as something inherently positive. In reality, as the history of governance reforms shows, it is also a history of tradeoffs, limits, dilemmas, paradoxes, and contradictions.

Therefore, we also claim in this study (similar to the study by Demmke & Moilanen, 2012) that the impact of innovations on major goal achievements can be positive or negative, effective or ineffective, and intentional or unintentional. Secondly, reforms may have an impact not only on the main goal but also on some other goals. In other words, they may have positive or negative side effects, or they may not have side effects at all. From these combinations, it is possible to construct a useful model that describes different effect combinations. Applying this analytic framework to the evaluation of public policies, reforms, and innovations may help to encourage a more rational discourse.

Hesse, Hood & Peters (2003) have presented a useful matrix to assess various effects the reform may have. Firstly, the impact of reform measures on major goal achievements can be positively or negatively effective or ineffectively. Secondly, reforms may have an impact not only on the main goal but also on some other goals. In other words, they may have positive or negative side effects, or they may not have side effects at all. From these combinations, it is possible to construct a nine-fold table describing nine different effect combinations (Table 1). Applying this analytic framework to the field of ethics may also help to encourage a more rational discourse.

Figure 41: Nine possible effects of ethics policies

	Impact on other goals		
Impact	**None** (no side effects)	**Positive side-effects**	**Negative side-effects**

Positively effective main goal achieved	All ethics policies have side effects	Country, organizational, and individual performance, motivation, health, commitment, engagement, trust, image of organization, attractive employer, pro-social behavior, retention intention	Administrative burdens, red tape, Reporting of interests, Monitoring of Registers of Interest, Monitoring of revolving door intrusion in privacy, ineffective institutionalization of ethics transaction costs costs for ethics policies, ethics bodies, costs for training, strategies and plans, design of ethics
Ineffective no effect	Ethics principles and codes (if not taken seriously), no implementation and enforcement of ethics policies, lack of incentives, lack of resources	Self-assessments and awareness, Integrity officers, Ethics climate surveys	
Negatively effective reverse effects	Ethics abused as a political instrument, too strong moralization of organizations, ethics assessment (politically) abused in performance assessments	Responsiveness, obedience, loyalty, routine	Poor leadership, Ethics misused for political strategies, social credit systems, ethics abused for employees' surveillance, control, distrust, lack of ethical culture, poor performance, frustration, de-motivation, sickness, stress, distrust, turnover intention, unethical behavior,

			moral justification and moral reasoning

Source: Hesse & Hood & Peters (2003)

Differently to our study in 2011, in this study, we also acknowledge that innovations in ethics policies create many opportunities (mostly as regards the design and choice of new instruments and the improved monitoring and measurement of policies) but also generate more administrative burdens, bureaucracy, higher costs, and more intrusion into privacy.

Overall, the effects of ethics policies and ethics instruments depend on many external variables and factors, such as good working conditions, good leadership, and the perception of fair HR policies.

Overall, ethics policies become ever more complex, detailed, and demanding. Countries invest heavily in the institutionalization of ethics policies. Overall, trends are towards a proliferation of ethics bodies and a fragmentation of the institutional landscape. Many countries have not yet found a way to improve the coordination among the various bodies. We also note that (apart from research about the effectiveness of anti-corruption bodies), countries have not invested in research about the effectiveness of (independent) ethics committees, integrity officers, ethics audits, and other actors.

The existence of many shortcomings in the implementation of policies has been discussed.

In addition, we wish to highlight that the enforcement of ethics policies remains a "black box". If so, evidence focuses on illegal and criminal, and disciplinary violations. Overall, there is very little evidence about the enforcement of other forms of unethical conduct.

However, one conclusion of our research is that HR and judicial services are (increasingly) involved in the monitoring and enforcement of policies, especially in the fields of side activities, disclosure policies, and revolving door policies. So far, it is completely unknown how these actors manage these policies and what type of challenges they confront. Not surprisingly, countries report that the management of revolving door policies and side activities presents huge obstacles.

Different from many other public policies, in the field of ethics policies, countries have no overview of the costs and benefits of these policies. Overall, measuring costs is (methodologically) more complicated than anticipating the benefits of ethics policies.

Similar challenges exist as regards the measurement of ethics policies. Also, here, measurement is improving in the field of corruption (and partly in the field of ethical leadership), but little progress can be noted in other policy fields.

Overall, ethics policies are becoming more sophisticated and professionalized. Still, without proper integration into other governance logics, these policies are not effective enough because they have a limited impact on the overall objective of ethics policies (which is to reduce and prevent unethical behavior).

This is not to suggest that ethics policies are ineffective, either. Rather, many policies are highly contradictory, or even paradoxical.

a) The Ethics rules paradox

For many years, experts have noted that countries with highly regulated ethics management systems and strict enforcement practices may also have higher levels of corruption. Vice versa, countries with less regulated systems and relatively lax enforcement systems may also have lower levels of corruption. Moreover, countries with more rules, stricter enforcement systems, and tougher sanctions do not have more effective ethical systems (Bolleyer & Smirnova, 2017). This suggests that other factors and variables play a role other than rules, enforcement, and sanctions. However, again, this does not suggest that countries with highly regulated systems should engage in deregulation or lowering enforcement activities. In fact, in these countries, deregulating ethics policies would (most likely) make the situation only worse.

b) The Ethics management and bureaucracy paradox

Often, reform and innovation directly translate into growing implementation problems and undermine overall policy performance (Knill, Steinebach & Zink, 2024). More policies, broader concepts, stricter standards, and more fine-tuned (individualized) monitoring practices require more investments in the implementation of ethics policies. However, often, innovations are adopted without the parallel expansion of implementation capacities. This can be explained because politicians have strong incentives to demonstrate their responsiveness to citizens and call for more rules, stricter standards, mostly after scandals have taken place. However, politicians have less incentive to take care of the effective implementation and enforcement of policies. Those people who support the adoption of new rules and policies have weak (electoral) incentives to boost implementation capacities on the subnational and/or organizational level (especially if improvements in implementation would be linked to the actions of other political actors from other constituencies). Consequently, shortcomings in the implementation and enforcement of policies remain a problem, even if trends are towards a constant refinement of policies and instruments.

c) The Trust paradox

If a holder of public office, a manager, or an employee violates ethical standards, this can undermine trust in the public service (or politics). Therefore, one important purpose of ethics policies is to generate more public trust in politicians, public institutions, and public administrations.

However, the same ethics policies, instruments, and responses are also being introduced to prevent wrongdoing, prevent and deter holders of public service and employees from acting unethically. Thus, ethics policies are not only implemented to generate and restore trust, but also as distrust policies. Or, according to Mackenzie (2002): "The ethics culture is a culture rooted in distrust, in the notion that every public official and every candidate to be a public official is suspect" (Mackenzie 2002, 177). Moreover, often, people welcome the adoption of ever stricter standards because they distrust Holders of Public office (and to a much lesser extent, civil servants and public employees).

Therefore, the relationship between ethics policies and trust is far from clear.

In the Member States, the definition and concept of vulnerabilities (e.g., sexual harassment, use of discriminatory language, discrimination against vulnerable groups) is continuously expanding. Consequently, the chances of inclusiveness, participation, integration, protection, and anti-discrimination improve. However, the perception of being vulnerable is also continuously increasing, and, consequently, perceptions are also growing that discrimination is increasing. At the same time, there is more discussion about discrimination, wrongdoing, and harassment, not only because of existing grave problems but also because the situation has improved.

e) The popularity paradox

Increasingly, ethics policies are being instrumentalized and abused as a political weapon against political opponents, the political elite or because of various other personal (political) interests. Like this, ethics policies can serve any master. Consequently, ethics policies are also becoming (politically) more popular and attractive. This form of utilitarian instrumentalization is, however, the opposite of the original meaning of common good ethics, which is about developing universally applicable values and principles (and a virtuous mind).

f) The innovation and Artificial Intelligence paradox

Currently, debates about the pros and cons of artificial intelligence are highly ideological. The potential of artificial intelligence is either seen as a huge opportunity or as a big threat and risk.

Figure 42: The ambivalent effects of HR analytics

Positive Aspects	Critical Aspects
• HR analytics can decrease costs, enhance efficiency, effectiveness, fairness and objective decision-making and improve individual and organizational performance • Decision-making suggested by AI is often more objective, superior to human decision-making and less prone to error and bias • HR analysis is able to quickly process large amounts of data • HR analytics is thought to increase fairness and justice • HR analytics is better able to predict, modify and manage HR developments than human HRM	• Overall, the EU AI Act defines public HRM as a high-risk area • Overall, there exists a tension between AI-Analytics/AI-Intelligence system requirements as regards data needs and data protection • Often, HR officials lack the required skills to manage HR analytics • HR officials lack the skills to interpret HR analytics suggestions • HR departments lack insights as regards the development of best-practice HR analytics software which hinders the adoption of the best programs • HR departments are not yet equipped with (interdisciplinary) experts who

- HR analytics can better design individualized solutions to career development needs

- HR-Analytics can also be used for ethical advice

- HR-Analytics are promising tools in the field of recruitment policies, training and career development

- Increasingly, HR Analytics can also be used as an instrument in the field of moral and ethical advice; Instruments such as ChatGPT can be used as moral experts in providing guidance and advice in dilemmas

- HR analytics software is developing fast and is constantly improving

- Increasingly, algorithmic decision making is preferred because of its unbiasedness. Often, employees prefer the algorithm as a decision maker over a human

- are able to design, implement, monitor and interpret HR analytics and outputs

- Often, organizations have not yet implemented a fully-fledged risk assessment and ethical governance system

- In fact, the development market in HR software is huge, quickly developing, and often, not fully mature

- HR analytics rely on the quality and quantity of data. Thus, collecting data may be very intrusive, sensitive, and personal. Overall, when implementing HR analytics, there is a danger of mindlessly applying these instruments without proper ethical considerations (risk assessment)

- Treating employees as quantifiable data objects is ethically questionable

- HR decision-making and engagement is too complex to be measured and analyzed in data-driven ways

- HR analytics have created concerns of biases in hiring, performance assessment, and compensation decisions.

- By measuring people´s motivation, skills, competence, and performance through a set of measurable indicators, such an oversimplification of complex features can misrepresent reality

- Overall, HR analytics present an illusion of objectivity

- Deep and even dangerous invasions into privacy are possible through facial expression analysis, voice analysis and computer tracking. Like this HR analytics can be used for employee surveillance.

	• Even though algorithmic decision-making is perceived as more objective, decisions made by humans are regarded more favorably.

We note that countries are caught in an "innovation trap". As such, artificial intelligence is rightly seen as a huge competition factor. If countries hesitate or block innovations, this could produce (competitive disadvantage. Therefore, countries have a logical interest in neglecting (to a certain extent) the critical potential and the critical risks of AI. So far, countries also underestimate the need to effectively monitor and manage AI within public administrations. Currently, trends are towards the management of ethical risks, various forms of self-regulation, and self-management (e.g., the setting up of internal AI-ethics committees). These trends mirror classical trends in the field of ethics management (which have often been ineffective). These trends also contradict the principle of ethics that casts suspicion on any process in which organizations discipline themselves: No one should be the judge in his cause.

2. Survey conclusions

In times of constant change, innovation, and constant acceleration, values and principles like power, interests, authority, order, performance, competition, and success seem to prevail.

Research about trust (Norris, 2023) and value change seem to suggest trends toward a cultural backlash (Norris & Inglehardt, 2019), the coming of neo-feudalism (Kotkin, (2020), a new era of inequality (Savage, 2021), and the end of classical liberalism (Deneen, 2018).

Strangely enough, within the national public administrations, trends are also towards the opposite. There has never been so much talk about ethics as today. Countries continue to introduce more rules and more instruments. Likewise, in all ethics policies, concepts and definitions are broadening and ethical standards are becoming stricter. We also observe a constant widening of issues and concepts like vulnerability and moral injury. Countries find themselves in a process of institutionalization and professionalization of ethics policies. They also invest in better monitoring and measuring of ethics policies.

In this climate, it is unclear whether ethics policies and values are (increasingly) seen as soft policies that are not taken seriously. Or, whether countries accept that ethics policies produce several important "hard" side-effects and tangible outcomes. Overall, ethics policies are highly dynamic, fluid, and contradictory. Increasingly, ethics policies are also seen as a "utilitarian" value, as such. If they "pay", they are taken seriously. If they do not "pay", they are less important.

Because of this dynamic character, it is difficult to manage these policies effectively. For example, effective implementation and enforcement require constant adaptation, new resources, new skills, and higher budgets. In some countries, the expansion of disclosure policies has also generated a new ethics bureaucracy. However, countries are unwilling to invest in the effective implementation and enforcement of policies. Often, countries do not allocate enough (financial, technological, and personal) resources for the management and monitoring of policies.

Also, European countries have no strategic approach to ethics policies. Overall, there exists no government ethics policy like in the fields of environmental policy, social policy, agriculture policy, or economic policy. Instead, ethics policies are the sum of individual policies that have an impact on what is defined as public ethics. Because of this fragmentation of ethics policies, all policies are regulated, managed, monitored, and enforced in different "spheres" by different ministries, agencies, and organizations. Some policies are managed in highly decentralized or even deconcentrated settings. Overall, there exists a considerable amount of organizational autonomy in fields like gift policies, disclosure policies, or revolving door policies.

Overall, very little is known about the enforcement of policies. Apart from existing statistics about disciplinary violations, the field of enforcement is a "black box". Also, this study could not shed more light into this field. We note that evidence about the enforcement of revolving door policies is (particularly) missing. Most central public administrations do not collect data on the enforcement and sanctioning of revolving door violations. We note similar challenges in the fields of gift policies, side activities, and, to a lesser extent, disclosure policies.

Mostly, countries have no centralized oversight of management practices and no coherent and centralized data about monitoring practices. Also, the measurement of unethical behavior is (still) a challenge. As such, best documented is the situation in the field of corruption (here, best known is the so-called CPI-Index). Consequently, benchmarking also remains problematic, despite the great popularity of the concept.

Existing national surveys and studies suggest that the actual ethical behavior of central public employees differs among countries and cultures. Whereas serious forms of unethical behavior are an exception in some central administrations, other central public administrations (and civil servants) pay less respect for values and principles, mostly as regards meritocratic approaches, the rule of law, and conflicts of interest. Also, huge differences exist as regards the acceptance of concepts. Take the popularity of the concept of whistleblowing in the Netherlands or Belgium. Contrary to this, whistleblowing is widely disapproved of in the Western Balkans.

Again, existing studies about the state of (sexual) harassment and violence also report great differences among countries. However, in these cases, statistics should be interpreted very carefully as statistical outcomes are highly prone to cultural differences and also as regards definitions and concepts (for example. We note that sexual violence is reported to be high in Scandinavian countries[8] whereas this can be explained by several cultural factors, such as the courage to report and a highly developed reporting system. To this end, the European Institute for Gender Equality (EIGE) plays a leading role in providing information and research on administrative data collection on violence against women across the European Union. It also helps Member States to improve their data collection in this area and meet international legal obligations. EIGE has carried out four studies on the subject.

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[8] Across Member States, the prevalence of such violence ranges from 57.1 % in Finland, 52.5 % in Sweden and 49.1 % in Hungary to under 20 % in Czechia and Portugal (both 19.7 %), Poland (16.7 %) and Bulgaria (11.9 %). See FRA, EIGE, Eurostat (2024), EU gender-based violence survey – Key results. Experiences of women in the EU-27, Publications Office of the European Union, Luxembourg, p.14. See also the Methodological manual for the EU survey on gender-based violence against women and other forms of inter-personal violence (EU-GBV). 2021. Eurostat. Luxembourg: Publications Office of the European Union, 2021

The cases of measuring violence and harassment against women illustrate very clearly the urgent need to improve data collection and measurement of policies.

Thus, at the end of our complex journey into the world of innovative ethics policies, we end with surprising, simplistic conclusions: The more important Ethics policies are, the less they are accepted.

While we reject any *black or white thinking* (*ethics policies are good because they are supposed to be ethical – Ethics policies are "soft" policies and other policies and principles are more important*), we – nonetheless - conclude with a normative result of this study: If countries neglect the importance of ethics laws and policies (including justice, fairness, respect, dignity, tolerance, anti-discrimination and human rights, etc.), public administrations and public leaders cannot be trusted by the citizenry - and will not survive. Ethics policies are a precondition for good and effective public policies.

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ANNEX

THE SURVEY

POLAND25.EU

University of Vaasa in cooperation with the Polish Presidency of the European Union

Survey

"Innovation and Effectiveness of Good Governance and Ethics policies in central public administrations in Europe"

Study for the EUPAN Network

2024/2025

Questionnaire

On the following pages you will find a supplementary questionnaire that consists of seven themes split into sub-questions. Though replies to many of the questions will be necessarily difficult and challenging (because of the lack of clear evidence/data about many of the issues interrogated), they should to the extent possible reflect a broad view within your central/federal administration.

In order to facilitate your task, we also invite you to issue comments and clarifications in this e-document. If you have technical difficulties in filling out this document, we can send you the questionnaire in the file format of your choice.

Please reply by filling out this questionnaire by the **30th of November 2024** at the latest.

You may want to answer in English (preferable), but also in French, Dutch, Italian, Spanish or German.

A first discussion around the issue will take place on **13-14 March 2025** in the first EUPAN Expert Working Group meeting in Warsaw. The final report will be presented at the Director-General meeting in Warsaw on **27-28 May 2025**.

Thank you in advance for your cooperation and valuable comments.

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☐ Mandatory questions are marked with an asterisk (*)

1. Background Information

1.1 Name of the Member State: *

_____

1.2 Name and title of the respondent (only for re-contacting, if necessary)

_____

1.3 Respondent's organisation: *

_____

1.4 Respondent's email and telephone information *

_____

2. Public discussions on public-service ethics

2.1 Have the following issues been a subject of political or public media discussion (TV, newspapers) in your country during the last five year?

	No	Somewhat	Intensive
Political corruption	○	○	○
Good Administration, Rule of Law	○	○	○
Conflicts of Interest	○	○	○
Revolving door CoI	○	○	○
Discrimination	○	○	○
Mobbying, Violence	○	○	○
Administrative misconduct, stealing, lying, aggression	○	○	○
Merit based issues, politicisation	○	○	○
Unfairness, Injustice	○	○	○

Comments

_____
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_____
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_____

2.2 Reforms and innovations in ethics policies are mostly a reaction to scandals/ad hoc discussions than to carefully designed and planned strategies

	1	2	3	4	5	
Totaly Agree	○	○	○	○	○	Totally Disagree

Comments

_____

_____

_____

_____

_____

2.3 Would you agree that scandals are typically followed up by the adoption of more detailed and stricter rules/standards without........

i. sufficiently considering the effectiveness of these rules

	1	2	3	4	5	
Totally Agree	○	○	○	○	○	Totally Disagree

ii. sufficiently considering the need to allocate new personal, financial and organizational resources for the implementation of these rules

	1	2	3	4	5	
Totally Agree	○	○	○	○	○	Totally Disagree

iii. sufficiently considering considering enforcement challenges

	1	2	3	4	5	
Totally Agree	○	○	○	○	○	Totally Disagree

Comments

_____
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2.4 When there are scandals, these are quickly and, often, strongly condemned. But, there is also a paradox between the outraged media and political reactions and a policy of tolerance when it comes to enforce and sanction these forms of misconduct.

	1	2	3	4	5	
Totally Agree	○	○	○	○	○	Totally Disagree

Comments

_____
_____
_____
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_____

2.5 Overall, amongst the public (citizens), there is a great diversity of judgments (ranging from gravely condeming to openly tolerating) in matters of public misconduct regarding cases of corruption, embezzlement of public money, lying, submission of political decisions to economic interests (state capture), clientelism, instrumentalization of politics, favoritism or conflicts of interest

	1	2	3	4	5	
Totally Agree	○	○	○	○	○	Totally Disagree

Comments

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Comments

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2.6 Would you agree with the following paradoxical statements:

	Very Much	Somewhat	Difficult to say	Not really	Absolutely not
2.6.1 A newly emerging paradox is that, frequently, the public and media easily perceive "scandals" as a sign of a self-serving and corrupt political system whereas new political initiatives in the field of ethics policies are easily rejected as forms of moralization of public life	○	○	○	○	○
2.6.2 Scandals are not always the consequence of illegal behavior, but of various forms of unaccepted unethical behavior, such as favoritism, discretionary treatment, and, conflicts of interests. This, however, illustrate the importance of managing ethics not only by legal instruments, but through ethical leadership, informal instruments, value management, and caring for principles such as the principle of merit, equal opportunity, respect, organizational justice and rule of law	○	○	○	○	○

Comments

_____
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_____
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3. Impact of Governance Reforms/Changes in the Delivery of Public Services and Impact on Public Ethics

During the last decades, governments increasingly introduce changes in public service delivery through the introduction of public private partnerships, outsourcing, co-production and other collaborative forms of management etc. Thus, decentralization and delegation affect the effectiveness and independence and ethical policies.

Government Reforms/Changing Delivery of Public Service

	Very Much	Somewhat	No Changes	Decreased	Cannot Say
3.1 Ethical risks, such as conflicts of interest, constantly shift as a result of governance changes and innovations in the delivery of public services. This, again, requires constant adaptations of monitoring requirements and changes in the allocation of (moral) responsibilities	○	○	○	○	○
3.2 Managing conflicts of interest is highly complex in the field of outsourcing. While government employees are subject to strict ethical standards, most of these standards do not apply to contractors that deliver services, e.g. through public procurement.	○	○	○	○	○
3.3 Public authorities do not have any systematic way of even finding out when contractor personnel find themselves in a conflict of interest. The personal conflicts of interest of outsourced, contractor personnel are largely unregulated.	○	○	○	○	○

	Very Much	Somewhat	No Changes	Decreased	Cannot Say

3.4

Therefore, countries should better specify how to control and monitor the exercise of these tasks. For example, before outsourcing takes place, sufficient monitoring capacities and resources must be allocated to the fulfillment of the monitoring tasks. In order to contain outsourcing risks, effective contract management remains crucial to ensuring good performance.

○	○	○	○	○

3.5

Especially, in the field of public-private partnerships and outsourcing, public (contractor) organizations and (private) contracted personnel may be bound by different, or less strict (or clear) impartiality-,transparency-,confidentiality- and conflict of interest policies and rules, even if the contractor personnel may be performing the same tasks that the public authority normally would perform (if the services would not be subject to outsourcing). Thus, it is difficult to make sure that outside experts are subject to the same policies and rules if they also exercise important public tasks

○	○	○	○	○

3.6

However, imposing strict conflicts of interest standards on contractors will also make it more difficult to attract a sufficient number of contractors with the right expertise. Stricter ethical rules and policies will carry with them a risk of deterring private companies and private sector personnel to take an interest in outsourcing tasks.

○	○	○	○	○

Comments

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4. Assessing the effectiveness of ethics policies and instruments

4.1 Usually, countries use a wide menu of instruments in the fight against corruption, conflicts of interest and other forms of unethical behaviour. How to you assess the effectiveness of these instruments?

	Highy Effective	Moderately Effective	Effectiveness depends on context	Rather ineffective	Ineffective
Laws and regulations	O	O	O	O	O
Codes of Ethics	O	O	O	O	O
Ethical Leadership	O	O	O	O	O
Training, incl. dilemma training	O	O	O	O	O
Openness, transparency	O	O	O	O	O
Registration of financial interests	O	O	O	O	O
Post-employment	O	O	O	O	O
Strict gift policies	O	O	O	O	O
Integrity officers providing counselling	O	O	O	O	O
Whistleblowing	O	O	O	O	O
Lobby registers	O	O	O	O	O
Deterrent threats, like (financial) sanctions, warnings, dismissals	O	O	O	O	O
Auditing mechanisms	O	O	O	O	O
Independent and external ethics bodies	O	O	O	O	O
Value management	O	O	O	O	O
Monitoring side-activities	O	O	O	O	O
Naming and shaming	O	O	O	O	O
(Ethical) Leadership	O	O	O	O	O
Enforcing revolving door	O	O	O	O	O

4.2. How do you consider the effectiveness of advice, guidance (training) and awareness creation?

	Agree	Partly agree	Other
evidence show that the these instruments are effective	○	○	○

Comments

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4.3. How do you consider the effectiveness of internal codes of ethics?

Guidance

	Agree	Partly agree	Other
evidence shows that these instruments are effective and bring the anticipated consequences	○	○	○

Comments

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4.4. Assessing the effectiveness of (ethical) Leadership in a changing environment

Generally, ethical leadership is considered as an important and potentially effective instrument in the fight against unethical behavior. Still, from the perspective of leaders, it is not easy to translate ethical leadership requirements into practice and in daily life management.

Do leaders in your central public administratio agree with the following statements.

	Totally Agree	Generally Agree	Depends on Situation	Partly Disagree	Totally Disagree
4.4.1 Conventionally, my main goal as a leader is to improve organizational (and individual) performance. Other priorities are getting things done, reaching targets, reacting to daily ad hoc demands, responding to political demands, achieving financial gains, effectiveness and performance. These daily management tasks and other pressures leave little time to reflect about ethical decision-making and ethical leadership	O	O	O	O	O
4.4.2 Because other things are more important than ethics and trust, ethics and trust is more important than any issue (D. Thompson)	O	O	O	O	O
4.4.3 Overall, handling misconduct is complex, time consuming and a highly difficult and stressful leadership task. Therefore, often, Leaders shy away from managing misconduct.	O	O	O	O	O
4.4.4 Trust and trustworthy leadership are commonly seen as important preconditions for effective leadership. As such, trustworthiness con be defined as the perception of someone to behave with fairness, integrity, professional, and competence. In times of quickly changing environments and constant innovation, it is becoming more challenging to act as trustworthy leader.	O	O	O	O	O

Comments

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4.5 Ethics policies are, often, highly regulated policies. Still, countries, find it necessary to introduce/finetune/re-regulate or codify ethics rules and ethics standards.

If so, which areas and/or policies are mostly concerned?

	Need for more rules	Need for amendments of existing rules	Difficult to say	Generally, no need, but in specific cases	No need
post-employment	O	O	O	O	O
gift policies	O	O	O	O	O
abusing organisational resources	O	O	O	O	O
fraud	O	O	O	O	O
corruption	O	O	O	O	O
mobbing	O	O	O	O	O
politicisation	O	O	O	O	O
sexual intimidation	O	O	O	O	O
public procurement	O	O	O	O	O
diversity management	O	O	O	O	O
anti-discrimination	O	O	O	O	O
artificial intelligence	O	O	O	O	O
digitalisation	O	O	O	O	O
sustainability	O	O	O	O	O
artificial Intelligence	O	O	O	O	O

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5. The administrative challenge: Managing and Monitoring Ethics Policies

During the past decades, trends have been towards an ethicalization of law and policies. Ethicalization means that ever more laws, regulations and administrative provisions refer to ethical requirements and ethical standards. Integrity concepts have also become broader and integrity standards have become stricter. These trends could be characterized as a self-reinforcing and scandal-driven logic that is highly simplistic, change resistant and continue to follow the logic of requesting ever more and ever stricter laws, after scandals took place. Simplistic and change resistant means that it was simply impossible to call for a deregulation, relaxation or differentiation of integrity policies in certain areas, or – sometimes – to criticize the call for more and stricter laws. Partly, this logic still exists, today. The popular narrative is the following: More, stricter, wider – is the way to go. Thus, like in many other policy fields, policy- and regulatory growth is also a widespread feature in integrity policies and a consequential political development in all countries worldwide. It is the price to pay for upholding democratic values and integer behavior in ever complex societies. Also, integrity policies and ethics management are expanding and becoming more complex. In fact, another consequence of these trends is that the management of integrity policies is becoming increasingly institutionalized, resource-intensive, time-consuming and complex. For example, disclosure policies have become one of the most important instruments in the field of ethics policies. However, there is very little research (and understanding) about the management practices in daily life. In order to shed more light on the practical management and monitoring challenges, please accept the following questions.

5.1 MANAGING INSTITUTIONAL FRAGMENTATION

5.1.1. Which institutions, administrative bodies, persons, or committees have responsibilities in the implementation of ethics policy? (name, status, staff and other resources)

☐ Ombudsperson

☐ Agencies. e.g. specialized anti-corruption agencies

☐ Integrity Officers

☐ HR units within the Ministries, Agencies, e.g. responsible for monitoring disclosures policies/revolving door policies

☐ Judicial Offices

☐ Integrity Officers

☐ Data Protection Bodies

☐ Anti-Discrimination bodies

☐ Specific monitoring committees

☐ Ethics/Anti-corruption Committees

☐ Audit bodies with responsibilities in the field of Artificial Inteligence and ethics

☐ Contact Persons

5.1.2. In the field of related policies such as the management of gift policies, revolving door policies, disclosure of (financial), administrative responsibilities are shared and fragmented

○ Very much (different authorities share responsibilities)

○ Somewhat

○ No, responsibilities for these policies are coordinated and/or centralised amongst the same administrations, bodies etc.

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5.1.3 Is the coordination and communication of ethics policies amongst these bodies complicated, e.g. due to the growing fragmentation of responsibilities ?

○ Trends are towards growing fragmentation

○ Trends are towards better coordination

○ Challenges depend, case by case

○ Cannot say

Comments

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5.1.4 Generally speaking, do trends exist on central/federal level towards the setting up of independent and external ethics bodies?

○ Yes, there is a trend towards introduction of external/independent bodies

○ No

○ Other

Comments

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5.2. Managing the monitoring challenge

5.2.1 Current trends in the field of ethics policies require administrations to monitor the declaration of interests of ever more issues (e.g. from financial interests to non-financial interests) and of ever more categories of staff or persons (including the interests of the spouse, close family members etc.).

Do monitoring bodies in your country face increasing challenges (e.g. skill challenges, lack of personnel resources etc.) to manage these trends?

○ Yes

○ No

○ Do not know

Comments

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5.2.2 In the field of disclosure policies, do monitoring experts in your country report about increasing difficulties as regards the verification of disclosure information?

○ Yes

○ No

○ Do not know

Comments

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5.2.3 In the field of disclosure policies, the most pressing monitoring challenges are...

	Yes	No	Other
As regards the collection of data	○	○	○
As regards the verification of data and checking of data for compliance	○	○	○
As regards the need to give feedback to filers and/or to request updated data	○	○	○
As regards decision-making on sanctions in case of non-compliance	○	○	○
As regards the possibility to check the complexity and detailedness of the required data	○	○	○
As regards the checking and protection of privacy issues	○	○	○
Lack of information/do not know	○	○	○

Comments

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5.2.4 Managing the Administrative Burden

	Yes	No	Other
Are monitoring experts in your country in favour of deregulating disclosure requirements in order to ease administrative burdens?	O	O	O
If yes, in which form, e.g. for exp. by reducing certain disclosure requirements, offering waiver possibilities	O	O	O
Reducing content-based disclosure requirements	O	O	O
Reducing disclosure requirements for certain categories of staff	O	O	O
Reducing disclosure requirements in the HR life-cycle (e.g. in the recruitment phase; exceptions for certain age groups)	O	O	O
Reducing disclosure requirements for certain categories of staff in less vulnerable positions	O	O	O
Offering temporary waivers for persons who have filed disclosure requirements successfully during the last years	O	O	O
Lack of information/do not know	O	O	O

Comments

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5.2.5 Overall, in which policy fields exist the most difficulties to monitor and to enforce ethics policies?

☐ Revolving door

☐ Side-Activities

☐ Non-financial Conflicts of Interest

☐ General misconduct such as aggression, unfairness, injustice, mobbying)

☐ Intensification of monitoring, accountability and control requirements

☐ Diversity policies

☐ Discrimination, e.g. age-related; disability; gender; part-time workers, home office etc.?

Comments

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5.2.6 Does evidence exist in your country/organisation about cost developments as regards the management of ethics policies?

○ Yes, costs are strongly increasing

○ Costs are increasing

○ Costs are decreasing, e.g. due to digitlisation, use of Artificial Intelligence etc

○ No big changes

○ No monitoring of cost developments

Comments

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5.2.7 If yes, in which fields are costs increasing?

☐ Investments in training

☐ Investments in awareness raising and guidance

☐ Investments in the management of disclosure policies

☐ Investments in enforcing policies

☐ Investments in measuring ethics policies

☐ Others

☐ Investments in managing/monitoring ethical risks in the field of artificial intelligence

Comments

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5.3. MANAGING CHALLENGES IN THE ENFORCEMENT OF ETHICS POLICIES

	Strongly Agree	Partly Agree	Cannot say, it depends	Partly Disagree	Strongly Disagree
5.3.1 So far, enforcement activities always focused on criminal and illegal conduct, for exp. on corruption and fraud. And much less on the violation of behavioral standards, misconduct and conflicts of interests, such as disclosure policies and revolving door issues	O	O	O	O	O
5.3.2 Overall, enforcement practices seem to vary enormously amongst anti-corruption agencies, but also amongst other responsible authorities, ethics bodies and HR services. The consequence is a trend towards growing enforcement fragmentation.	O	O	O	O	O
5.3.3 In my country, there exists little evidence about the use of warnings, reprimands, policies of zero-tolerance, the use of administrative sanctions, prohibitions and other deterrent policies.	O	O	O	O	O

	Strongly Agree	Partly Agree	Cannot say, it depends	Partly Disagree	Strongly Disagree
5.3.4 Often, central/federal administrations shy away from introducing ethical (mis-) behavior and ethical conduct as indicators into performance assessment systems.	O	O	O	O	O
5.3.5 Civil Servants should know that rules and ethical standards are enforced and that there will be certainty in enforcement. However, this is not always the case.	O	O	O	O	O
5.3.6 Next, if sanctions have a deterrent effect, they need to be credible, just, impartial and deterrent. Certainty matters more than severity.	O	O	O	O	O
5.3.7 People should know that rules and ethical standards are enforced and that there will be certainty in enforcement. However, there is lack of information about the enforcement of ethical standards in the various institutions and administrations.	O	O	O	O	O
5.3.8 Enforcing misconduct differs in theory and in practice. In theory, most institutions have the authority to impose significant fines but do not do so. In reality, only few institutions recommend that officials be removed from office for ethics violations.	O	O	O	O	O
5.3.9 In cases of disciplinary misconduct, central administrations mostly focus on issuing warnings or reprimands. Very few administrations decide to remove a government official for ethical misconduct.	O	O	O	O	O

	Strongly Agree	Partly Agree	Cannot say, it depends	Partly Disagree	Strongly Disagree

Comments

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5.4 Managing civil service- and HR reforms and the impact on ethics

5.4.1 Overall, what are the major obstacles and difficulties for an effective policy in your national public service?

	Major Obstacle	Minor Obstacle	No Obstacle
Poor quality of existing laws, regulations and codes	O	O	O
Enforcement of codes (if codes exist)	O	O	O
Lack of active leadership and leadership commitment?	O	O	O
Lack of ethics-related training	O	O	O
Organisational culture does not match with ethical standards	O	O	O
HRM policy contradicts with ethical requirements (no independent selection and recruitment procedures, politicized administration, control of diplomas and references, no review list of vulnerable functions, oath,etc.)	O	O	O
HRM policy is not strictly merit-based (exceptions for politicians, top-managers, public employees, minorities, women, disabled persons)	O	O	O
Ethics policies are not taken seriously-not enough awareness and knowledge of ethics rules	O	O	O
No monitoring (registration of ethical violations lacking)	O	O	O
No independent ethics examinations (e.g., through ethics commissions)	O	O	O

	Major Obstacle	Minor Obstacle	No Obstacle
Lack of evaluation of violations	O	O	O
Lack of sanctions/deterrence for administrative	O	O	O
Ethics policies are not integrated into other policies (e.g. through unfair recruitment, pay, promotion policies)	O	O	O

Comments

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5.4.2 Currently, HR-policies are subject of great changes and innovations. Which reform trends are considered as most vulnerable to integrity violations (e.g., bribing, favoritism, conflict of interest through gifts or outside activities)?

	Very Vulnerable	Not Vulnerable	Cannot Say
a. generally, the implementation of new austerity measures (reduction of jobs, dismissals, freezing of salaries, reduced promotion)	O	O	O
b. pay reforms	O	O	O
c. reforms of social security systems	O	O	O
d. reform of job security	O	O	O
e. introduction of Artificial inteligence	O	O	O
f. citizen-orientation	O	O	O
g. openness	O	O	O
h. enhancing mobility between public and private sector	O	O	O
i. organisational reforms (abolishment of hierarchies)	O	O	O
j. decentralisation of HR responsibilities	O	O	O
k. change of organisational culture	O	O	O

	Very Vulnerable	Not Vulnerable	Cannot Say
l. promotion policies	○	○	○
m. recruitment policies	○	○	○
n. competency management	○	○	○
o. outsourcing	○	○	○

Comments

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5.4.3 Please comment/rate the following statements. Managing ethics policies is challenging, because

	Agree	Do Not Agree	Other
not sufficient attention is given to the implementation and enforcement of these issues	○	○	○
not enough personnel and financial resources are allocated for the management of these policies	○	○	○
because unethical misconduct is – too often – tolerated	○	○	○
because there is too little attention to the effectiveness of integrity bodies, ethics committees and anti-corruption agencies	○	○	○
because of the poor quality of law and the fragmentation of law in the field	○	○	○
because of fragmentation of institutional responsibilities and coordination challenges amongst the responsible institutions	○	○	○
because ethics bodies are not independent and ethics monitoring is based on the principles of self-regulation and self-monitoring	○	○	○

Comments

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5.4.4 What are considered the greatest challenges for politicians and top-officials? (please feel free to comment)

☐ difficulties to manage side-activities and revolving-door issues (ethical challenges arising from moving between the public and private sectors):

☐ politics is always about managing conflicting values, interests and objectives. Therefore, it is challenging to be an ethical politicians

☐ trends in (international) politics are towards moral relativism and tolerance for unethical conduct

☐ overall, a decline of good governance principles, like the principle of merit and the rule of law

☐ a lack of understanding amongst politicians that ethics policies contribute to organizational and individual performance

☐ too high tolerance as regards cases of corruption and conflict of interest of ministers

☐ difficulties to manage ethical issues of politicians because of too high complexity of the issue as stake

☐ general trends towards more politicization in public life

☐ others

6. TRENDS IN MEASURING CORRUPTION AND UNETHICAL BEHAVIOR

Measuring corruption and unethical behavior are becoming ever more important. To this end, throughout the last years, Member States have invested to introducing a professional system of data management. Still, existing challenges are manifold. For example, in most quality evaluation frameworks, the quality of data is evaluated according to various indicators and factors.

- the collection and availability of data
- the relevance and usefulness of data
- the accuracy and validity of data

- the reliability and consistency of data
- the periodicity of data and the need to regularly update data
- the accessibility of data for users, society etc.

Another challenge seems to be that Member states have focused on measuring corruption and fraud, but – at least partly – neglected the measurement of other ethics policies, like the development of conflicts of interest.

6.1 What are considered the most important challenges in measuring conflicts of interest policies, including revolving door, side-activities, spouses activities, disclosure of financial- and non financial interests?

	Huge Challenge	Challenge	No measurement, yet	Minor Challenge	No challenge
the collection and availability of data	○	○	○	○	○
the relevance and usefulness of data	○	○	○	○	○
the accuracy and validity of data	○	○	○	○	○
the reliability and consistency of data	○	○	○	○	○
the periodicity of data and the need to regularly update data	○	○	○	○	○
the accessibility of data for users, society etc.	○	○	○	○	○

Comments

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6.2 Do you assess the developments of data management and measurement in your country? If so, what are trends, namely as regards

	Strongly improving	Improving	No development	Getting more difficult
Measuring corruption and fraud	○	○	○	○

	Strongly improving	Improving	No development	Getting more difficult
Measuring conflicts of interest, e.g. violations to disclose declarations of interest, the numbers of decisions to sanction failure to disclose e.g., the number of revolving door cases e.g. prohibitions to switch jobs	○	○	○	○
Measuring other forms of misconduct	○	○	○	○

Comments

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7. Innovations in Ethics Policies

7.1. Innovations and the choice of instruments – trends and developments

For a long time, EU Member States focused on legal instruments in the fight against unethical behavior. In the meantime, countries have a much wider arsenal of instruments at disposal, ranging from legal instruments to economic instruments (including incentives), education and awareness raising, behavioral instruments (such as nudging, naming and shaming) but also in the field of monitoring, measuring unethical conduct, the use of transparency as instrument and new forms of institutionalisation and enforcement.

Innovation and the integrity tool-box

LEGAL	ECONOMIC	INSTITUTIONAL	PURSUASIVE	MANAGERIAL	CONTROL
New re-quirements needed for new challenges (e.g. artificial intelligence, outsourcing) Codification of legal system (avoiding legal fragmentation) Flexibilisation of requirements, derogation Lowering of requirements	Incentives, e.g. waivering Increasing subsidies, grants and resource allocation for ethics management, training Taxes	Need new bodies Improving independence policies Centralisation/De-centralisation External expert bodies Strenghtrening ombudsman, court of auditors Collaboration/Coor dination	Improve training, Awareness, Guidance, dilemma Training Improve Information Invest in nudging/be-havioral instruments Naming/Shaming	Ethical Leadership Assess org. culture Benchmarking Invest in measuring, better data Enhance transparency and disclosure mgt Reporting Evaluation Risk Management	Invest in enforcement Improve deterrence, sanctioning Enhance Monitoring Better whistleblowing Invest in workplace surveillance Establish social Credit Systems and Ethics

7.1.1 When considering the need to increase the effectiveness of ethics policies, in which of these fields are the most promising opportunities for innovations and effectiveness?

	Yes	No	Other
Legal	☐	☐	☐
Economic	☐	☐	☐
Institutional	☐	☐	☐
Pursuasive	☐	☐	☐
Managerial	☐	☐	☐
Control	☐	☐	☐
Artificial Intelligence	☐	☐	☐

Comments

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Introduction: Anticipating the (Public Service) Ethics of artificial intelligence

Although, the EU AI Act entered into force as of 1 August 2024, so far there has been no studies about the effects of the introduction of AI on public service ethics. Obviously, the ethics of artificial intelligence cover a broad range of topics within the field that are considered to have particular ethical stakes. This includes algorithmic biases, fairness, automated decision-making, accountability, privacy, regulation, risk management, bureaucracy and governance. It also covers various emerging or potential future challenges such as machine ethics (how to make machines that behave ethically), AI safety, AI and technological unemployment, AI-enabled misinformation, AI and risks, morality of AI (can you train AI to act ethical?), AI in recruitment policies, AI in performance management, AI in career development policies etc.

As regards public sector policies, some AI application areas may also have particularly important ethical implications, like in the fields of personnel management, healthcare, education, or in the military, for exp. as regards the development of lethal autonomous weapon systems, arms race dynamics.
Because of the fast spreading use of AI; increasingly, there is a need to discuss whether AI is capable of making ethical decisions and whether it is possible to create moral robots that process information similarly to humans. Inevitably, this also raises the question of the context (country, culture, language, religion) in which such robots would learn about ethics, ethical decision-making and values and whose morality they would inherit.

Obviously, the relationship between ethics and AI in the public sector merits more attention and, a proper, more detailed survey. However, given our limitations, we suggest to **focus on the most important challenges in central public administrations and in the field of Human Resource Management**.

Managing the ethical challenges of innovative data driven HR, HR analytics and AI enabled HR

In fact, today, almost everything we do at work can be measured. Overall, the explosion of data, coupled with AI driven progress in analytics mean that HRM can extract insights that generate many new effects. The terms data – driven HR, AI enabled HR, or people analytics do not refer to a technology, but to a novel, quantitative, evidence-based, and data-driven approaches to manage and measure Human Resource Management policies.
In the field of public management, Human Resource Management (HRM) and Ethics, organisations increasingly rely on data driven HR and AI enabled instruments such as people analytics to optimise human resource management practices in areas such as recruitment, performance evaluation, personnel development, health and retention management.
However, as such, trends in the field of data driven management, machine leaning, measurement and artificial intelligence (AI) are considered to be highly ambivalent. While they produce huge opportunities, they also bring high risks and challenges.

To this end, the EU Artificial Intelligence Act (EU AI Act) tries to strike the balance of risk management and protecting critical infrastructure from potential pitfalls, while promoting the innovations that general-purpose AI can bring with it.

The EU's Artificial Intelligence Act (AIA) sets out four risk levels for AI systems: unacceptable, high, limited, and minimal (or no) risk. As such, High-risk AI systems referred to in Article 6 (2) are systems used for recruitment or selection, particularly targeted job ads, analysing and filtering applications, and evaluating

candidates; Promotion and termination of contracts, allocating tasks based on personality traits or characteristics and behaviour, and monitoring and evaluating performance. The EU Act also refers to the so-called EU Data Protection Regulation 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data.

Overall, it is widely accepted, that, treating employees as quantifiable data objects, rather than as cultural, sentient social human beings can be ethically questionable. Human engagement can be too complex to be measured, evaluated and analysed in a data driven way similar to other parts of the organization. Because human behavior is much more complex and much less predictable than that of machinery or other tangible assets, reducing complex human characteristics and behavior for representation by data points and numbers is problematic.

Therefore, AI systems should be data responsible. They should only use what they need and delete when it is no longer needed. Likewise, data should only be collected in an authorized manner. Overall, AI systems should only collect and use data in accordance with privacy and data protection laws.

Compared to other forms of data driven analytics, data driven HR analytics has the potential to be more invasive to employees, also in interfering with the individual's way of working and living in several ways: It is possible that the data collected for HR analytics tend to be by their nature very sensitive, granular and personal. Today, HR departments have the tools extract personal data in various ways. These types of HR analytics concern image and video analytics, text analytics, sentiment analytics and voice and speech analytics. Thus, HR departments are in the position to trace activity data, conversation data and photo, or video data. Thus, the instrument of data driven algorithms and people analytics raises privacy and data protection concerns that result from increasingly intrusive actions of people analytics. However, again, the introduction of AI and data driven HR-analytics also presents huge opportunities. As such, we suggest to the Member States a list of the most important discussed positive and critical effects of HR-analytics.

Managing the ambivalent effects of HR analytics

Positive Aspects
- HR analytics can decrease costs, enhance efficiency, effectiveness, fairness and objective decision-making and improve individual and organizational performance
- Decision-making suggested by AI is often more objective, superior to human decision-making and less prone to error and biais
- HR analysis is able to quickly process large amounts of data
- HR analytics is thought to increase fairness and justice
- HR analytics is better able to predict, modify and manage HR developments than human HRM
- HR analytics can better design individualized solutions to career development needs
- HR-Analytics can also be used for ethical advise
- HR-Analytics are promising tools in the field of recruitment policies, training and career development
- Increasingly, HR Analytics can also be used as instrument in the field of moral and ethical advice; Instruments such as ChatGPT can be used as moral experts in providing guidance and advice in dilemmas
- HR analytics software is developing fast and is constantly improving
- Increasingly, algorithmic decision making is preferred because of its unbiasedness. Often, employees prefer the algorithm as a decision maker over a human
- With remote working becoming more common, employers may view the use of some AI monitoring systems as legitimate

Critical Aspects

- As such, the EU AI Act defines HRM as a high risk area
- Overall, there exists a contradiction between AI-Analytics/AI-Intelligence system requirements as regards data needs and data protection
- Often, HR officials lack the required skills to manage HR analytics
- HR officials lack the skills to interpret HR analytics suggestions
- HR departments lack insights as regards the development of best-practice HR analytics software which hinders the adoption of the best programs
- HR departments are not yet equipped with (interdisciplinary) experts who are able to design, implement, monitor and interpret HR analytics and outputs
- Often, organisations have not yet implemented a fully fledged risk assessment and ethical governance system
- In fact, the development market in HR software is huge, quickly developing and, often, not fully mature
- HR analytics rely on the quality and quantity of data. Thus, collecting data may be very intrusive, sensitive and personal. Overall, when implementing HR analytics, there is a danger of mindlessly applying these instruments without proper ethical considerations (risk assessment)
- Treating employees as quantifiable data objects is ethically questionable
- HR decision-making and engagement is too complex to be measures and analysed by data driven ways
- HR analytics have created concerns of biases in hiring, performance assessment and compensation decisions.
- By measuring people´s motivation, skills, competence and performance through a set of measurable indicators, such an oversimplification of complex features can misrepresent reality
- Overall, HR analytics present an illusion of objectivity
- Deep and even dangerous invasions into privacy are possible through facial expression analysis, voice analysis and computer tracking. Like this HR analytics can be used for employee surveillance.
- Despite the fact that algorithmic decision-making is perceived as more objective, decisions s made by humans are regarded more favorably.

Survey Questions. Focus: Data driven HR analytics and ethical challenges

7.1.2. In which of the following HR fields do public organisations in your country (intend to) use data driven people HR analytics/AI based instruments?

	Yes	No	Other
Workforce Planning	☐	☐	☐
Recruitment policies	☐	☐	☐
Career development and training	☐	☐	☐
Individual performance assessment	☐	☐	☐

	Yes	No	Other
Health Management	☐	☐	☐
Job Termination	☐	☐	☐
Anticipating retirements and demographic shifts	☐	☐	☐
Job turnover	☐	☐	☐
Mobility policies	☐	☐	☐
Integrity management and measurement	☐	☐	☐
Anti-Discrimination policies	☐	☐	☐
Diversity Management	☐	☐	☐
Others	☐	☐	☐

Comments

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7.1.3. When considering the reasons for the introduction/use of data driven and AI based HR instruments, what are the anticipated positive effects of data driven HR (AI based) analytics?

☐ Optimisation of human resource management practices in recruitment policies

☐ Professionalisation and individualization of training needs

☐ Improvement of individual performance through enhanced performance evaluations

☐ Enhancing organisation's performance

☐ Raising the efficiency of core human resource (HR) functions

☐ Better anticipating and predicting workforce developments, retirements and turnover intentions

☐ Better understanding individual motivation

☐ Measuring workplace behavior and integrity

☐ Improving organizational decision-making with the support of data-driven assessments

☐ Increasing fairness, transparency and objectivity through people analytics

☐ Generating ethical advice on ethical risks in the organisation

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7.1.4. When considering existing and potential challenges of the introduction/use of data driven HR analytics, what are the critical effects which you have (so far) encountered?

☐ The data provided by data driven/AI instruments can become too complex to be fully understood by HR employees and managers

☐ HR decisions based on data driven/AI instruments raises the question of who is accountable for a managerial decision and its ethical implications

☐ Human behavior can be too complex to be measured, evaluated and analysed by data driven analytics/AI systems. Therefore, reducing complex human characteristics and behavior for representation by data points and numbers is problematic.

☐ Compared to other forms of data driven analytics, AI analytics is more invasive to employees, for exp. increasingly, employees face more and more invasive information collection, processing and dissemination.

☐ The instrument of data driven and AI based HR management raises privacy and data protection concerns that result from increasingly intrusive actions of people analytics.

☐ Increasingly, employees might not have the opportunity to object to their data being evaluated or to stop their data being shared with external analytics providers.

☐ Data driven HR instruments (such as People Analytics) do not sufficiently address the issue of surveillance, constant tracking and algorithmic control of workers.

☐ Tracking and collecting individual data can foster feelings of being controlled, and can impede workers' autonomy.

☐ Data driven and AI based HR policies rely on an overly strong belief in the algorithms' processes, results and capability to predict reliable outcomes correctly.

☐ Algorithms represent a simplified model of human behaviour that is restricted to a set of measurable dimensions or proxies of behavior. Such an oversimplification of complex features can misrepresent reality.

☐ Data driven and AI based HR policies fail to consider the complex, decisive nature of knowledge work and human interaction. They reduce valuable qualitative aspects of employees' performance to quantifiable metrics, thus failing to adequately consider all aspects of performance, engagement and motivation.

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7.1.5. The EU- AI Act (AIA) in combination with so-called Data Protection Regulation 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data require the EU Member States to act cautiously about the use and purpose of personal data. Do you agree that the development of data driven HR analytics policies whose quality relies on vast amount of data and data protection policies are, as such, contradictory?

○ Yes

○ No

○ Other

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7.1.6. The EU's Artificial Intelligence Act (AIA) sets out four risk levels for AI systems: unacceptable, high, limited, and minimal (or no) risk. Amongst others, high-risk AI systems referred to in Article 6 (2) are systems used in the field of HRM (for recruitment or selection, particularly targeted job ads, analysing and filtering applications, and evaluating candidates; promotion and termination of contracts, allocating tasks based on personality traits or characteristics and behaviour, and monitoring and evaluating performance). This requires from the national public administrations to invest in awareness raising measures and the personal-responsibility dimension of HR managers by providing training, guidance and advice on integrity requirements

	Yes	No	Do not know
HR managers/officials are sufficiently trained/made aware about potential high risks of the introduction of AI systems in the field of AI	O	O	O
HR managers/officials are not yet sufficiently trained/made aware about potential high risks of the introduction of AI systems in the field of AI	O	O	O
While implementing the EU AI Act, national administrations have started to invest in providing guidance, advice and training in the field	O	O	O

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7.1.7. In most cases, the EU AI Act is requiring deployers and/or providers in section III and IV to set up a new AI administrative and management infrastructure, for example through the establishment of national competent authorities (Art. 70), the setting up of risk management system (Art. 9) and quality management assurance systems (Art. 17), a fundamental rights assessment (for deployers under public law - Art. 27, the introduction of conformity assessments (Art. 43 and Annexes VI and VII), the creation of sandboxes (Art. 58) and the need to draw up codes of ethics including new governance mechanisms (Art. 95).

☐ These new administrative-, managerial- and monitoring requirements are in the process of implementation and are likely **not** to cause additional administrative burdens and administrative challenges

☐ These new administrative and managerial requirements are in the process of implementation and cause **new** administrative challenges such as new administrative burdens, monitoring costs and a new monitoring bureaucracy.

☐ These new administrative and managerial requirements will cause new administrative burdens and will **add** to the legal- and administrative fragmentation in the field of ethics management, for exp. as regards the implementation of Art. 27 that (specifically) applies to deployers under public law.

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[1] "AI system" means "a machine-based system that is designed to operate with varying levels of autonomy and that may exhibit adaptiveness after deployment, and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments" (EU AI Act as of May 2024)

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