

UNIVERSITY OF LATVIA



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**FORMATION OF PROFESSIONAL ETHOS OF EXECUTIVE  
PUBLIC OFFICIALS IN LATVIA, DENMARK AND FINLAND**

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## Summary

The subject of the thesis is formation of professional ethos of executive public officials in Latvia, Denmark and Finland. Professional ethos of public officials is defined as their occupational roles-specific normative orientations voluntarily accepted as imperatives of conduct. The study of formation of professional ethos of public officials is important because it can explain the immunity or vulnerability of the state sector towards corruption. The purpose of the study has been to identify the social mechanisms of formation of professional ethos of public officials using the selected country-cases: Latvia, Denmark and Finland. In the thesis the approach of historical sociology and a qualitative research method are used. The analysis of the outcomes of the research provides the explanation of the factors and conditions which facilitate the development of professional ethos of public officials.

Keywords: professional ethos, civilizing process, public officials, state formation, self-control.

## Anotācija

Doktora darba priekšmets ir valsts pārvaldes amatpersonu profesionālā ētosa veidošanās Latvijā, Dānijā un Somijā. Valsts pārvaldes amatpersonu ētoss ir definēts kā šai profesionālai lomai specifiskas normatīvas orientācijas, kas tiek brīvprātīgi pieņemtas kā uzvedības imperatīvi. Valsts amatpersonu profesionālā ētosa veidošanās izpēte ir svarīga, jo tādā veidā var izskaidrot valsts sektora pakļautību korupcijas riskam vai imunitāti pret to. Izpētes mērķis ir bijis identificēt profesionālā ētosa veidošanās sociālos mehānismus uz trīs valstu – Latvijas, Dānijas un Somijas – piemēriem. Darbā tiek pielietota vēsturiskās socioloģijas pieeja un kvalitatīvo pētījumu metode. Pētījuma rezultātu analīze sniedz skaidrojumu, kādi sociāli vēsturiskie faktori un nosacījumi veicina valsts pārvaldes amatpersonu profesionālā ētosa attīstību.

Atslēgas vārdi: profesionālais ētoss, civilizācijas process, valsts amatpersonas, valsts veidošanās, paškontrolē.



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## Introduction

Comparative sociology is not a particular branch of sociology;  
it is sociology itself, in so far as it ceases to be purely  
descriptive and aspires to account for facts.

E. Durkheim, 'The Rules of Sociological Method'

Without a clear sociological idea of the past, one unavoidably  
arrives at a distorted view of social relations in the present.

N. Elias, 'The Germans'

### The subject of the thesis

The subject of this thesis is formation of professional ethos of executive public officials in Denmark, Latvia and Finland. There can be distinguished two sociological meanings of the term 'ethos'. One is close to the original meaning of the Greek term signifying the mores, conventions or customs of a group. The word ethics was derived from this ancient Greek word (Аристотель 1984:306). German sociologist Niklas Luhmann provided the following sociological rendition of the term. He argued that in less differentiated societies social control functions in the form of one's immanent consideration for one's other roles in the decision-making and actions. That is, one takes into account the possible consequences of action in one role for other roles at all times. In these less differentiated societies, like village communities, people repeatedly meet each other in ones' other roles, "so that functionally diffuse social relations are generated" (Luhmann 1985: 217). For example: „The shop-keeper is a member of the church committee which provides him with customers, but also prevents him from inconsiderate ways of collecting debts" (Ibid). The social disciplining functions according to the 'law of meeting again', rather than by threatening sanctions (Ibid). „Instead, the foreknowledge in other types of circumstances disciplines to a level of role-diffuse morality of good behaviour within the framework of handed-down customs – to that which the ancient Greeks called 'ethos'" (Luhmann 1985: 218).

As the evolutionary process advances, society is differentiated into functionally specialized part systems, such as politics and administration, economy, family, religion, arts, science, etc. The precondition for role specialization, according to Luhmann, is role differentiation and consequentially, indifference to one's other roles (Luhmann 1985: 218). The roles in one specialized part system are *abstracted* from other roles and contexts, and the latter are correspondingly 'neutralized'. This leads to a development of a different kind of social control and self-control: „Role differentiation leads back to a reduction and abstraction of the

requirements of consistency which are directed at the individual” (Luhmann 1985: 241). Social disciplining under these circumstances rather functions in the form internalization of abstract values. When the treatment of differentiated societal functions is delegated to particular roles, the professions are formed. Along this, according to Luhmann, there arise certain kinds of problems with which the professions have to deal. On the one hand, taking charge of particular functions involve role-specific risks, for example, ‘risks of irresolvable dispute, death, fear, missing the truth’ etc. (Luhmann 1985: 222). For these risks there are lacking mechanisms of relief in a wider social context, but are difficult to bear by individual actors performing the professional roles. Moreover, the application of (or misuse of) knowledge and capacities developed within the professions may cause undesirable consequences for society. In order to cope with these risks, there develops „a more narrow professional ethos and [is] institutionalised in harmony with particular specialist requirements” (Ibid). This professional control functions in the form of considering the opinions of colleagues, the control by the professional organizations and application of ‘generalized thought models’ (fixed in the codes of conduct and similar documents) for solution of particular cases (Luhmann 1985: 224).<sup>1</sup>

This second meaning of the term ethos signifies an area-specific ethical programme or at least those normative orientations which are peculiar to a lifestyle of a particular group, or a distinct ‘life-order’, to use M.Weber’s term. In this way the term is used in the works by M.Weber and N.Elias and it is in this meaning that it will be used in this thesis. A brief mentioning of Weber’s works is required here. Weber viewed social life in modern society as differentiated in various spheres, or life-orders, competing with each other: the politics, economy, culture (religion, art), science and personal life (Whimster 1987: 286). His discussion of ethos is linked to these different life-orders, because, as he considered, they embody and are organized according to different and ultimately non-compatible principles of conduct, such as utility, common good, beauty, truth, holiness and love. The main principle of Weber’s secular ethics is non-mixture, or separation, of the principles of conduct appropriate to each sphere of life. Thus he considered, and in fact normatively insisted, that, for example, personal should not be mixed with the political or scientific, aesthetic or religious with the political, and so on. British sociologist Sam Whimster provides the following statement on the point: „Weber is very strict about how the individual person should handle and resolve such possible conflicts of values. The sphere of the personal is a private realm and, says Weber,

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<sup>1</sup> Talcott Parsons formulated a similar idea with respect to “situational specifications of role orientations” which are generalized to “all incumbents of the type of role in question” (Parsons 1964: 238).

should not be allowed to enter into the domain of public spheres such as the economic and political” (Whimster 1987:260). With regard to civil servants Weber stated that personality with its attachments and emotions should not interfere in the objective discharge of official duties. This line of reasoning is clearly identifiable in the arguments set forth by Luhmann. But Luhmann talks of social systems or societal sub-systems instead of spheres or life-orders and for him the main principle of differentiation is functional specialization rather than derived from values or ethical principles.

There is yet another aspect of the term which likewise can be derived from the works by N. Luhmann. In his texts on the sociology of law he writes that under the conditions of positivization of law, the latter is differentiated from morality. Under the natural law there was still a theoretical attempt to derive law from higher moral principles. Under the positive law and in modern society, the law does not any longer provide an ethical programme: „the legal system must account for the fact that even though the moral *code* applies to the whole society as a binary scheme, the moral *programmes*, that is, the criteria for a distinction between good and bad or good and evil, are no longer consensual” (Luhmann 2008: 107, original emphasis). In fact, Luhmann goes on saying that the law does not provide a condition under which the person can be respected or a condition for self-respect. It is not a function of law to provide guidance for a moral, that is, a respectful way of life (Luhmann 1985:171). Special respect and self-respect can no longer be achieved by adherence to law, that is, to the congruently generalized behavioural expectations (Ibid.). And yet this differentiation, paradoxically, becomes a condition and possibility for an ethical ‘specificity’ of the law itself: „That is to say, to the extent that law is in harmony with morality, adherence to and enforcement of law becomes moralised; (...)” (Ibid.). The mentioned differentiation opens a possibility for moral evaluation of law and construction of a respectful identity on the basis of adherence or non-adherence to the law (Ibid.). The strict adherence to law can become morally valued and viewed as a source of morality, and in certain social contexts can be a basis for a specifically respectful way of conducting oneself (for the case of political consequences of subjective recognition of the validity of a body of public law see the chapter on Finland). This argumentation is close to Weber’s expression ‘ethos of office’, when he described an official who takes an honour in executing a lawful order from a superior (see more on that in the Chapter 1). Both Weber and Luhmann held that an individual has a need for *meaning* which is expressed in the social action. The passage by Luhmann on the relation of morality to the positive law expresses this idea. Therefore the issue of ethos of public officials involves the problem of the meaning of the social action and performance of the professional role.



N. Elias, who also thought, that individuals strive to achieve meaningfulness in social life, has linked the problem of meaningfulness to the problem of self-control (see on this issue in the chapters on interviews and the Chapter 10).

In interpreting the *functions of state administrations* and the activities of executive public officials, I again in main follow the argument by N. Luhmann. State administration belongs to the political part-system, but interacts with the legal system. Although these systems partly overlap, they are different. The political part-system formulates collectively binding decisions. The state administration in particular is engaged in solving communal problems of society, such as social welfare and ecology (Luhmann 2008: 373). The functions of state administration do not consist simply in the application of laws, but in solving practical communal problems of society, it relies on legally institutionalized *offices and procedures* as means of legitimation of its activity. The binding decisions are issued with the expectation that the affected parties will ‘learn’, or will be prepared to adapt to, the communicated normative expectations (Luhmann 1985: 201). This assumption of acceptance is possible because of the potential of the use of physical force and because of the legitimizing effect of the procedures. Processes and procedures, according to Luhmann, are interaction systems instituted for achieving binding decisions (Luhmann 1985: 111). They are segregated from the context of other roles and designed in such a way as to meet the possible expectations of the third parties. The outcomes of the procedures are not known in advance, they presuppose a degree of uncertainty of the result. The uncertainty is eliminated by the selective process of decision-making (Ibid). Therefore the officials who enact the procedures and processes in the decision-making are expected to be *neutral* towards the issue. Public administrations develop contacts with those whose behaviour would be affected by the issuing binding decisions. (Luhmann 2008: 373). Therein may be the *risks* for the actions of the public officials of state administrations, in particular, the risks of corruption, when the autonomy of the operation of the processes and procedures is jeopardized. In fact, Luhmann equates breaking down of the autonomy of the decision-making process (which he sometimes calls ‘operative closure’) and corruption when discussing the autonomy of the legal system: „A legal system which is frequently exposed to such [political] interference over a wide range of issues (...) is operating in a state of corruption” (Luhmann 2008:109).

In relation to the problems of corruption the notion of the state autonomy has been used by a researcher of corruption Mark Philp. He evaluates state autonomy according to two criteria: 1) whether public officials are able to choose the goals of their activity; 2) whether public officials can realize the chosen goals and objectives (Philp 2002: 59). In his view, one can

identify the political corruption, when the autonomy of choosing and implementing the policy is effectively blocked and the political process is systematically subverted in the interests of some individuals, organizations or groups (Philp 2002: 66).

Now all these issues pointed to above – professional risks, area-specific ethical programme, autonomy of the decision-making, institutionalized offices and procedures and specific issues related to reaching binding decisions about communal societal problems and subjective meaning and moral evaluations of the instituted rules constitute the complex thematic field of professional ethos of executive public officials. In this thesis I am less interested in the issues specific to thematic areas of the public administration, but rather in the risks common to all branches of state administration and its *political role*, such as those associated with integrity and corruption. Moreover, I am interested in the process of *formation* of these role-specific normative orientations peculiar to state administration, such as neutrality, loyalty, integrity, prudence and obedience (see Chapter 1). As a sociological theory of formation, in this thesis I apply the theory of the civilizing processes developed by Norbert Elias.

When looked from the long-term perspective, the offices and procedures, which constitute the institutional preconditions for the functioning of modern state administration, arise in the process of societal differentiation (Luhmann 1982, see further in this chapter). In contrast, *the problem of 'corruption' is an effect of illegitimate de-differentiation* of social part-systems, such as public administration and economy, or the political-administrative system with the individuals, that is, the system of personality, - to use the term by Luhmann. In less abstract terms this problem will be discussed below and in the Chapter 1. The offices and procedures can be stabilized only under the political rule and when the political system is stabilized (Luhmann 1985:127). That is, stabilization of functioning of the offices and procedures is linked with process of state formation. The theory of the civilizing process as developed by N. Elias is helpful for its analysis of interlinks between state formation and development of specific types of conduct and habitus – self-control and behavioural dispositions.

Studies conducted in the perspective of theory of civilizing processes show that social conduct and personality structure change over time and these changes occur in connection with changes of social structures, the figurations of human relations. The point of departure of studies of civilizing processes was the observation of diversity of attitudes and behaviour of peoples of various epochs and different countries. These studies tried to answer the question how the formation of social behaviour which is peculiar to Western civilization occurred, what accounts for the development of a „civilized” conduct. The explanation involves

research of links between development of durable and shifting networks of social relations – social structures or figurations - and formation of modes of individuals' self-control. As social figurations transform – in response to the influence of macro-social factors, so the requirements for the individuals to conduct themselves. Structural and figurational restrictions for social action are translated into social control and are internalized to become the self-control of individuals. N. Elias stresses that “[i]n order to understand and explain civilizing processes one needs to investigate the transformation of both the personality structure and the entire social structure” (Elias 2001:411). The civilizing process can be defined as a gradual pacification of conduct of individuals and social agents with the respective transformations of social institutions and individuals' habitus. It may be said as a general statement that the „civilized” conduct presupposes a more complex, attenuated and stable self-control which should match a complicated web of social roles and institutions characteristic to the modern society.

In some of his works Elias deals with the problems of autonomization of the state, and the distinctions and relationship between the office and the person (Elias 2001, 2008, 1978). His analysis of the notion of habitus and the factors shaping self-control of individuals, such as continuity of social processes, self-image, status and prestige enable to operationalize the concept of habitus and formulate specific research questions.

### **Empirically related problem**

The starting point for the study of ethos of public officials is the problem of corruption in the public sector. During the last decade in many countries of the world there has been a growing concern about corruption. The basis for this movement is the realization of the harm that corruption causes to economy, the functioning of the public institutions and the quality of democracy in general. Thus, corruption is detrimental to the trust in state power institutions. As cross-national research demonstrates, there is a substantial variation in the level of corruption in the public sector among the different nation states. Students of corruption generally agree that the differences in the extent to which the public sector in various countries is subject to corruption are substantial (Klitgaard 1991). The repeated measurements of perception of corruption and integrity of the public sector in different countries over the stretch of time confirm that.

Corruption is generally understood as an abuse of entrusted power/official position for private gain. The problem of corruption in the public sector can be approached as a problem of ethos and conduct of public officials. The conduct of a public official is a constant element in any

case of corruption, for whereas in bribery two parts are involved (bribe-taker and bribe-giver), in cases of ‘using official position in bad faith’, ‘failure to act by a state official’, ‘exceeding official authority’, ‘false official information’ and other violations of criminal law reckoned as corruption a public official is or may be the only agent. Any case of corruption involves a subjectivity of the official who violates the law and uses his position for the private gain.

On a more fundamental level, the possibility of the citizens to assert their rights depends on public officials being non-corrupt. American political scientist Stephen Holmes is one among others, who argues, that it is only through the state and state officials that the citizens can acquire rights and demand their observance or enforcement. Thus, Holmes and Susteain state that “individual rights are invariably an expression of governmental power and authority” (Holmes, Susteain 2000: 57). Non-performing or corrupt public officials will not enforce the constitutional rights of a citizen (Holmes, Susteain 2000: 54). These statements follow from Holmes’s general view on the role of the state as a necessary condition for rights: “More generally, statelessness means rightlessness. Rights, including property rights, must be enforced by administrative and judicial machinery of the state” (Holmes 1995: 270). These arguments put forward by Holmes show why it is important that there is a strong public or bureaucratic ethos. They resemble the arguments put forward by such philosophers as T.Hobbes or G.W.F.Hegel that the ‘private’ cannot exist without the ‘public’.

The ethical issue pertaining to the work of a public official is that public officials possess the power of *discretion* which can be used for furthering of private interests rather than serving the public good. Public officials are empowered with responsibility to carry out functions which are vital for the whole society. The misuse of this trust and responsibility can cause harm to citizens and endanger social life.

As theory of administrative law asserts, it is impossible to eliminate discretion of officials of public administration and make them blind appliers of law because it will cause injustice in application of law for different cases. Herbert Simon showed that delegation of authority to the members of an administrative body is necessary in large organizations. That permits an effective use of competence for solution of problems. The decision-making process consists of a complicated synthesis of various decisional premises. Some of these premises are authoritatively communicated by the organization, such as rules and instructions, some of them are derived from specialized knowledge of the official, and some are the value orientations of the performer of the role (Simon 1976). Moreover, N. Luhmann has pointed to the insufficiency of the instrumental, end-means understanding of organization. Authority,

that is, authoritative premises for decisions, in organizations can move both top-down and bottom-up (Luhmann 1982:33). Besides that, as the complexity of tasks and demands for quality grow, more important processes become those, which take place before the decision can actually be taken (Ibid). These arguments provided by Simon and Luhmann concerning discretion and authority diverge from the depiction of administration as a mere machine with employees performing duties in automatic manner, as is found in some places of Weber's writings. At the same time the issue of discretion highlights the importance of the ethical dispositions and self-control of officials, which is under scrutiny in this thesis.

John Rohr, an American political scientist, has argued powerfully about the administrative discretion exercised by executive public officials. According to Rohr, civil servants engage in discretionary activities when they "advise, report, respond, initiate, inform, question, caution, complain, applaud, encourage, rebuke, promote, retard and mediate" which in effect produces an impact on policy (Rohr 1989: 36). He argues that civil servants, bureaucrats, occupy position in a modern liberal democratic state that is *both* subordinate and autonomous (Rohr 1986: 184). Civil servants serve in the first place the constitution of the state and give an oath when entering an office. This symbolizes the relative autonomy of civil servants in relation to the elected officials (Rohr 1986: 191). The oath of office also signifies that the loyalty to the state and the constitution transcends the loyalty to particular political parties. At the same time the degree of autonomy in the fulfilment of the duties indicates that civil service is a *profession* (Ibid). As professionals, civil servants have their ethical code, the principles of conduct that they should uphold.

Rohr considers that there is a significant difference in the character and consequences of the discretion that is exercised by the public official as compared with the discretion in a private corporation: "The discretion of the public administrator raises an ethical problem quite different from the discretion conferred upon officers of corporations or private associations" (Rohr 1989: 66). Rohr formulates the core of the problem of ethics of civil servants in the following way: "Through administrative discretion, bureaucrats participate in the governing process of our society; but to govern in a democratic society without being responsible to the electorate raises a serious ethical question for bureaucrats" (Rohr 1989: 49). Through the exercise of discretion a public official affects the public interest and thereby participates in politics (Rohr 1989: 50).

Weak professional ethos will cause distortion of state functions and policies, improper application of laws or evasion of rules and violations of criminal or administrative laws or

procedures by public officials or using of their position for private gain. Under conditions when the monopoly of state power cannot be dispensed with and the control over the activity of officials cannot be overall and complete, the issue of ethical behaviour of state officials becomes crucial (Rohr 1998). Rohr relates the problem of professional status of the civil servant, ethics and self-restraint through the concept of civility (a concept, which is contained in the vocabulary of the 'The Civilizing Process' by N. Elias): "The word *civility* suggests both the independence and the self-restraint we look for in professionals" (Rohr 1986: 192).

Both international and domestic research shows that corruption in Latvia is still a problem. It is recognized that corruption is a major obstacle for economic and social development of Latvia. During several past years there have been cases of corruption and scandals involving high level public officials, for example, mayors of cities and heads of local administrations, judges, high rank civil servants, the head of the parliament, members of cabinet of ministers, heads of institutions of public administration. Corruption or ethical problems in state administration are not wholly absent in Denmark and Finland. Thus, although the state administration in Finland is generally evaluated as exhibiting low level of corruption, there is, for example a functioning inter-institutional working group for monitoring of corruption and the government which was formed after parliamentary elections in 2011 has drawn a program for prevention of corruption.

Aside from the problem of corruption arising from conflation of the personal with the official and illegitimate de-differentiation of the public with private economic interests, there are signs that the growing interaction between politics and the market produces the risks of corruption in West European countries. For example, there are evidences that the introduction of market or quasi-market principles in management in state administration has brought about increase in the cases of corruption or behaviour problematic from the ethical point of view (see Chapter 8, Knudsen 2007:118). This raises a question whether the growing 'interpenetration' (to use Luhmann's term) taking place lately between the political and economic systems brings about the changes in the ethos of public officials and how these changes are to be evaluated.

Final remarks might be added to situate the problem of corruption in the public sector within the general sociological theory. According to some experts of the works of Max Weber, the central problem behind his sociological investigations was the possibility of the individual freedom in the modern world of mass society (Mommsen 1987, Hennis 1987). He feared that the progressing rationalization of the life-worlds and specifically bureaucratization of society

would arrest the freedom of the individual and make impossible the meaningful conduct of life as the modernization would culminate in the 'shell of servility' of the iron cage (Mommsen 1987:44). After about one century since the time of Weber's writings one may say that this fearful vision has not come true, at least to that extreme extent as formulated by Weber, and this 'self-denying prophesy', to use Mommsen's expression (Mommsen 1987: 41), has been disproven. The modern world, at least in its Western part, leaves much freedom to an average individual and provides him or her with ample possibilities to express his or her individuality (see, for example, Holmes and Larmore 1982, Alexander 1987). Bureaucracy does not really 'cage' an individual because of its abstract character. Bureaucracy does not encroach on the individual's personality; it is left up to the personal skills of an individual to accommodate himself or herself to a more or less comfortable life within a bureaucratically organized social system. It may be said therefore that Weber's problematic concerning the effects of bureaucratization now is largely obsolete. Nowadays a far more serious problem, rather than bureaucracy itself, is a danger of *misuse* of bureaucracy and the powers inherent in it. The modern world is confronted with the problem of dangerous consequences of the abuse of a public office, that is, the problem of corruption, the unethical conduct of public officials and their self-control.

### **Theoretical premises and hypotheses**

According to N.Luhmann the autonomization of politico-administrative roles and decision-making takes place with the increase of the complexity of society (the environment to the political system) and the consequential increase of the complexity of the political system. Thus he states on this problem:

Rising demands on the political system and on the capacity of its political and administrative decision-making processes require that the political system be differentiated from the rest of society, that its roles and decision-making programs be separated from those of other social domains (e.g., the economy, religion, culture, the family) and their moral codes. (...) In the same process of differentiation, the political system attains an autonomy in deciding about the premises of its own decision-making which is necessary for dealing with a higher level of complexity (Luhmann 1982: 113-114).

Autonomization (which Luhmann makes dependent on the increase of complexity) of the politico-administrative system, and the increase of this system's own complexity, lead to the formation of the norms and values specific to this sphere. Thus Luhmann states on this subject

the following: „Complexity requires the differentiation of a system from its social milieu and a relative autonomy in the way it governs itself and alters the premises of its own decisions. This leads to a reflexivity of the decision-process and of the processes of formulating norms and values that flow into it” (Luhmann 1982:106). Furthermore, the process of self-reference, which emerges as a consequence of autonomization, functions in two ways, so that the subsystem masters to understand its specific function and to relate itself to other social subsystems: „...functionally distinct subsystems learn both to understand and restrict themselves as adequate environments of other systems (Luhmann 1982: 349).

The study of formation of **professional ethos, that is, in my definition, occupational role-specific normative orientations voluntarily accepted as imperatives of conduct**, in the present case, of the state officials, entails the study of formation of the field of state administration. The passages by Luhmann quoted above are helpful, but as Charles Tilly notes in his book „Big Structures, Large Processes, Huge Comparisons”, the process of social differentiation cannot serve as a complete and overall explanation of social change (Tilly 2006). State formation processes, which he studied, involved historically complex social mechanisms. These have been researched on the level of mid-range theories and therefore the analysis of formation and autonomization of the state and its administrative offices and roles will have to refer to these theories (see Chapter 2).

In the beginning of the 20th century Max Weber, analyzing the institution of bureaucracy, wrote that *office* constitutes the central focus of all types of modern corporate action (Weber 1964:332). Contemporary scholars (Du Gay, Goodsell and others) argue that the bureaucratic office still remains the indispensable mode of governance in the modern state. The rational-legal authority and the order based on it, according to Talcott Parsons, is precarious and relatively unstable. It depends on the ability of the incumbents of the office to distinguish themselves from their roles, not to confuse them with other roles, including those in the private sphere. In his essay on Weber’s writings Parsons wrote: „There are always tendencies to stretch the sanctioned limits of official authority to take in ranges of otherwise ‘personal’ interests. In other words this form of institutionalization [rationally and legally constructed authority as an office – A.Š.] involves a kind of ‘abstraction’ of a part of a human individual from the concrete whole which is in a certain sense ‘unreal’ and hence can only be maintained by continual discipline” (Parsons 1978: 68). Parsons here points to the development of a particular form of self-discipline (‘abstraction’ of a part of a human individual from the concrete whole) which is a prerequisite for the functioning of rational-legal authority. Functioning as a *persona* in the office presupposes a learned behaviour and the capacity to



resist the tendencies to conflate the ‘whole’ personality with the office. The similar view on the ethos of bureaucrats was expressed in recent works by British sociologist Paul du Gay (du Gay 2001; 2005).

Still, as Reinhard Bendix underlines, it is important to understand, that the separation of office from the person or state bureaucracy from the social structure is always relative. The same is true with appropriation of office and identification of office with the personality of its occupant. If earlier the influence of social forces was expressed in access to the office only for particular social strata, ownership and inheritance of office, exploitation of the governing position for the interest of the incumbents, nowadays the forms of influence include lobbying, political patronage, different forms of favour or discrimination, political and administrative corruption. The tendency to appropriate public office, to use it for personal purposes, as the American scholar Thomas Ertman suggests, is always there. But there are variations in the extent to which central rulers have succeeded in opposing this tendency, and in securing that the administrator serves the purposes of the office rather than his own interests, and the forms of separation and identification of the person and office. These variations can be observed both diachronically (historically) and synchronically, comparing actual experiences of different countries. In some countries the rulers succeeded in building proto-modern, rational bureaucracies relatively early, in 16th-17th centuries (Sweden, Denmark, Prussia, England). In other countries, patrimonial practices (appropriation of office, tax farming, nepotism, selling of offices) continued still into the 18th -19th century (France, Italy, Spain, Central and Eastern European countries). The historical path to a modern democratic public administration of a particular society matters because it has consequences for contemporary functioning of public administration, for the maturity and reliability of ethos of public officials, the relation of their personalities to the offices, and the relationships between bureaucracy and citizens, the public authority and civil society. Investigation of these different historical paths can account for the present differences. Thomas Ertman in his comparative study of the development of state administrative infrastructure in Europe wrote:

The pervasiveness across much of the continent until the 19<sup>th</sup> century and beyond of patrimonial practices like proprietary office holding, tax farming, and ‘inside’ finance, with the accompanying inefficiency, arbitrariness, and diversion of substantial public revenues into private hands, underlines just how difficult it is to construct effective and honest administrative and financial infrastructures as part of the process of political development. (...) Patrimonial institutions can also have

nagging long term consequences [...]. The extent and complexity of rent-seeking behavior in some parts of Italy seems to have changed little since the early modern period (Ertman 1998: 323).

The problem of the necessity of self-discipline, as mentioned in the quotation by Parsons and the problem of long-term developments as referred to by Bendix and Ertman can be approached from the point of view of the theory of the civilizing process developed by Norbert Elias. Elias operated with the dual notion of control – external control and individual self-control. In some of his works he discussed the ‘triad of controls’: control over natural processes, control over social processes and control over own individual selves (Elias 1987: 66). In his last book ‘The Germans’ he distinguished four types of constraints, examination of which was the basis of his approach and the study of the civilizing processes: 1) the constraints imposed on humans by their animalistic nature, such as hunger; 2) the constraints imposed by non-human nature and determining the need for protection, for example, from the harshness of weather; 3) the constraints imposed by humans on each other in various socialization processes; 4) self-constraints developed by humans, the self-control apparatuses such as ‘conscience’ and ‘reason’. The potential for development of these self-imposed constraints is latent in human unless actualized by the learning process and experience (Elias 1996: 32). Elias formulates a theoretical statement: “The hallmark of civilizing processes, as my researches have revealed, is a change in the relation between external social constraints and individual self-constraints. (...) Put briefly, in the course of the civilizing process the self-constraint apparatus becomes stronger relative to external constraints. In addition, it becomes more even and all-embracing” (Elias 1996: 33-34). Two specifications need to be added. Elias considered that in the course of the civilizing process the development of self-control may proceed unevenly in different spheres of social action. Thus, for example, he considered, that in particular societies the self-control of individuals related to the private sphere, the relationship between family members may be highly developed, but be undeveloped in the sphere of political behaviour. Discussing the development of habitus in Germany he wrote about ‘traditional weakness of self-control in matters of state and politics’ (Elias 2008: 301) and ‘special structure of conscience that was very strong as regards some aspects of morality, but hardly developed with regard to politics’ (Elias 1994: 60). Another point to be made is that Elias’s sociology was process-oriented and argued that the formation of self-control or habitus takes a long stretch of time. In the book ‘The Germans’ he discusses problems associated with the transition from monarchy or authoritarian rule to multi-party political systems. Thus, he argued that “A non-absolutist, multi-party regime requires a far stronger

and firmer apparatus of self-constraint. (...) These difficulties are so great that it usually takes three, four or even five generations for personality structures to adapt successfully to the non-violent form of party contest” (Elias 1996: 34).

The passages of theoretical arguments above can be summarized in the following way. First, the research into formation of ethos of executive public officials would lead to questions of formation of bureaucratic offices and processes and the corresponding modes of conduct and normative orientations. That would entail, generally, the study of processes of differentiation and stabilization in the politico-administrative field, the processes of state formation and social disciplining (development of external constraints and their demands on self-restraint of public officials). Formation of professional ethos of office requires separation of the role of the official from other social spheres of action and stabilization of this separation. Viewed from the theory of the civilizing processes, it takes a historical process to form and stabilize a particular mode of self-control or habitus. Second, formation of ethos of executive public officials would lead to the issues of subjective meaning and valuations of the politico-administrative institutions.

1) The longer the autonomized, stabilized and differentiated politico-administrative offices and procedures have been in place in a state-society, the stricter would be role-specific self-control of state officials and the stronger and more *explicit* their role-specific normative orientations. That would also diminish the probability of corruption to take place.<sup>2</sup> Along with the social disciplining and moulding of habitus, the processes leading to autonomization of state authorities set forth rationalization and formation of ‘thought models’, or professional norms, such as neutrality, in state administration. Conduct is both a matter of habitus, which is formed in course of a chain of generations, linked to the civilizing process and state formation, and rationalized and conscious normative orientations.

2) Meaningfulness of work and positive subjective evaluations of politico-administrative institutions will be associated with the stronger self-control of state officials with respect to

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<sup>2</sup> Formulation of this hypothesis is compatible with the finding of the World Bank that *more years of statehood* are statistically correlated with *lower level of corruption* (World Bank 2000: xx). It is also congruent with the position of M. Weber on development of values. He regarded the development of the modern world as leading to ‘value-intensification’, a process, which happens “as value standpoints become increasingly explicit, their implications developed and made more rational” (Albrow 1987: 171).

the performance of professional functions. This again would be associated with less risks of corruption.<sup>3</sup>

These general hypotheses follow from the conceptual exposition and theoretical approaches outlined above, in particular, sociological theories by M. Weber, N. Luhmann and N. Elias.

### **Purpose and tasks**

**The general purpose** of this thesis is to *identify social mechanisms which can explain formation of professional, role-specific normative orientations of public officials* in Denmark, Finland and Latvia<sup>4</sup>. In theoretical arguments set forth by Luhmann and outlined in the previous section, we have a suggestion of a succinct formulae of the process of formation of role-specific normative orientations peculiar to politics and in particular, state administration (increase of complexity – autonomization of the state (political system), its offices and procedures – internal differentiation of state apparatus – growing need for self-reference (rationalization, reflexivity) – specification of norms and values). But these formulations are made on a highly abstract level and need to be specified and at the same time put to test by the use of middle-range theories and research produced within historical sociology, historiography and by conducting empirical study.

The theory of the civilizing processes by N. Elias can serve as means of focusing the research on the selected three countries on a more concrete level. Sociological concepts and theoretical propositions developed in the works by N. Elias are compatible with system-theoretical and evolutionary approach of N. Luhmann, but provide with the middle-range concepts suitable for comparative sociological-processual case-study. In particular, Elias's works are useful for tracing the development of self-constraints of individuals in connection with the changes of social figurations.

Elias's sociological-processual approach can be supplemented by the achievements in contemporary historical sociology. Historical sociologists, such as Michael Mann or Charles Tilly, have contributed to understanding of formation of state institutions and factors which

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<sup>3</sup> The hypothesis concerning meaningfulness refers to ample sociological tradition thematizing the meaning of action, in substantial part founded by M. Weber. In connection with the problems of this thesis this issue is related to the question of legitimacy. In this regard Weber wrote in 'Economy and Society': 'Purely material interests and calculations of advantage as the basis of solidarity between the chief and his administrative staff result, in this as in any other connection, in a relatively unstable situation' (Weber 1978: 213, original emphasis). Furthermore, the concept of meaning is linked to the concept of a norm, or normative orientation, through the concept of expectation, because, according to Luhmann, meaning provides the context of expectations and the norms are stabilized, fixed expectations (Luhmann 1995: 96; 1982:107, 345).

<sup>4</sup> The explanation of the concept of social mechanisms is contained in: Hedström, Swedberg, 1998 and Tilly 2005.

fostered autonomization of the state on a more concrete, empirical level. Historical sociologists bring to attention timing and sequence of events. Thus, Charles Tilly argues, that for explanation of institutional changes, it is important to know, when the changes took place and in what chain of events (Tilly 2008). Within historical sociology and historically oriented political science there has been developed a set of methodological tools, which allow to analyze and see the 'politics in time' (Pierson 2004).

Thus, P. Pierson conceptualized continuity and change as 'path-dependency' and 'critical junctures'. In his book on the methodology of historically oriented sociology and political science he analyses factors which sustain institutional continuity, such as positive reinforcement (Pierson 2004). In the context of the present thesis, path dependency and the mechanism of positive reinforcement can be conceived of as serving stabilization of evolutionary achievements, to use Luhmann's terminology. Critical junctures are conceptualized by Pierson as such momentary or short-term constellations of events and processes which change the status-quo and set social development on a particular institutional track. These critical junctures are thus conceived within historical social science as causal factors of social processes and institutions.

**The research tasks of the thesis** then is *to reconstruct the development of social constraints and the demands for self-control of public officials* formed by the figurations in the politico-administrative field (the civilizing process in this field) and *to characterize the current outcomes of these processes* (ethical habitus of officials) in the selected countries (on the notion of habitus and the research methodology see Chapter 6).

## **Methods**

In a recent book on methodology of figural and process-oriented sociological research Stephanie Ernst writes that this theoretical perspective asks for mixed methods research. The researcher's perspective leads to the investigation into socio-genesis of a particular social field and the research into the interplay between figurations and the individual (Ernst 2010: 75). Theoretical perspective of process oriented sociology requires reconstruction of socio-genesis, macro and micro levels. Therefore research utilizes multiple sources of data: literature review, ethnography, maps, interviews etc. In the present thesis the reconstruction of macro level and the socio-genesis of the administrative field requires the use of mid-range theories and historiography, whereby interviews are used for the study of the habitus of public officials.

From the end of 1970's up to present within social sciences there has been produced a considerable body of comparative historical research on various topics such as social revolutions, transformations of economy, state formation, bureaucratization, democratization etc. Summing up the experience of this research James Mahoney and Dietrich Rueschemeyer drew a number of conclusions on the methodology of research within this tradition. Thus, they set forth that "comparative historical inquiry is fundamentally concerned with explanation and the identification of causal configurations that produce major outcomes of interest" (Mahoney, Rueschemeyer 2009: 11). Comparative historical analysis within the social sciences usually concentrates on a small number of cases with the aim to explain the important outcomes within a delineated historical context (Mahoney, Rueschemeyer 2009: 13). The practitioners of comparative historical inquiry "engage in systematic and contextualized comparisons of similar and contrasting cases" (Ibid). Again, the authors indicate that researchers of comparative historical analysis do not limit themselves to a single method and use those methods which are useful for solving their research problem and are practically applicable for the study of the cases.

Finally, it can be said that the methodological approach used in this thesis corresponds to sociological case study method, specifically, multiple embedded case study (Yin 2003: 46). It means that there are multiple major units of analysis (three countries) and various sources of data are used to study selected cases: historiography, statistics, press surveys, data from polls, interviews, documents, and information about sub-cases (for example, cases of violation of law). According to R.K. Yin, the first task of the case study research is to formulate a 'theory' and then to test it on the selected cases. If the contrasting cases are selected, the theory is applied to them by the procedure Yin calls 'theoretical replication' and the theory is expected to explain different outcomes of the processes in the cases (Yin 2003: 52).

The selected cases have common traits – all three countries belong to the Baltic Sea region and are 'small' states. On the other hand they represent contrasting cases. Denmark is a country of long history of statehood; it has one of the oldest tradition of monarchy in Europe. Finland and Latvia are states with much shorter history: both acquired independence in 1918 as a consequence of the World War I. Latvia lost its independence to the Soviet Union in 1940 and regained it in 1991. Finland defended itself in the war against the Soviet Union in 1939-1940 and after the World War II experienced a period of undisturbed development. Denmark and Finland consistently show low levels of spread of corruption and, conversely, high levels of ethics in the public sector (Transparency International Corruption Perception Index, Global Corruption Barometer, World Bank surveys, Eurobarometer). During the

preceding five years Latvia has showed gradual progress in terms of decrease of perceived spread of corruption and then again showed deterioration in the perceived situation with corruption. The indices point that corruption in the public sector represents a problem for Latvia.

## **Chapter 1. The ethos of bureaucratic office**

Among contemporary authors British sociologist Professor Paul du Gay is one who explicitly addresses the subject of ethos of public officials of executive branch of state power. In his books and articles he is reflecting on the consequences of a series of reforms of civil service in Great Britain initiated by the government of Margaret Thatcher in the 1980's, nowadays known under the name of New Public Management. Among the aims of these reforms, in the name of increasing efficiency of public administration, was to introduce into the public administration the elements of management of modern business enterprises. Du Gay observes that this alters the ethos of public officials and has potentially dangerous effects. His conclusion is that because public administration plays essentially constitutional role, the reforms which tend to regard the ethical requirements of state bureaucracy as identical with the private sector's should be met with caution. He argues that the democratic polity still needs for its effective functioning bureaucracy and bureaucratic ethos. Du Gay in the context of discussion with contemporary critics of bureaucracy and drawing on the works of Max Weber and other theorists offers a reconstruction of ethos of bureaucratic office. I will follow his argument in order to base the specificity, autonomy and functionality of ethic of government's public officials.

Du Gay points out that one of the tacit presuppositions of critics of bureaucracy and its ethos is the demand for existence of a universal ethics which demands actors to comply with some absolute principles in all milieus of life. For example, managerial gurus demand for maximum 'businessing', communitarians for solidarity and participation, humanist philosophers – for the development of a whole person (du Gay 2007). These demands are at odds with the approach of Max Weber. His general theory of society was equilibrium of different institutional areas (Douglas 1986: 93). He considered that each institutional domain develops its own way of thinking and conduct which corresponded to the particular ethical imperatives pertinent to each of them. For example, as British anthropologist Mary Douglas summarizes it, secular thought for Weber divides into market and bureaucratic rationality. Market rationality is driven by means-ends individual practical reasoning; bureaucratic rationality is characterized by abstraction and routinization (Ibid). Weber's view on the multiplicity of various milieus of life, the 'life-orders', with their distinctive characteristics and regularities became an important way of thinking about modernity and postmodernity, as Mary Douglas points out.



In his essay 'Politics as a Vocation' Max Weber asks:

But is it in fact true that any ethic in the world could establish substantially identical commandments applicable to all relationships, whether erotic, business, family or official, to one's relations with one's wife, greengrocer, son, competitor, with a friend or an accused man? (Weber 1994: 22)

Weber's answer is that in this world it is not possible. As he put it, 'We are placed in various orders of life (*Lebensordnungen*), each of which is subject to different laws' (Ibid). The plurality of different spheres of life means the irreducible plurality of 'value spheres' and the plurality of 'personae'. The life orders (for example, a market in a capitalist economy or a bureaucracy) are distinguished by their objective properties, they possess their own regularities and the specific kinds of rationality, with which an individual who becomes involved in them is confronted (Hennis 1987: 59). In the interpretation of Wilhelm Hennis, according to Weber's thought, these life orders 'mould' people irrespective of their particular motives (Hennis 1987: 59).

### **Obedience**

Weber distinguishes the ethical maxims and the conduct appropriate for a bureaucrat, politician and the private businessman:

An official who receives a directive which he considers wrong can and is supposed to object it. If his superior insists on its execution, it is his duty and even his honor to carry it out as if it corresponded to his innermost conviction, and to demonstrate in this fashion that his sense of duty stands above his personal preference... This is the ethos of office. Political leader acting in this way would deserve contempt (Weber 1978: 1404).

This description still holds true for the present time. Obedience and service is an important element of the ethos of bureaucratic office in modern government. However it should be noted here that a bureaucrat typically possesses some autonomy also from his superiors as he has an established right not to implement directions which are contrary to law (Olsen 2005). In some instances there are prohibitions to unduly influence the decisions of public officials. For example, such provision is included in the code of ethics of civil service employees of Denmark. In Finland it is a mostly unwritten rule. In Latvia the prohibition to influence the decision making process is stipulated in law. Bureaucrat thus is different from the patrimonial servant. This relative independence of the decision making is important first of all in the sense

of prevention of arbitrariness, that public official should rule according to law, rules and procedures. He should be protected from the outside influence, even from his superiors, in order to abide to this principle of bureaucratic governance and rule of law. The protected autonomy of the bureaucrat in exercising his discretionary power invests him with a particular *responsibility* and *honour* and collectively – the *esprit de corps* of the particular governmental institution.

Work in the bureaucratic office requires from the incumbent to adhere strictly to the procedure of the decision-making and implementation of the institution; to control one's enthusiasm for a particular policy or ideology, for the tasks received may not correspond to the bureaucrat's personal convictions and beliefs.

As Weber pointed, it is completely wrong to consider, that the work of an official in the state bureaucracy is just a mechanical one, that the bureaucrat is simply a cog in the machine (Weber 1978: 1404). In reality positions in the public administration require imagination and creativity. Work as a bureaucrat also involves independent decision-making, demands organizational capabilities and creative thinking both in matters of detail and substantive projects. Senior and manager positions presuppose a certain space for discretion and that should be used effectively and prudently and in the interests of society. As Du Gay notices, the role of the bureaucrat presupposes the sensitivity to the complexity of public interest (du Gay, 2000). All these ethical attributes of a good bureaucrat are actually possible because the office, according to Weber, constitutes a *vocation (Beruf)*. It requires specialized training and the occupation demands full working capacity (Weber, 1978: 958). In addition, the position of the official is that of 'duty' as it is presupposed that the office cannot be owned or used for private advantage as was the case in patrimonial or prebendal office holding in the middle Ages or Early Modern Times. Following Weber, du Gay summarizes that:

Office constitutes a vocation – a focus of ethical commitment and duty, autonomous of and superior to the holder's extra official ties to kith, kin, class or consciousness. This marks out the bureau as a specific life-order, and they provide the bureaucrat with a distinctive ethical bearing and status-conduct (Du Gay 2000: 52).

Weber considered that the specific bureaucratic rationality and mode of conduct is essential for the maintenance of democratic political order. Bureaucracy's offices, in contrast to the appropriative forms of governance, are in principle open to the *demos*. Bureaucracy with its impersonal mode of governance, regarding individuals not as persons but as 'cases', produces the levelling, equalizing effect on social differences. Officials should be ready to be above

their moral preferences and political beliefs. Without this ‘supremely ethical discipline and self-denial’, Weber wrote (1994:331), ‘the whole apparatus of the state would disintegrate’.

Public administration in modern societies ‘does not have its own interests’ (Levits 2002) and should implement the will of the elected political leaders. Macro-sociologically, this is related to the idea of the state bureaucracy as an infrastructural state-power. M. Mann conceptualizes the state power as despotic and infrastructural. Despotic state power is the power of the central authority to make decisions without wide consultations with other social actors. Empirically it refers to the king and its council in the medieval period and the Cabinet of Ministers and President in modern polities. Infrastructural state power is the network of institutions which is dealing with implementation of the state policy formulated by the central organs and the governance within the limits of their discretion.

### **Neutrality**

Obedience refers to a virtue of a public official as a part of a hierarchy, his attitude in executing orders of the superiors. Another important aspect of the ethos of bureaucratic office is neutrality. Neutrality is a principle of action in discharging official authority when an official fulfils the delegated functions of public administration. The quotation from Weber below relates this principle to the situation of contesting political ideologies:

‘To be above parties’ – in truth, to remain outside the realm of the struggle for power – is the official’s role, while the struggle for personal power, and the resulting personal responsibility, is the lifeblood of the politician as well as of the entrepreneur (Weber, 1978: 1404).

An official should be neutral in decision making and abstain from the official process when he has to discharge his responsibilities in relation to his family members, business partners (also in past) and friends or other members of primary groups. He should abstain from the decision-making when the question under consideration affects his personal or monetary interests. Facing situations of conflict of interests, he should report about them to the higher official, asking to commit the duty to another official. In sum, the bureaucrat should be above extra-official ties to ‘kith, kin and conscience’, impartial, work ‘without regards for persons’, ‘without hate or affection’. Being beyond political struggle, the bureaucrat should be loyal to those who are politically responsible – the heads of the institutions, usually the minister, but at the same time be fearless in formulating policy advice. Isolation of outside influence makes possible the effective implementation of tasks stipulated by the higher authority, ultimately,

the minister of other political leader. Where the extra-official influences interfere, it distorts the discharge of duties and fulfilling the will of the ‘master’ of bureaucratic institution.

An official should *separate* himself from the extra-official ties, including his ‘personal’ interest. That is, he should avoid being interested in getting something personally for himself from exercising his discretion (like allocating bonuses or other public resources). *But at the same time* he should ‘connect’ himself to the purpose of his office and institution – be committed to the values of the institution (*‘esprit de corps’*) and the constitutional values of the political regime, which transcend the loyalty to a currently elected political leader.

On the more fundamental level neutrality in the conduct of official duties is rooted in the separation of state from society. It was during the long historical process that the authority of the state was made separate from the personal authority of those possessing political and administrative power. Gradually there emerged a concept of sovereignty, the ultimate worldly authority of the central ruler over the subject population and territory. Thereby the concept of political power became more distinct from the authority of private individuals.

In order for the activity of public officials to be neutral (neutrality being an attitude of the public official but also an aspect of the relationships between the authority and the ruled, negatively, prohibition of favour on personal, arbitrary grounds), they should not be personally interested in the outcome of their decisions (Bendix 2005). The administrative office should be separated from ownership. If the office remains a private property or too much identification between office and incumbent is allowed, it promotes self-serving actions. The official will tend to use it for personal enrichment and increase of personal influence. His actions will favour personal interests and the interests of those he chooses to protect. In this way patron-client relationships characteristic for pre-modern societies develop. From the point of view of the state, it is not possible to effectively rule over the territory and population if administrative and political authority is diffused among social actors. Ownership of offices leads to much autonomy of the administrators and actions which may be contrary to the interests of the central ruler. It leads to anarchy and in extreme cases – to perpetual war between those who appropriate the administrative and local political functions.

Neutrality is achieved by separation of the state and its offices from the private sphere (ownership, family) and subordination of the offices to centralized hierarchy. But another precondition of neutrality is divesting of some power from the social actors, which they grant to the political authority, as was famously described in Hobbes “Leviathan”. Without that act of entrusting the power which is the attribute of the humans in the state of nature social peace

cannot be secured. In Hobbes' formulation, there will be perpetual war of all against all. Du Gay continues this argument on the ethical grounds arguing that the state and state bureaucracy should be neutral to the claims of individuals to regard their ways of life as absolute. Hobbes also takes as a point of departure in his works pluralism of worldviews and differences of individuals and arrives at the necessity to establish a sovereign (as one individual or as a group of individuals) who pacify them by making obedient to laws. The state treats the claims of individuals to absolute truth (as various religious and quasi-religious movements, in which du Gay includes modern 'managerialism') with indifference and neutrality, keeping in the view its main purpose – to maintain social peace. To allow one moral absolutism prevail at the expense of the others is to engender the social peace (du Gay 2005).

The notion of neutrality can also serve to distinguish the ethos pertaining to public officials from the ethical imperatives of private economic actors. Whereas a businessman (and this pertains also to the 'bureaucracy' in the private enterprise) seeks to maximize profit, public official in making decision should balance various interests, comply with the rules, be politically responsible and maximize the public good. In the private sector a businessman seeking a party to conclude a contract may go to his relative or friend or long-term business partner, because it may be reliable and cheaper. Such behaviour of the public official would be inappropriate. Public sector administrator has to take into account the procedural constraints within which he is placed. Even if he knows of a contractor, dealing with whom would be economically efficient, he has to follow all the procedure, for example, of procurement, which for the private company manager appears useless and frustrating. Economic efficiency, though very much emphasized in late both in theory and in practical field of public administration, is not the only principle of action of a public official, which he should follow.

Neutrality, which is predicated upon separation of the ruling position from the civil society is also a condition for ensuring peaceful coexistence of different groups. A public official cannot identify himself with one social group only. Neutrality, according to Charles E. Larmore, is linked to the liberal idea of the state, which presupposes tolerance to the multiplicity of worldviews, conceptions of good life and life-styles (Larmore 1992: 41). In order to be neutral, the public officials, grounding their decisions, should not appeal to a presumed intrinsic superiority of a particular conception of a good life.

Neutrality can also be interpreted as a distanced or detached attitude. In this way this notion can be linked to the theory of the civilizing processes by N. Elias (Elias 1990). The gradual progression of the civilizing process means the gradual increase of the individuals to control themselves and thereby acquire the capacities to better distance themselves from the immediate situations in which they are involved and the emotions which these situations arose in them. Legal processes and elaborate bureaucratic procedures represent a postponed action embedded in the system of state offices and institutions. The bureaucrat should be able to restrain the desire to acquire or see the immediate results of his/her actions by distancing him/herself from the emotional pressures of the immediate situation. The bureaucrat should be able to situate himself/herself in the whole field of public administration and see the meaning of the particular actions which he/she is discharging in the context of the whole of the bureaucratic apparatus.

### **Loyalty**

The concept of loyalty in the context of bureaucratic organization means primarily loyalty towards the official obligations, the purpose of organization. Loyalty in bureaucracy means not loyalty to a particular person, as, for example, in the relations between a religious leader and the follower or between a teacher and disciple. These are marked by personal attachment, trust, faithfulness. Loyalty of a bureaucrat is an 'objective' relation; it means faithful discharge of the entrusted set of tasks, following of the proper procedures – in sum, a proper orientation to an objective order within the organization or institution. This presupposes an internalized set of institutional values which follow from the larger institutional and social context of the institution, its mission and place in the social order.

In Weber's words: "It is decisive for the modern loyalty to an office that, in the pure type, it does not establish a relationship to a *person*, like the vassal's or disciple's faith under feudal or patrimonial authority, but rather is devoted to *impersonal* and *functional* purposes" (Weber 1978: 959).

One has to consider, in the context of the discussion of bureaucratic loyalty, the official's relations to the political leaders, on the one hand, and the official's relations to the community or the public, on the other. The civil servant has to be obedient to the political master, as was pointed to in the section above. But, as Paul du Gay stresses, the bureaucrat's role is to be cautious towards sometimes overzealous, impatient or overenthusiastic, or, for that reason, unscrupulous or corrupt political leaders. In order to fulfil properly their official's roles, they have to carefully evaluate the policy initiatives according to the facts, available knowledge,

research data, and institutional experience. In du Gay's expression, the bureaucrat has an obligation to 'stay frosty', that is, to be prudent, emotionally neutral and detached. And, as it is stressed in some codes of ethics, the public official has to give 'honest and fearless advice' to the politician based on rational arguments. From this follows, that the primary loyalty of the civil servant is not to the politician, but to the objective order, to the " 'state' as an abstract bearer of sovereign prerogatives" to use Weber's expression (Weber 1978: 998), or, to put it differently, in more processual and dynamic terms, the objective *raison of state*. To mention an example, a motto of the Society of British Civil Servants used to be "We serve the State" (du Gay 2006: 5). John Rohr made a similar point by stressing in his studies of the ethics of the civil servants that their primary duty is to stay loyal to the constitutional principles of the state. These constitutional principles are laid down, obviously, in the constitution of the state, but expanded and interpreted in, for example, the speeches of high state officials or decisions of high courts. He considers that orderly official action depends on the officials' adherence to constitutional principles and, along with Reinhard Bendix, on their belief in the legitimacy of the existing social order (Bendix 2005: 34).

In relations to the civil society state bureau also maintains, or has to maintain, its relatively autonomous position in the face of public requests, propositions, opinions, petitions or 'systematic attempts of communication' (lobbying). The rules prevention the actions of public officials express the same idea. If, in the activity of the public officials, there is a conflict between the interests of particular individual or groups and the interests of the state, this conflict should always be resolved in favour of the interests of the state (which in the official documents in Latvia is termed 'the public interest'). Public bureaucracy can, and sometimes has to, consider the public opinion, for example, in the forms of consultations with the community. But public bureaucracy has its own reasons and means to prioritize and deal with the issues of the community. The official has the primary duty to be lead by the 'reason of state' rather than 'concerns of the people': "the term 'public' comes to refer to the offices themselves rather than the 'common concerns' or more specifically, the latter come to be seen exclusively in terms of the former" (du Gay 2006: 8). Du Gay therefore refers to the pertinence of the critique of recent movements of populist 'direct democracy' which set out to 'democratize' the state bureau, to subject the work of public administration increasingly to the opinion of the groups of citizens rather than professional or legal standards (Ibid).

In the context of this discussion it is interesting to consider the view of British sociologist Colin Crouch on the genesis of specificity of the ethic of civil servants. In his book "Post-democracy" he writes that in a number of countries in the 19<sup>th</sup> century, during the hey-day of

unrestrained capitalism, it was realized, that not only politics can corrupt business; business can corrupt politics just as much. Therefore it was understood that the state and its officials should keep a distance towards business and develop ethics of their own. It was expected that the civil servants would be very careful in their communication and dealings with those who represented economic power and keep in mind the framework of the public interest (Crouch 2004: 97). Crouch traces the genealogy of the distinctive code of ethics of politicians and the civil servants to the idea of superior interests of the king which later was transformed into a social democratic ideal:

This idea developed out of the concept of the superior interests of the monarch, but it adapted itself to bourgeois capitalism and the need for the state to become an external regulator, and then reached its apogee in the social democratic ideal of the state as the servant of the universal citizen (Ibid).

The quoted passage tells also about transformations of the frame of reference for loyalty of civil servants.

In the light of the discussion above one can see why the state bureaucracy, in the expression of du Gay, serves as a 'gyroscope of the state' and provides a 'buffer between personal principles and civic conduct'.

### **Prudence**

According to Max Weber a state official in his activity 1) subsumes a particular case under a legal norm and 2) balances means and ends in solving administrative tasks (Weber 1978). Latvian lawyer Egils Levits, who authored a conception of State administration structure law, considers that the decision of a civil servant should be legal and 'materially useful' (Levits 2002). Usefulness and utility are important aspects of the decision-making in state administration since it often deals with solving fairly practical problems. Moreover, the state official has an obligation to keep in sight the real circumstances of the situation in planning or effective implementation of a policy. Politics, as Weber noted, is oriented to '*raison d'état*, to realism' (Weber 1978: 600).

American political scientist J. Patrick Dobel attributes the aforementioned aspects of the work of public officials, both politicians and civil servants, to an ethical concept of 'prudence' (Dobel 1998: 74). 'Political prudence' encompasses in his view those qualities and skills which are necessary in order to make the implementation of decisions practically possible. As he notes, good intentions alone, and even technical competence, do not guarantee the success (Ibid).



Dobel considers that a leadership position in the political field entails bearing a responsibility for the decisions taken, to take into account the consequences of action. Therefore the first obligation of one in the position of political authority is to be able to control oneself: “People in positions of responsibility have an obligation to control their passions and overcome temptations. Without this basic self-discipline they could abuse power for their own purposes” (Dobel 1998: 75). Such self-mastery presupposes trained emotions and perceptions so that they support rather than subvert a responsible judgement (Ibid).

Self-mastery, however, is just one aspect of the virtue of political prudence, as Dobel sees it. He sets forth seven dimensions of political prudence. The first two dimensions cluster around the personal capabilities and skills of a decision-maker: ‘1) disciplined reason and openness to experience, and 2) foresight and attention to the long term.’ (Dobel 1998: 76). The second area is related to skills in the state-craft: ‘3) deploying power; 4) timing and momentum, and 5) the proper relations of means and ends’ (Ibid). The third is related to the consequences of action which a responsible person in authority should take into account: ‘6) the durability and legitimacy of outcomes, and 7) the consequences for community’ (Ibid).

Without going into a detailed discussion of each of these dimensions I would like to note that the concepts of self-control, or self-discipline, and the concept of the foresight are important concepts in the theory of the civilizing processes by N.Elias. Foresight develops, according to Elias, along with the growth of interdependency of social actors and the increasing awareness of this interdependency. As I will argue in this thesis, the specific political foresight with its strategic and tactical reasoning develops with the crystallization of the ‘reason of state’ which is linked to the complex processes of state-formation discussed in the following chapters.

It is also worth noting that the last Dobel’s point (consequences for community) can be interpreted in a way that the political prudence involves considerations of utilitarianism. Consequence-based ethics, utilitarian approach are therefore used in the ethical reasoning of public administrators in government (Svara 2007: 59).

### **Integrity**

Sometimes it is required that public officials of the executive branch initiates actions, for example, when proposing a new policy decision, formulating a bill, planning a construction project or fighting the crime. It is important to take into account that public officials possess authority which they have to apply in the public interest.

Every public office presupposes some discretion and judgment in discharging the duties. The scope of discretion varies across sectors and the level of hierarchy: the higher the place in the

hierarchy, the wider the scope of discretion. But the characteristic trait of modern public administration is its expansion and consequently the growth of the field of competence and discretion (Rohr 1998).

Therefore the question arises how to frame the use of discretion. J. Patrick Dobel suggests the notion of public integrity, which encompasses the moral resources which public official should have in order to effectively play his role. He suggests the notion of public integrity. He claims that the proposed concept overcomes one-sidedness of other approaches to the problem of discretion: the legal-institutional model, the personal responsibility model and effectiveness and implementation model.

Public integrity presupposes that the judgment of an official should be formed in the framework of interrelationships between the legal demands of an office, personal capacity and values and prudence and effectiveness (Dobel 1999: 20). These three form the standards which the official judgment should meet. First of all, the decisions should be made in accordance with laws, rules, and constitutional principles and within the domain of a particular office. This is the basic requirement of liberal and democratic regimes. The model includes personal attitude of the official to his duties. Public official is not a machine. He has personal values and commitments which influence his work. Subjective attitudes and convictions can motivate the employee to work, can bolster his initiative and release energy necessary to carry out arduous and complicated tasks. But they also can impede the work and provoke laziness and carelessness. Moreover, in order to carry out his duties an official should have necessary personal capacities and competencies. Responsible individual should not undertake the official duties if his personal convictions do not promote a motivated work in the public office. He should share the fundamental values of the current political regime, which he will have to uphold (Rohr 1998). This is a condition for maintaining respect to the office. Finally, the official should be prudent, which is a requirement of the political leader of a long history. In order to implement the decisions or orders the official should mobilize resources, strike a balance between means and ends, choose appropriate timing, get the necessary support from the parties involved, evaluate personal capacities of the staff. The complexity of the work of public official, especially of those in the managing positions possessing considerable freedom of action, should take into account all three described aspects.

The basic model for understanding of the public integrity is personal integrity. At the basic level integrity means holding onto one's promises but more broadly it means an overall

coherence between the roles and tasks an individual takes up in his life. An individual should keep a 'reflective equilibrium', to use J.Rowls' term, between various commitments, should not allow various obligations to contradict each other. People normally strive to maintain a wholeness and coherence of their actions. This is predicated on the actual unity of the human body and life, which ultimately makes individual link consequences of actions to one point.

Entering the public office a person takes on certain obligations. He promises, implicitly or explicitly, to uphold the assumed obligations. Taking the oaths upon assuming an office has a long tradition (Condren 2006). Taking an oath means connecting one's self to the moral requirements of an office. Since the past oaths meant promising to uphold the public trust associated with the office and committing oneself to the goal and a program of actions. Public integrity therefore means committing oneself to the purpose of office and striving to fulfil official obligations. Dobel underlines that public integrity ultimately is based on the person's capacity for integrity, because it is the person who internalizes the values, principles and rules associated with the performance in the office and links his actions to the central web of these commitments. Public integrity thus is seen as a movement in the triangle of obligations of office, personal commitments and prudence.

### **Subversions of integrity**

Dobel describes temptations associated with occupation of office, succumbing to which leads to inappropriate conduct. Work in public administration presupposes use of power which is necessary to achieve legitimate goals. People in positions of power, however, can get used to demonstrated deference and compliance and become to ascribe the powers of office to themselves (Dobel 1999:33). Individuals in the position of power can find satisfaction in making orders to others, bringing about changes in their plans, succeeding in assuring compliance. They can get the inflated sense of self-worth which can find expression in arrogance, harshness and carelessness. Identification of the ego of the official with his position leads him imagine himself to be indispensable. He will try to maintain the power and stay in the office, using unscrupulous methods (Dobel 1999:137).

Another danger associated with the exercise of power in bureaucratic organization is anonymity. Depersonalization of the administrative office can eventually distort integrity because it can lead to erosion of personal responsibility. An official can come to ascribe the agency to some super-individual power like party, culture or nation. Again there is a temptation for civil servants to become excessively loyal to his superiors and suppress his critical capacities. This attitude can be assumed because of career considerations (Dobel

1999:78). But such self-effacement is inappropriate attitude because it collapses the triangle structure of public integrity. It leads also to collapse of the self and an office, which is dysfunctional: it leads to destruction of personal reflection without which no intelligent carrying out of duties, nor accountable and responsible action is possible. This can lead to breaching the limits of office and its abuse. Examples of this slip can be found in Nazi Germany.

Work in some institutions of public administration involves secrecy. This condition indispensable in some cases can lessen accountability and provoke irresponsible behaviour. Watergate scandal in USA was a famous example how the powers of secret services were employed for the personal ambitions of President Nixon.

As a particular kind of temptation Dobel mentions a desire to avoid democratic procedures and strict bureaucratic rules (Dobel 1999:39). These temptations arise as a result of frustrations caused by manifold obstacles on the way to realize policies or initiatives. Democracy presupposes presence of different opinions and the need to settle disagreements in discussions. But counter-action and constant opposition makes it very difficult to bring about the planned policies. It also assaults the personal images of public officials, elected or appointed, because there are certain expectations put on them to attain some valuable results. The impatience provoked by such circumstances can lead a bureaucrat or a politician to subjectively oversimplify the world of public policy and, as a consequence, for example, to treat his opponents as enemies. Another result of impatience may be an attempt to avoid the due administrative process in taking action or decision. It may concern various official actions like appointment, decision on procurement, interrogation, issuing a license etc.

The basic relationship between the official's person and the office is the obligation to fulfil duties and promises made upon assuming the office (Dobel 1999:113). Public integrity requires that an official had a commitment to the purposes of the public office but at the same time could in the process of reflection keep distance between his self and the office. When this relationship becomes distorted public integrity is endangered.

Dobel distinguishes three types of subversions of public integrity. In one case which he called 'a honest sleaze' the individual has a lack of respect to his office and duties and uses his official power for private gain. The person is quite cynical to consider that the opportunities which arise with accession to office are there in order to make use of them. Official uses his power for patronage, to build network of loyal people; gives work for his relatives and friends; uses his position to get extra incomes in form of bonuses and various extras. But in

his consciousness he pretty well can distinguish himself from his position. 'Honest sleaze' means that a person is quite well aware of his dishonest behaviour, the use of the entrusted position of power for his personal interests (Dobel 1999:131).

'Corrupt sleaze' occurs when a person becomes accustomed to his position, he draws satisfaction from conveniences and joys which his post brings. His consciousness of self-worth grows and he may think of himself as indispensable for the particular position. In effect his identification with his position grows up to the point when he considers that it is legitimate to satisfy his personal desires with the use of office. This identification of the self with the office makes an official think that it is *his own* position, his own department and his own people. This provokes infiltration of his personal needs into his official identity. An official can start to use public resources commissioned to him for his and his family's needs. There are many examples how senior civil servants become accustomed to cars of their institutions and start to use them for private purposes. In the USA there was a case when an official used an aircraft of his department to attend his personal dentist in another state. Such a quasi appropriation of the public office may cause a civil servant to 'sell' his favours to the representatives of the private sector whom he oversees and controls. He can start to demand bribes or agree to perform an official action in return to some service to him or his relatives (Dobel 1999:137).

In this connection it is interesting to note, that in economics corruption sometimes is defined as illegitimate 'selling' of the governmental services, as it is in the case of bribery. Of course, this conceptualization illegitimately narrows the notion of corruption because, for example, in a corruption case of embezzlement there are no transactions with other actors. However, even in the case of bribery, there is implicitly present a quasi appropriation of a public function by a public official, because in order to 'sell' a service for one's own advantage, it is necessary first to 'own' it.

'Zealous sleaze' takes place when an official's personal ideological persuasions and conviction completely subvert the notion of impartial discharge of duties. A person considers that his ideas about right and wrong and the proper course of action justify him not to regard prescribed procedures or hierarchy and accountability. He has a moral self-assurance and that is why this type of improper attitude and behaviour in office is most dangerous. Dobel points to examples of military officials who were overzealous in performing their tasks that they redefined their mission according to their notion of what was right to do and went out of control of his superiors. In order to pursue his plan the official submitted false reports and in

result caused disaster to an international military mission of USA. There are numerous examples of zealots in political and administrative office in Nazi Germany and Russia under communist regime (Dobel 1999:139).

Paul du Gay in the context of discussion of the New Public Management considers that some forms of administration advocated by representatives of this movement actually provoke the zealous sleaze, because they insist on the necessity to introduce ‘incentives’, that is, self-interest type of motivation. This can lead effectively to abuse of public office. The same concern is applied to policies when governmental positions are increasingly filled by individuals with political commitments (Du Gay 2006:10).

### **Honour**

Dobel suggests that antithesis to the mentioned forms of sleaze and subversions of integrity is honour. Honour means a capacity of individuals to subordinate their interests and desires in order to judge and act in accordance with the requirement of their position (Dobel 1999: 131). As he puts it: “Honour signifies a willingness to sacrifice and risk one’s interest in order to live up to promises and obligations of public office” (Ibid). Public honour presupposes service to the public and striving to meet the legitimate expectations associated with the office, which is committed to the official as a public trust. The official connects his sense of duty and his integrity with the norms and expectations of the public. It presupposes also for the official a sense of membership in the community and the institutions in which he serves. The official is striving both to live up the obligations of his office and also to protect the honour of his institution.

Public officials need a capacity for moral self-discipline to resist the temptation of zealous sleaze. They should possess sufficient moral restraint to honor the outcomes of legitimate processes of government as well as conscientiousness to ensure that they are fair and open. Finding support in the ethos of their colleagues and the mission of the institution supports these capacities and commitments (Dobel 1999: 145-146).

Dobel writes that public honour presupposes the distinction between the public and the private sphere. The public realm is made distinct by the state’s symbols, values and institutions. Within the public domain common aspirations are formulated and discussed through public processes of election and deliberation, and realized through law and public policy. It is a point of honour for public officials to uphold the position as public trustees and represent a broader perspective on the society, to provide a point of view which is not

contained by any private interests. In liberal democracies public power is to be exercised for the benefit of all groups constituting the society, rather than employed to serve particularistic interests. These special responsibilities of public officials and the fact that they are entrusted the power which other citizens do not possess mean that the public service is not just a job. It is a vocation, service to the enterprise larger than one's self. This requires from a public official to establish a psychological and moral distance between the public world of his office and institution and the private world or his personal life. The public official needs to master a special ethical technique and develop a reliable self-discipline. As Dobel puts it:

Public honor requires individuals to restrain their desire for private gain and their private or tribal loyalties. Honor requires public officials to discipline their personal prejudices, impulses, interests, beliefs, and even personal and family relations as well as their affiliations such as religion and ethnicity (Dobel 1999: 144).

Dobel considers that living up to the obligations of the office, fulfilling the duty and preserving the honour of the office becomes a source of personal satisfaction for the civil servants.

This point is similar to one made by N. Elias in his discussion of processes of formalization and informalization as civilizing and de-civilizing processes, though it was made in relation to a different cultural and historical context. In his study of formation of habitus in 19<sup>th</sup> century Germany he pointed out that self-restraint which German Junkers and officials (who often were recruited from the Junkers) put on themselves was connected with the sense of honour which they possessed. Representatives of these upper strata of the German society gained personal satisfaction from abiding to the militaristic sense of honour. Self-restraint, renunciation of impulses and desires in fulfilling the duty, sustaining the sense of physical pain in combat or exercises, precise executing of the orders of superiors or strict abiding to the rules was compensated by continuous sense of satisfaction in perceiving one's strength of character and superiority of one's self-control in relation to lower strata who gave up to sensual temptations or petty material interests (Elias 1996). The benefit of pride and high self-esteem was for them greater than the cost of self-discipline.

### **Other role-specific normative orientations**

In addition to the normative orientations peculiar to the role of a state official there can be mentioned some others. First, there are some work-related professional norms such as efficiency, effectiveness, precision, expertness. With the raise of new public management the

principles of efficiency and effectiveness of a public servant have been emphasized. It should be pointed out however that this principle has a long history. The development of modern bureaucracies in Western Europe proceeded with the advance of rationalization of governance and specifically such movements as cameralism and mercantilism; the leading motive of this rationalization was to formulate and maximize the attainment of the *'reasons of state'*. Thus, the attempts at rationalization of the administration of finances, for example, in Denmark, go back to the second half of the 17<sup>th</sup> century. Modern state administration requires a wide range of competencies from a civil servant related to prompt handling of cases, development and evaluation of public policies under the pressure of saving the public money. From the beginning of the 80's of the 20<sup>th</sup> century in the Western part of Europe the economic imperatives exerted increasing pressures of public institutions and the civil servants.

Expertness is another important work-related virtue of a bureaucrat. Complex civilizations, as Max Weber had emphasized, requires from a civil servant to be a professionally detached, objective expert, a civil servant governs through knowledge. Being a civil servant in a modern world may require knowledge in economics, law, behavioural sciences, politics, and various specialized areas of governance such as health care, education, communal services, etc. Differentiation of the organs of government requires specialization and development of specific professional competencies.

Second, there are normative orientations which derive from legal character of state administration. As Niklas Luhmann has pointed out, public administration deals with the solving of communal societal problems by using procedures and offices to attain collectively binding decisions (Luhmann 1982). Law and rules establish fixed and abstract expectations; decision-making through lawful procedures legitimizes the decisions for the society and makes these decisions acceptable. As Luhmann observes, service to the law also forms a particular ethos (Luhmann 1985: 143). The decisions reached by the official procedures should be seen as fair and grounded. Again, as Weber pointed out, the civil servants discharge their official business 'without regard for persons', and treat people equally, as 'cases'. Therefore one can distinguish such juridically-related normative orientations as fairness, objectivity and equality before law.

In sum, one can divide the ethical principles pertaining to the work of state officials into three categories. One is related to bureaucracy's **political and constitutional** role. The corresponding normative orientations are neutrality, loyalty, obedience, prudence, integrity. The **work-related**, or performance-related, **principles** of conduct are efficiency,



effectiveness, expertness and thoroughness. The **law-related** professional principles of conduct are fairness, objectivity, and equality before law.

### **Viability of the ethos of bureaucratic office**

Some recent critics of the modern state and bureaucracy point out that these limit personal freedom of individuals. These critics set forth the ideal of freedom of economic activity, democratic deliberation, maximum participation and communitarianism. To respond to these critique, Paul du Gay uses the argument set forth by T. Hobbes that the freedoms associated with economic actions and democratic deliberation depend on the actual authority of the state and giving up some freedom and entrusting it to the public authority. It is precisely separation of state and society through the introduction of the institution of bureaucratic office, the different rationality and status conduct of bureaucracy (different from the economic mode of action) which allows it to be neutral and in effect facilitate freedom of citizens. Bureaucracy also sets limits for party leaders and zealots to use the state for their narrow ideological or economic purposes. As du Gay puts it, bureaucracy represents a 'buffer' between personal principles and civic comportment (Du Gay 2002: 76). Bureaucracy does not allow passionate political demands, desires, emotions and personal enthusiasms immediately influence the social life, because decisions should be routinely checked and evaluated before they can be taken and implemented. This is relevant for a simple case of issuing a license as well as a complicated procedure of elaboration of a new policy or a rule. In this respect bureaucratic ethos can be viewed as an important civilizing achievement in socially organized sphere of moral existence.

To demand for maximum participation in decision-making for every individual, as some communitarians tend to do, is sociologically untenable. Karl Mannheim, discussing problems of democracy, wrote that orderly social life would be impossible if every individual would continuously and fully use his or her right to influence socially important decisions. This would mean disintegration of all social ties. That is why democratic societies need certain neutralizing mechanisms, including use of non-democratic and anti-democratic means (such as bureaucracy). However, he considered that these mechanisms should not be brought into the democratic society from the outside. Their essence is in deliberate and conscious renunciation by the masses of their right to use their energy to the full extent (Мангейм 2000: 173 (Mannheim 1956)).

In his defence of the bureaucratic morality against the critique by humanist philosophers, who set forth the human ideal as development of the 'whole person' and who therefore view

bureaucratic type of personality as deficient, du Gay suggests, that bureaucratic morality represents an office-specific form of moral agency. He argues that an individual can have an ethical commitment to the moral principles as a result of his own reflection. An individual can arrive at some ethical convictions and adhere to it. But alternatively the source of the ethical commitment may be adherence to an 'impersonal ethical institution': 'State bureaucrats should be personally committed to the ethos of their office, even though that ethos lies outside their own personal moral predilections or principles (Du Gay 2006: 11).'

Managerialist critics of bureaucracy consider that authority of the state and bureaucratic office is legitimate so far as they encompass the efficiency of economic activity. Du Gay points out that the authority of the state bureau has its own source and therefore there are limits to introduction of principles of the economic activity into the activity of the state. State bureaucracy plays an important constitutional role in modern democracies (some of constitutional principles being equality of all citizens before law and fair treatment). It is incorrect to confound responsibility with economic accountability or reduce one to the other. It may cause actually politically irresponsible actions by public officials. Olsen considers that there is a multiplicity of forms of governance in the modern world – hierarchy, network and market with their main principles of obedience, cooperation and competition (Olsen 2005). These principles are not reducible to each other and multiplicity continues to exist.

## Chapter 2. Formation of bureaucratic field and ethos in Western Europe

Niklas Luhmann has indicated that philosophical ethical traditions work on a rather concrete level of concrete individuals and the normative essence of their actions (Luhmann 1982: 106). The philosophical ethics uses such concepts as duty, goal or goodness in order to conceptualize the normativity of the right action. For a sociological theory this is an oversimplified model. In order to conceptualize the connections between actions the social theory introduces more levels of generalization at which actions are integrated. Thus the social theory introduced the distinction between a person and a role. According to Luhmann, a concrete person is referred to as a guarantee for consistency of a set of actions. A role has the similar function but on a more abstract level. Norm is even more abstract but determines only a few actions (Luhmann 1982: 107). In this sense, a professional ethics is more abstract than philosophical ethics because it determines the 'ought' for *a role, which is already an abstraction*<sup>5</sup>.

In order to trace the development of professional ethics from the sociological point of view it is necessary to understand the processes which have led to the formation of a particular role and the norms, which *mark out the standpoints, governing the actions in a particular role*.

When it comes to the development of the ethos of bureaucratic office, the methodological approach which I have chosen directs to the investigation of the conditions leading to formation and development of office as a focus of action and thereafter the norms of role-specific, official conduct. The research question on this stage of investigation is how the role of a state official was formed by the social forces in course of the civilizing process and state formation.

In order to understand the process of formation of bureaucratic ethos one has to study the emergence and development of the bureaucratic field and the social mechanisms behind this development. The process of bureaucratization in Western Europe was linked to the rise of the absolutist states and such broad social phenomena as militarism and mercantilism (Oestreich 1982: 269). The starting point to trace these developments would be the feudal system of rule.

### **The emerging concept of public rule in feudalism and Ständestaat**

Reinhard Bendix defined feudalism as a system of rule which tends to transform public functions of government into the private ones (Bendix 1978). According to Michael Mann,

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<sup>5</sup> The role is conceptualized as an abstraction, for example, in: Parsons and Shils (ed), 1962: 23.

feudalism emerges as a consequence of fragmentation of greater political entities. The centralized collective power units were unable to keep under control the whole territory. As a result, they fragmented into smaller ones and these smaller units obtained the distributive power over them and could 'hide' this power from the larger units. The rulers of these smaller territorial units could effectively obtain the private power over the territories over which they claimed authority (Mann 1986:536).

German historian Otto Hintze wrote that the main cause of the rise of feudalism was 'the discrepancy between the size of the space to be controlled and the available means of control, whether such means were of a material or psychological nature' (Hintze 1975:170). No technique of centralized administration was available to the overlord, with the corresponding intellectual and ethical discipline of the officials. The 'officials' of the overlord were granted land with very wide judicial, policing and administrative prerogatives. Their bond towards the overlord was personal fealty, one which on one hand characterizes the fellow warriors, and on the other – family relationships. As Hintze notes, the bonds, holding together the lord and his vassals were products of family-like domestic order (Ibid).

The official component of the lord-vassal relationships in the Medieval Europe was not entirely absent, however. To begin with, the kingship in Western Europe (starting with Charlemagne) as such was considered a kind of office, as well as bishops and the Pope in the Catholic Church. It may be even argued that the mutual dialectics between the secular and ecclesiastic rule in the West contributed to conceptualization of the secular and ecclesiastic authorities in terms of offices. In the view of the Church, the kingship was merely an office, which tasks, rights and obligations were defined by the ecclesiastics (Berman 1983). This is different from the tradition of the East Roman Empire where the Emperor of Byzantium was considered the representative of God on earth and the chief priest, and this tradition was later taken over by Russia (Bendix 1978).

Italian political sociologist Gianfranco Poggi wrote, that in theory, the vassal was given the fief not to make him powerful, but in order to preserve the land acquired by the lord's army (Poggi 1978: 38). But in time, along with the development of centrifugal tendencies (for examples, as in former Carolingian empire), the personal, feudal component of the relationships 'had become preponderant over the official component, with its obligations of impersonal service and accountability; ... the fief, with its lucrative seigniorial rights, was now much more salient feature of their relations to the lord than the office (Poggi 1978: 30)'. With purely patrimonial component becoming progressively dominant, the fief, the landed

estate came to be seen as the embodiment of semi-political, formerly public rights and prerogatives, conferred upon the holder simply by the virtue of fact of possessing it, often through inheritance (Ibid). The political power was located in the person of king, the feudal overlord, and the feudal assembly, which was in principle one gathering the most powerful men in the kingdom. This made the state effectively an *association* of persons (Poggi 1978: 47).

In terms of management of his officials, under conditions of absence of formal techniques of control and securing accountability, the ruler had to rely on personal relationships known as patronage, as well as kinship. They both were used as tools to strengthen the weak formal structures of the pre-modern state (Lind 1996: 139).

There existed different forms and degrees of patrimonialization of public functions. American sociologist P.Gorski distinguishes four types of appropriation of political offices in Medieval and Early Modern Europe. The fullest modes of appropriation of offices are *venal office holding* and *feudal office holding*. Under these forms offices can be bequeathed and inherited. Venal office holding is a form of individual office patrimony under which the office can be legally bought or sold. It developed most fully in Early Modern France. Feudal office holding is a collective form of patrimony and the offices cannot be legally bought or sold. There also existed forms of temporary appropriation of offices. *Farming* is an individual form of using the office for personal enrichment. The office is typically leased by the public body to a private individual for a fixed sum of money or for a highest bidder for a specified period of time. The office cannot be bequeathed or sold to the third party, but the incumbent, in addition to the fee he received from the public body, could get the fees or unofficial income in forms of bribes for the services he was entitled to provide as an officer. French historian Robert Descimon mentions as a typical example of an individual farming an Italian official of the magistracy who supervised dealings in grain and fodder. He calculated that taking into account the entrance fee for exercising the office, in this case for six year period, taxes and operating costs, which were not covered by the public body (he had six cavalrymen under him), and the official salary from the magistracy, there would be virtually no gain for the official. But one has to take into account that the real profits from the office were derived from dealings with smugglers and other fraudulent activities, and these incomes did not appear in the official declarations (Descimon 1996: 114). *Oligarchy* is a temporary and collective form of appropriation, when a collective body – a party, typically, landed nobility or urban patricians, considered certain offices – territorial or functional, as their private

property, and who collectively conferred them to the representatives of their estates by means of election, rotation, lottery or bargaining and agreement (Gorski 2003: 142-143).

Gorski as an important factor behind the spread of patrimonial practices in West European polities mentioned imitation of venality by the secular rulers of the example of Roman Catholic Church. Benefices were distributed by the Pope often in an exchange for 'gifts'. More systematic patrimonial practices developed in the Catholic Church in the beginning of 13<sup>th</sup> century when the de facto private venality was introduced and tolerated. It was an indirect sell of an office when the holder of an ecclesiastic office resigned in favour of a third party; the third party transferred the office to the intended recipient in exchange for a certain sum of money intended and handed over to the first party (the initial holder of the office) and shared with the third (the intermediary). Later on, in the first part of the 15<sup>th</sup> century, the sales of offices were instituted, and in the 1440s many administrative offices of the Church were put to sale. In the 16<sup>th</sup> century many high level ecclesiastical offices were sold within the Curia and the College of Cardinals. Although farming out of royal offices was known in France from the beginning of the 13<sup>th</sup> century, it was mostly limited to low level offices, but the sales of offices as a widespread and later de jure practice was in place in France by the early 16<sup>th</sup> century. Gorski traces similar trends for Spain and Italy and contends that it was the strong affiliation of these states with the Roman Catholic Church - geographical proximity and institutional ties - which stimulated the diffusion of venality of offices as a means for building state apparatus and raising royal revenue (Gorski 2003: 147). He went on to argue that during Reformation patrimonial practices of the Roman Catholic Church – simony – the use of church offices for personal financial gain, holding of multiple posts (pluralism), hiring of substitutes (non-residence) and, of course, selling of indulgencies, were put under critique. Under the influence of Reformation, the Reformed church built its apparatus avoiding the 'sins' of the Catholic Church and the secular rulers, following the spirit of Reformation, constructed their administrations as proto-bureaucratic. The influence of the Reformation on the development of bureaucracies in Early Modern Europe was asserted also by other authors (Bendix 2005, Hintze 1975, Oestreich 1982).

It should be kept in mind, however, that the Catholic Church in the Medieval Europe was a repository of the culture of the Classic Antiquity. One of the cultural preconditions of constructing the state infrastructures as hierarchies of offices was the development of the notion of office itself. The originators of the notion were ancient Greeks; the concept of office as a duty and service was particularly elaborated by Plato (Condren 2006). But the most famous exponent of the philosophy and ethics of office was, of course, the Stoic philosopher

Cicero. Later the notion was put to use by the Catholic Church, which conceptualized the service of the Pope and priests in terms of offices (Bendix 1978). Development of the concept of office as a specific area of responsibility in the hierarchical context as distinct from benefice had influenced the construction of proto-modern state administration (Wolter 1997: 35). In the 11th century the Catholic Church during the reform following the ‘investiture controversy’ struggled with the feudal rulers to disentangle the church from the privatized world of feudalism. The purpose of the Catholic Church was to decrease the influence of secular authority on selecting the incumbents of the church offices. Church leaders made the argument that the church offices cannot be owned by the incumbents or their feudal patrons and given out to friends and relatives; and that they cannot be traded or sold (Walzer 1983:130). The Church attempted to gain autonomy from the world of politics, as later the secular rulers asserted their autonomy from religious imperatives and the corporate particularistic interests of the nobility or bourgeoisie.

The reforms initiated by the Pope Gregory VII in 1075 proclaimed that the Church is an autonomous, hierarchic and public authority and her head, the Pope, has the right to issue laws. The laws were implemented by means of the administrative hierarchy. It resembled the state infrastructure in such a way that it ruled by means of representatives (officials), it collected taxes (the tenth) and offered a kind of citizenship in the form of baptism and thereby membership in the Church (Berman 1983), with its own legislative organ (Convocations) and system of courts. The legislative activity required the bureaucratic apparatus and the Chancery of the church was the first effective bureaucratic institution of those times. It was responsible for composition of documents for court hearings, keeping the record of the Papal government’s decisions; the chancellor was the holder of the Papal seal. There was created formal, lawful and bureaucratic structure, which was completely new for the Western Europe of that time (Berman 1983). The Church promoted the rule by law energetically because it considered law an important tool to install long-lasting peace and thereby fulfill the Church’s mission on earth. The Catholic Church is considered therefore to be the first proto-modern state in the history of Medieval Europe.

An important stage for moving away from the rule of the state in the form of *association of persons* as more or less private individuals representing their own interests to a more public concept of rule was the development of *Ständestaat*. The development of the Stände – the collective bodies representing the estates, is linked to the rise of towns in the medieval Europe. The feudal law regulating mostly the land tenure was not relevant for the needs of townsmen whose main occupation was craft and trade. Towns were interested in development

of the distinct juridical space regulating their activities as well as security and stability which would be guaranteed by the territorial ruler. These interests made them coalesce and enter into politics. One of the original reasons for the townsmen to enter politics was their interest to influence the choice of counts, as the policy of the local territorial rulers would have distinct implications for the towns (Poggi 1978: 42). Because of the growing division of labour between the towns and the country, the towns typically were not tended to seek complete political independence from the feudal rulers (the exceptions, of course, are Italian city-states). The estates thus became the assemblies which were ready to cooperate with the ruler, or oppose him, in relation to those aspects of rule, which were *public and general*. The barons related to the overlord more like the first among equals than like a current occupant of a distinctly public office. The Estates, on the other hand, recognized and asserted the peculiarity of the ruler's position vis-à-vis territory that they embodied' (Poggi 1978:47) and thereby reminded him about his proper public role. This aspect of this system of rule, according to G.Poggi, made it distinct from feudalism. It contributed to the civilizing of the political process because now the controversies resolved increasingly not in the violent way but were put in the framework of 'public' prerogatives of the ruler and the estates and utilized the language of Roman or royal law and not the customary law. The political process acquired a more ordered and formalized character, and prior to making decisions involved consultations with the stakeholders, the written documentation, hearing objections and negotiations and voting (Poggi 1978: 57). The increased public functions of the overlord required an extended administration, which operation was supervised and made accountable by the Estates, because the Estates voted for the taxes. For example, in England, the Parliament conducted audits and created commissions to investigate the operation of the Treasury (Ertman 1999). The rise of the Ständestaat marks also the emergence of the new balance of power among the power actors in favour of the king. The overlord in case of conflicts with vassals could rely on the support of the towns. The towns, too, became a source of taxes, which stabilized the positions of the central authority.

Thomas Ertman suggested that there were two major patterns in the evolution of the representative institutions in Early Modern Europe. In some countries the representative bodies remained powerful and could provide the check on the rule of the monarch, like in England, Hungary and Poland. In these countries constitutional regimes were formed. In other countries, the diets, estate assemblies progressively declined and subsequently they experienced the rise of absolutism, like in France or Prussia. Ertman's explanation of these processes concerned the inner structure of the assemblies. Where the three-cameral



assemblies existed, they represented separate estates rather than territories; the three estates in these assemblies (nobility, clergy and commons) mostly were concerned about extension and preservation of their privileges; therefore it was difficult for them to formulate the common interests and defend them against the ruler. In addition, the ruler was aware about the divergence of interests of the estates and could play one estate against the other and subsequently neutralize the assembly. In bi-cameral assemblies, the lower chamber represented the territories (local governments) of the realm and therefore had a greater structural unity. The character of representation of these assemblies was a more public one and it had a greater capacity to oppose to or cooperate with the central ruler. These countries ended up with the constitutional rule, effectively limiting the power of the king.

Poggi mentioned other causes of the demise of the Ständestaat. The initial purpose of the towns to become involved in the corporate assemblies was, first, to gain recognition of their privileges, and second, to develop, in cooperation with the king and the nobility, the general legal framework and law-enforcement conducive for the commercial activities (Poggi 1978: 63). Poggi argues that these purposes were attained by the representatives of the towns. In addition, increasingly larger groups of townsmen were becoming uninterested in preserving the towns' autonomy, as development of the techniques of production made them operate in larger territorial contexts. The corporate regulation was becoming obsolete for the needs of the developing commerce and production and subsequently the urban entrepreneurs developed more awareness of their interests as individual capitalists. The local feudal rulers, on the other hand, lost their significance as suppliers of military force. Development of the techniques of warfare demanded increased resources which could not be mobilized by the feudal lords. The progressing weakness of the local feudal rulers combined with their relative economic decline, following the rise of the towns and development of capitalist economy, made them drawn closer to the ruler and increasing number of them became part of the king's courts as permanent courtiers and servants of the crown.

### **Centralization of politics and the process of social disciplining**

The decisive question which resolved the tension of the dual rule in favor of the crown in many states was the standing army and its financing. The protracted warfare in the 16<sup>th</sup> and 17<sup>th</sup> centuries in Europe with the increased use of human and non-human resources made it clear that the population was not sufficiently defended. The current modes of attack and defence using feudal armies, mercenaries and local militias became obsolete and inadequate.

One of the causes behind these developments was introduction of firearms and corresponding enhancements in construction of castles (Reinhard 1996:6). The demands of waging wars required greater concentration and accumulation of resources. G.Oestreich wrote that it was only the princes and their governments who learned the lessons of wars from 1550 to 1650 (Oesterich 1982: 195). Under the conditions of protracted warfare the estates appeared to cease to represent the general interest of the country and came to stand only for their own corporate interests and privileges. On the other hand, the princes tended to identify themselves with the whole body politic, that is, the state (Ibid). Power of army was intended in the first place to serve the interests of the dynasty rather than the interests of national defence. Princes were moved mostly by selfishness, but in effect became a force for promoting the public interest (Oesterich 1982: 234). The standing army decisively enhanced the power of the central ruler as it diminished the chances of the local feudal rulers to oppose the king's policies. In France, the army was used against revolts and any kind of insubordination, and it left no chances to the opponents of centralization but to seek the favour of the court (Lind 1996:140).

The Council of State, an institution which was found in every West European state by the 16<sup>th</sup> century, became effectively the organ where the state policy was formulated and replaced the estates as the organ of rule (as in France and Brandenburg-Prussia). In the 16<sup>th</sup> century the new notion of reason of state entered the politics and, according to O.Hintze, dominated the monarch's Cabinets and council chambers (Hintze 1975: 230).

In the midst of religious wars in France in the 16<sup>th</sup> century there appeared a host of normative theories of political rule which sought to resolve the problems of inner conflicts and pacification of territories. They sought to define and ground the goals, limits and character of the desired rule, thereby formulating the 'the reason of state'. The initial conditions of religious conflict for elaboration of the reason of state were significant to the point that G.Oestreich argued that 'the ideology of the powerful, centralized state had its origins in the crisis of the religious wars, with all their consequences for the individual and society' (Oestreich 1982: 70).

One of most famous political and legal thinker of that age was, of course, Jean Bodin. He contended that religious disputes are irrelevant for the essential business of government. The duty of the prince is to ignore and avoid religious argument as far as possible, separating entirely the welfare of his kingdom from the fate of any particular religion. Thereby he should ensure that he is never driven 'to make himself a party', instead of holding the place of a

sovereign judge (Skinner 1993: 254). According to Bodin, the only decent course of action to be adopted by the sovereign is that of neutrality and complete open-mindedness. De-theologization of politics was possible, however, if there was a source of power to rely on – and Bodin, as well as other his contemporaries, saw it in the absolute state. Along with the secular theories of rule there appeared contractual concepts of state taking as a starting point the Stoic philosophy of men and the state. According to Stoic philosophers, men at first were solitary wanderers and eventually agreed on usefulness of uniting in larger units and forming societies, based on a social contract (Skinner 1993:346).

These theories elaborated on the limits of political authority and emphasized the monistic character of the state, in opposition to the multi-cantered and diffused feudal order, for the sake of preserving civil peace, order and curbing the misuse of governmental power. Some of these theories attempted to ground the duty (initially) and right (later) of the people for resistance and deposition of unlawful or tyrannical ruler.

French political thinker of the 16<sup>th</sup> century Mornay described kingship as merely an office, insisting that the status of a lawful king is more like a salaried official, administrator and servant of the commonwealth than a sovereign magistrate. Hotman sought to ground the view that originally French kings were elected officials and only later, by an act of usurpation, made the office hereditary. Mariana affirmed that a ruler must be seen not as the owner of the realm but simply as the helmsman and guide of his kingdom, an official who is paid a salary by the citizens in order to look after their interests (Skinner 1993: 347). Buchanan, elaborating the contractual theory of the state, argued that people do not make any ‘transmission’ of their original sovereignty, because they merely ‘prescribe to their king the form of his Imperium’ with the aim of ensuring that ‘he acts like a guardian of the public accounts’ (Skinner 1993: 342).

Consequently, these normative theories of the state deriving from the social contract re-conceptualized the character of the power of executive officials, the magistrates of the realm. According to Bodin, all offices take the form of delegations of the king’s supreme Imperium, they possess jurisdiction, but not Imperium, that is, the sovereign power; they receive their authority as a concession from the king. Moreover, he argued that officials should be removable from their offices; otherwise they must be seen as possessing not only jurisdiction, but the autonomous and sovereign power, the Imperium (Skinner 1993: 266). He insisted that the monarch has a duty to limit their authority and ensure that they do not have too much power and that it should be properly and lawfully exercised (Skinner 1993: 273).

Another influential ideological movement which shaped the ethos of early modern state was Neo-Stoicism, associated with Dutch philosopher and political activist of late 16th century Justus Lipsius. He created his teaching amidst the Dutch War of Independence (1568–1648). Originally it appeared as a means for morally coping with dreadful conditions of society enmeshed in war and rebellions, unrest and banishments, murder and executions – the effects of political and religious crisis of that time. The existential way out of this crisis Lipsius saw not in escape but in assuming and cultivating of those virtues and attitudes he found in works of Stoic philosophers: forbearance, constancy, moderation, abstinence, sense of duty, tolerance and self-discipline. In addition to these original Stoic principles Lipsius added the admonition for active participation in the civic life with the aim of building decent conditions for social co-existence, which would allow preserving human dignity.

His works *Constantia* and *Politics* got enormous popularity having withstood numerous editions and were translated in all major European languages. There were overall ninety-six editions of his book *Politics* from 1589 to 1751. The starting point of his work was extreme insecurity and indiscipline of his times created by civil wars. He was the witness of the Netherlands' revolt against Spain, the France of the Massacre of St Bartholomew and the conflicts between three Christian confessions in Germany. What is the way out of this unrest? He suggests that the person should flee not from his country, but from his emotions. One should fight his passion and emotions and with the use of reason win victory over them. After one gains self-liberation from the inner anxiety and gains 'constancy', one should engage in active participation in political society. Lipsius stresses the importance of reason in overcoming the challenges of life. Constancy is defined as the strength of mind which is neither elated nor downcast by negative or positive circumstances. Strength is the firmness of mind which is attained by the right reasoning. Reason is the right judgment which is possible when its operation is not disturbed by false opinion arising from subjective vain fantasies. Man is guided by the two but he should strive to be led by calm reason, which in effect produces constancy. When the behaviour is led by unreliable opinion, it produces, socially, war, pestilence, famine, tyranny, massacres; individually – pain, poverty, disgrace and death. Troubles of the country lead to great pain for its citizens (Oestreich 1982: 19).

However, Lipsius saw the solution of the crisis of his time not just in personal cultivation of the Stoic virtues, but also in the establishment of a strong, independent state bound by ethical principles (Oestreich 1982: 63). He praised the centralized state as the only pillar of human affairs, the source of order and the bond which unites community. Power and prudence are seen to be the basis of the state. The establishment of the centralized power should include the

office of the prince, reliable and ethical civil service and disciplined army. Lipsius' philosophy was remarkably practically orientated. The primary audience for which Lipsius intended his writings were higher public officials, civil servants and military commanders. Under its influence there was produced a host of works in practical ethics for statesmen by other, less known authors, which formed a Neo-Stoic movement in political philosophy. Oestreich summarizes its influence in the following way:

Neostoicism was an important and constructive element in the political thought at the turn of the 16<sup>th</sup> century. Its aim was to increase power and efficiency of the state by acceptance of the central role of force and of the army. At the same time, Neostoicism also demanded self-discipline and extension of the duties of the ruler and the moral education of the army, the officials, and indeed the whole people, to a life of work, frugality, dutifulness and obedience. The result was a general enhancement of social discipline in all spheres of life, and this enhancement produced, in its turn, a change in the ethos of the individual and his self-perception (Oestreich 1982: 7).

Oestreich contends that the modern phenomenon of the 'reason of state' was strongly influenced by the humanistic and secular Neo-Stoic philosophy. It provided the intellectual foundations of the early modern state. It injected into political life a new intensity and dynamism founded on will, reason and discipline. The developing state institutions of the Netherlands, the process, in which Lipsius took an active part (especially the military ones), readily accepted the new social ideology of asceticism and discipline. Neostoic ethic tinged with asceticism fostered political commitment and the creation of the state supported by bureaucracy and the military. Philosophy of action, constancy, self-control and obedience appealed to the commanders and their officers. They were bound to the task of establishment and maintaining good order and discipline. In Lipsius' writings the emphasis on the need of obedience on the part of civil servants and soldiers was balanced with the demand on the commanders to treat his soldiers honourably, to support them and listen to them and have a respect for human dignity – no ethical captain or higher official should give a harmful order or advice to his subordinates.

Drilled and disciplined army was an urgent need for the Netherlands in their struggle with Spain. Lipsius himself took part in elaboration of the Articles of war (the military code of conduct) which was accepted in the Dutch army in 1590. Strong influence of the Dutch model of the military reform was observed in Sweden, where Gustavus Adolphus drew his regiments

after the Dutch pattern. Its influence spread in Brandenburg-Prussia where the Great Elector adopted Swedish military law in the form of those articles of war which earlier Gustavus Adolphus took over from the Dutch (Oestreich 1982: 125). Influence of Neostoic humanism of statecraft was traced also in England, Denmark and France. Oestreich observed that the statesmen of the early modern period, such like Henry IV, Richelieu, Gustavus Adolphus, Orange-Nassau and Maximilian of Bavaria seem to be agreed on certain modes of political thought and action. They all accepted *prudentia (ratio)* and *virtus*, political discipline and asceticism as the leading principles which should permeate civil and military institutions. It is interesting to note, that as an ideology of the raising modern state humanism in its Neostoic variant was in first place oriented universally and only subordinately – nationally.

Oestreich made generalizations about the effects of the absolutist rule on moulding the behaviour and self-control of individuals. He considered that the greatest achievement of absolutism was the introduction and establishment of *social discipline* (Oestreich 1982: 265). Institutional and conceptual changes which took place in that time substituted the older mode of governing the state as an association of persons, based on the principle of reciprocal loyalty, with the principle of command and obedience. These relationships of command and obedience, deriving from the social contract, introduced clear division of superiority and subordination. These were backed up by the development of social discipline in the hierarchy.

“Spiritual, moral, and psychological changes which social discipline produced in the individual ... were far more fundamental, far more enduring, than the institutional changes in politics and administration” (Oestreich 1982: 265).

These changes marked the transition from corporate, regionally secured liberty enjoyed by the entrenched elites, and – the wider population, largely not ‘disturbed’ by politics – to the modern political order with the intensified relations between the sovereign, state agencies and the subjects. Corporate thinking opposed the establishment of social discipline (Oestreich 1982:242). According to Oestreich, the estates did not develop their own mode of discipline and therefore the discipline introduced by monarchy prevailed with its emphasis on the state authority. This process involved the *concentration of authority* over the population in the hands of one person (as in monarchy – France, Prussia) or collective body (the Netherlands), which under feudalism or the *Ständestaat* was diffused and dispersed. Oestreich sees the growth of state power and introduction of social discipline as the major and most important achievements of the absolutist period. The civilizing significance of that period is expressed

in the statement of Francois Clary, an official of Henry IV, during his speech on the problems of civil war: ‘Non crudelitas, sed disciplina’ (No violence, but discipline) (Ibid).

Absolutism changed the concept and practice of the public service and the public office. Neostoic doctrine considered that public service was one rendered to the whole community. ‘Officials no longer thought primarily in terms of exploiting their offices according to the traditional notions of Germanic and feudal law but rather in terms of the general interest’ (Oestreich 1982: 191).

By the contemporaries the period from the 16<sup>th</sup> until the 18<sup>th</sup> century was experienced as one of discipline and social education. Ministers and officials, officers and soldiers, entrepreneurs and artisans were all disciplined in their behaviour and attitudes (Oestreich 1982: 268). Oestreich holds that the process of social disciplining is broader than Max Weber’s concept of rationalization. Social disciplining in the form it took in the Western countries, included intensification of rational thought but embraced also moral restraint, energetic action and moral moderation, ambition, diligence, scrupulous exactitude, the rigorous process of regulating and streamlining and active engagement in economic and civil life. These principles and attitudes found embodiment in the processes of militarization and bureaucratization of the territorial states. Bureaucracy, militarism and mercantilism all presupposed exercise and acceptance of authority, discipline and systematic raising of the levels of achievement. Oestreich argues that absolutism had strong and long-lasting civilizing effects on the societies and also served as the fundamental prerequisite for democratization, because ‘democracy presupposes discipline on the part of the citizen, a discipline which serves the common good’ (Oestreich 1982: 271).

Philip Gorski, discussing the effects of Calvinism and Lutheranism on the process of state building in Brandenburg-Prussia (which had many similarities with and was greatly inspired by Neostoicism in the Netherlands) underlines the relationship between the *ethos* (which he defines as self-discipline of individuals), *discipline* and the *strength of the state* and *efficiency of its administration*. He contends that the extraordinary strength of the Prussian state, proven on the battlefields, was greatly indebted to its Calvinist, and later, more secular, Neo-Stoicist ethos:

Calvinism may also have a positive impact on administrative efficiency insofar as it promoted ascetic values, such as diligence and self-denial, and created an institutional and political context that sanctioned their non-observance (Gorski 2003: 72).

Neither Gorski, nor Oestreich, nor Hintze, however, argued that Calvinism or Neostoicism or Lutheranism were the causes of the emergence of the centralized states or their disciplined administrations or the other way around (effective bureaucratization in Catholic Austria in the 18<sup>th</sup> century would be obvious contrary case to point). They rather consider these processes as mutually reinforcing. Otto Hintze, discussing the problem of relationships between the ‘material’ interests and structures and the ideology, wrote:

In the historical sense, neither can live over the long haul without the other. Each needs the other as its compliment. Where interests are energetically pursued, an ideology develops to give them inspiration, strength, and justification. This ideology is, as an indispensable part of the life process that produces action, as real as the ‘real’ interests themselves. Conversely, where ideas want to conquer the world, they need to be drawn by tangible interests, which in turn may divert the ideas, from their original goal or even alter and falsify them (Hintze 1975: 95).

### **Consolidation, differentiation and democratization of the bureaucratic field**

Historians generally agree on the view that the birth of the modern state is evidenced by the concentration of the political authority around two foci – the power of the sovereign, and the hierarchy of the office-holders (Descimon 1996: 103). The initial institution out of which state bureaucracy sprung was the state council. The monarch could not rule without the counsel of other influential persons of the kingdom, which usually were his most prominent vassals. They decided on the foreign affairs and the administration of justice, with letter being the historical nucleus of the government (Ribalta 1996: 23). The king’s council later differentiated into three institutions: High Court, Exchequer and the Royal or State Council. Otto Hintze held that this differentiation was a uniform pattern and could be observed in all major European polities. The later system of ministries came forth as a differentiation of the Royal Council, or State Council (Hintze 1975: 223). ‘Royal Council had become a reliable instrument of the rising monarchical absolutism, composed of persons who, whether noble or non-noble, felt themselves to be primarily servants of the king (Hintze 1975: 229)’.

Initially under the Royal Council there were formed commissions – collegial bodies, which were responsible for various spheres of rule – the interior, lands and forests, defence, trade and so on. In the course of the 16<sup>th</sup> century they gradually acquired progressively bureaucratic character. According to Hintze, the earliest civil servants were the secretaries of the state, which provided the link between the king and the Royal Council, often representing the king in its commissions. In the middle of the 17<sup>th</sup> century the collegial character of the bodies



under the Royal Council (which might be regarded as a prototype of the modern Cabinet of Ministers) changed to hierarchical. In France this change happened in 1661, an event, which is known as an 'administrative revolution' (Ribalta 1996: 31). The first collegial body to undergo this transformation was traditional collective financial system, which was replaced by a single hierarchically constructed institution responsible for state finances, and could most fully embody the abstract rationality of bureaucratic procedures.

An important social change along with the administrative expansion and hierarchization of the administrative bodies was the shift in social composition of the personnel. On the one hand, the central rulers were interested in staffing their administration with most qualified and loyal servants. On the other hand, they were interested in strengthening their influence on the administration and diminishing the sway of the aristocracy, which, by virtue of its economic and social autonomy, could become recalcitrant in implementing the policy of the king or his council. High offices were the targets of the influential groups from the medieval times. Vassals were the clients of the king and at the same time were the patrons of their dependants. They strived to ensure the lucrative offices of the king to their clients by exercising their influence on the king or by seeking his favour. With the raise of the royal power (primarily, by stabilizing of the monopoly of violence and strengthening of the financial basis of the crown by introducing new taxes), and at the same time expansion of royal administration, the king obtained more room for maneuver in choosing his servants. The power to choose the servants was enhanced by the transformed notion of legitimacy of the early modern state with its new notion of the reason of state and reference to legal principles. These changes brought about transformation of the framework for selecting the employees from particularistic to more universalistic (Lind 1996: 140). Prussian rulers consciously chose the commissioners, the royal agents in the provinces, not from the respective local environment, but from other provinces; often they were of non-noble origin (Bendix 1978). It produced tension between the royal civil service and nobility but strengthened the *autonomy* of the centralized state power from the influence of the nobility. Later, examinations for the candidates to the positions in the civil service were introduced, in this way opening opportunities to enter the civil service in principle to all qualified and able candidates. Changed social composition of the civil servants, their often non-noble origin, enhanced loyalty of the civil service, and at the same time diminished the possibilities that the civil servants could themselves become patrons to others. The tendency of introduction of universalistic principles of employment could be interpreted as democratization of the state despite the exclusion of the larger part of population in the process of formulation of laws and policies (Bendix 1978). The growth of

civil service and increase of its role brought about in effect a gradual autonomization of the body of civil service not only from the social groups outside the state but also from the king. The example of this was introduction of prohibition of firing of the civil servants on the arbitrary grounds in Prussia. Another example is establishment of formal corporations of the lawyers of the king of France, with their *esprit de corps* (Lind 1996: 137). This development was another spurt for the formation of autonomous bureaucratic ethos in state administration. As M.Mann suggests, the main precondition for formation of a distinct bureaucratic ethos and collective *esprit de corps* is the development of bureaucracy as an institution ‘insulated’ from society (Mann 1998: 422).

Growth of the despotic power of the state was not initially matched by the strength of infrastructural power. The despotic power needed the backup of its authority as well as an effective tool of external struggle and therefore army was the first place where bureaucratization took place. Military power had to be concentrated in order to be effective and at the same time controlled. It was necessary to solve the problem of coordination of various army forces (infantry, cavalry and artillery) over greater span of time and distances. This was made possible by establishing a headquarter, hierarchy of officers and a chain of command. War and preparation for war were the initial triggers for bureaucratization of army and state fiscal apparatus. This causal link is clearly observable in Prussia and Austria. According to M. Mann, in Austria a reform aimed at bureaucratization of royal administration took place during the War of the Austrian Succession (1740-1748), when Habsburg Empire faced the danger of elimination. After 1750, there was little office ownership in Austrian or Prussian civil service (Mann 1998: 449). In Britain the reform movement against waste and corruption in the civil service was inspired by the fiscal pressures caused by the Seven Years’ War (1754 – 1763) (Mann 1998: 455).

This initial stage of bureaucratization had its limits, however. Where states remained dynastical, the process took place mainly within particular departments. It was opposed on the higher political level. There was no effective coordination of the ministries or other state organs on the central level. The king feared consolidation of the Cabinet as a rival to its power. There were opponents to increase in effectiveness of the state apparatus from the ‘parties’ – ministers or high officials, who occupied their offices on the basis of privilege. ‘Why give the state more efficient, cohesive, and bureaucratic infrastructures? That might aid the despotic strategy of the state elite, or it might aid rival parties (Mann 1998: 466).’ Divide-and-rule principle remained in place in monarchic governments and obstructed further centralization and bureaucratization of the state apparatus.

The main causal factor behind further bureaucratization was democratization of the states, introduction of political citizenship. M.Mann holds that democratic revolutions which took place in America and France enhanced centralization and the power of the states by development of party democracy and nationally elected governments. Office ownership on the venal or hereditary basis was recognized to be a corruption and was abolished. Construction of public administration on the basis of bureaucratic principles (salaried and not venal, committed to rational principles of hierarchy and function) was introduced in France and outstripped in its cohesiveness that of Prussia or Austria. Extension of franchise in England in 1832 put the civil service under still closer scrutiny. Parliamentary commissioners repeatedly made audits in the departments and in the first part of the 30's of the 19<sup>th</sup> century concluded that there was no corruption in the state administration. Party democracies did not oppose bureaucracy and trusted it because they thought they could control them. Development of social citizenship lessened tension between state bureaucracy and society because the latter could see its usefulness as deliverer of social services. Growing capitalist economy found the extended bureaucratic apparatus of the state useful and in fact depended of its efficient functioning, which added to the legitimacy to bureaucratization. There was no controversy about introduction of post offices, telegraph and railroads, health services and in many countries – education (Mann 1998: 468).

M. Mann points to another source of social tension, which followed consolidation, differentiation and growth of the bureaucratic field at the end of the 19<sup>th</sup> and beginning of the 20<sup>th</sup> centuries: ‘Would the vast number of state employees be loyal to the hierarchy? Or would they represent their own private interests or those of their class or religious or linguistic community (Ibid)?’ This tension involving the issue of trust of citizens to the state institutions was lessened, according to Mann, by development of ‘national crystallization’ of the state. Development of national identity contributed to identification of public officials to the interests of the whole society. Each country resolved this challenge differently, depending on its unique situation. Important role in this process was played by the national educational system, both on the level of schools and universities. For example, German universities strongly contributed to the formation both of the corporate identity of the *Bildungsbeamten* and implanting patriotism and cultivation of national identity among civil servants.

The developments described above could be summarized by the observation made by N.Elias concerning development of monopolies in the context of the civilizing process: ‘Two main phases have been distinguished in the development of monopolies: the phase of free

competition tending to the formation of private monopolies, and the gradual transformation of 'private' into 'public' monopolies (Elias 2001: 312).'

Those countries, which have undergone the processes discussed in this chapter, gradually developed neutral, autonomous, but democratically and nationally embedded bureaucracy. Accordingly, the ethos of executive public officials in these countries embodies both autonomy and national embeddedness of the state.

### **Bureaucratization and the civilizing process**

It is necessary here to add some comments about the meaning of bureaucratization in terms of theory of the civilizing process. In his later works Elias used terms 'detachment' and 'involvement' to describe the variety of phenomena relating to self-regulation, self-restraint and emotional neutrality. He suggested that along with the civilizing process there develop three basic types of controls: 1) control over natural processes, 2) over social processes and 3) over the processes of the individual selves (Elias 1990: 66). He argues that humans learn to get hold over the natural events faster and more successfully, than they learn to control social processes, because the control over the latter requires greater self-restraint. In the field of control of social processes people's involvement of thought and action overweighs detachment (Elias 1990: xxix). Greater control over the social processes demands detachment in thinking about social problems; the reasoning should not be coloured by affectivity which is associated with greater involvement, greater insecurity, narcissist fantasies, short-term wishes and fears. Applying these concepts in the dynamic context of the civilizing process, he wrote:

'Differences in the regime, in particular differences in the power-chances and permanence of the central authorities of the state, have their counterpart in differences in the self-regulating pattern and thus in the involvement-detachment balance of the human being who lives under these different regimes (Elias 1990: lxviii).'

In my view, autonomization of the state and its bureaucratic apparatus represents the case for the development of a more detached perspective on social processes and a progressive step for achieving a greater control over social events. The corresponding development is the formation of a more elaborate and stable pattern of self-restraint and self-regulation on the part of public officials. The gradual evolvement of this process in West European polities is evidenced by the formation of bureaucratic institutions and the corresponding forms of

discipline and self-discipline from late 16<sup>th</sup> century on. These processes marked the raise of standards of autonomy and adequacy of thinking about social events and at the same time the ability to impose on the group of public officials the discipline of greater detachment. It is in this context that the basic rule of the civil servant not to be interested in the outcome of the decision should be seen. On the other hand, it can be hypothesized that societies where the processes of autonomization of the state and its apparatus with the corresponding civilizing and disciplining of its personnel were not crystallized might lack detachment in the operation of their public institutions and officials. This lack of detachment and greater involvement can be expressed in emotional partisanship for particular we-groups and seeking of short-term satisfactions in the institutional context of the state.

It is important also to underline that Elias considered significant the historical continuity of the state-building process for the development of a reliable pattern of self-regulation. In his book 'The Germans' Elias wrote that history matters because it forms habitus of groups and individuals but also because it provides material for collective and individual self-images. He linked such concepts as self-image, self-ideal, honour, pride, self-constraints, conscience, inner code of conduct and gratification. He noted that century-long continuous development of statehood facilitated stability of we-image and we-ideal. Particularly, he wrote that the Danes were able to cope with the consequences of war with Germany in the 19<sup>th</sup> century. As a result Danes developed a realistic and stable collective self-image, which contributed to stability of norms, expectations and conduct. On the contrary, for the Germans fluctuations in historical self-image, and consequently, self-esteem were characteristic. He noted that 'Germany' for the Germans was something mystical and unreal; there was a discrepancy between national ideal (we-ideal and we-image) and reality. As a result, "national ideal fulfilled neither a restraining nor a guiding function in daily life" (Elias 1996: 327). If individual self-constraints are not linked to and supported by collective goals, ideals, we-image, the individuals are less able to live up to their ideals and maintain stable self-control in their behaviour. As a result people will be more likely to 'fall back on extraordinary occasions as means of satisfactions' (Elias 1996: 327).

## **Chapter 3. State formation and administrative developments in Denmark**

### **Introduction**

Norbert Elias in his work on the genesis of the naval profession in England wrote that “the history of a profession is part of the social and economic history of its country” (Elias 2007: 115). Investigating the formation and development of the profession of executive officials one could stress that its history is also a part of the political history of the country. On the example of the genesis of naval profession Elias shows that the emergence of the new social function is preceded by crystallization of new human needs and new technical means to satisfy these needs. Subsequently this new social function is institutionalized as profession. However the process of emergence and formalization of a new social function is complex; usually it is accompanied by social tensions or conflicts among the groups occupying the particular social field which is followed by adjustments, compromises, trials and errors and finally accommodation between them, and institutionalization of the profession. These social conflicts usually take place because the formation of a new social function is preceded and followed by changes in power balances between the groups in the social figuration. Profession and office confer to the incumbents certain authority in relation to other social groups.

In his article on professions Elias wrote that the term “denotes occupations which demand a highly specialized knowledge and skill acquired at least in part by courses of a more or less theoretical nature and not by practice alone, tested by some form of examination either at a university or some other authorized institution, and conveying to the person who possess them considerable authority in relation to clients” (Elias 1964: 542). Professional groups usually guard their boundaries by setting the rules of entry; they strive to preserve their status and regulate relationships inside the professional groups and in relation to the client by developing professional ethics (Ibid).

In his “Genesis of the Naval Profession” Elias noted that social groups leading the transformation of social relations and functions and creation of new ones define the character the new institutions. The ways in which these transformations are brought about can be different in various countries depending on the character of the social forces behind them. Thus, for example, the genesis of the naval profession in England, France and Spain followed strikingly different paths. This was reflected in differences in character of functioning of navies in these countries, and eventually, of their competitiveness. In this work Elias demonstrates that the genesis of the naval profession was dependent on the social and political structure of the country as a whole and the geopolitical position of the state and consequently

military and economic competition with other states (Elias 2007: 105). These considerations should be taken into account when studying the genesis of the profession of the civil servant.

Emergence of proto-modern public administration and formation of its distinct ethos in Denmark should be seen in the context of transformations that Western polities underwent in course of the 16<sup>th</sup> century. These transformations eventually lead to the establishment of the absolutist regime in Denmark in 1660 and consolidation and development of centrally controlled public administration. In the formulation of the Swedish historian Kerstin Strömberg-Back, “the process of state formation consisted of lifting a number of functions out of the social order and into a special politico-administrative sector which possessed sovereign authority, and in which the superior political structure sought to expand its field of action to cover an ever larger part of community life” (quoted in L. Jespersen, 2000: 36). Concentration of political authority in the hands of the central ruler backed by gradual monopolization of the military function was accompanied by decreasing of the social power of the nobility which carried out judicial, policing, military, tax-extraction and redistributive functions in decentralized polities. These developments in the Western countries were paralleled by the transformations of the feudal and manorial relations, which eventually lead to emergence of private property.

Scholars generally agree that revival of the Roman law, the process which started in Europe in the 12<sup>th</sup> century, was conducive to the institutionalization of the private property. Roman law also served the purposes of the centralizing polities, because from it there could be derived the notion of sovereignty (Bonney 1991: 312) Later works of medieval lawyers, commentators of the Roman law, introduced the idea of unity and universality of legal norms. Perry Anderson, summarizing these developments, wrote that “private property from below was matched by the increase of public authority from above, embodied in the discretionary power of the royal ruler” (Anderson 1987: 28). Universalization went hand in hand with particularization.

In the course of these developments a new figuration of power relations was emerging. The central ruler, king in Denmark, was confronted with the civil society consisting of individuals possessing freedoms approximating civil rights. This pertains especially to the situation in Denmark after 1660, when the privileges of the nobility were mostly abolished, but economic guarantees were given to the landowners and commoners were allowed to own property (Jespersen 2000: 134; Jespersen 1995: 56). The king could no longer wholly rely on the loyalty of the nobility who earlier fulfilled their administrative functions. He was posed with the problem of governing the country (extracting the necessary resources from the population,

maintaining capacity to defend the country, discharging judiciary and policing functions etc) by constructing a new social institution – loyal, obedient, honest and efficient, but non-proprietary public administration.

### **Heritage of legal culture of the Middle Ages**

The extant historical evidence points to existence of large and developed body of laws effective on the territory of medieval Denmark. The kings of Denmark of 12<sup>th</sup> and 13<sup>th</sup> centuries gave way to the cultural influence of Europe, including the matters of law, especially that of France, which at that time was the European centre of legal thought. It is quite certain that clergymen filling posts in church administration and royal household often received education in universities in Italy and France. Later, after creation of the Council of the Realm in 1397, following establishment of the Kalmar Union of three Scandinavian kingdoms – Sweden, Norway and Denmark, the clergymen held the positions of members of the Council and exercised considerable influence on its workings (Hørby 1997: 204). Thus, Roman law, indirectly, through its adoption and reinterpretation in canon law, inspired royal legislation from the beginning of the Christian era (Hørby 1997:201).

Moreover, there is reason to consider that the administrative practices introduced by the Catholic Church in the 11<sup>th</sup> century were to some extent adopted on the territory of Denmark. Danish historian Kai Hørby wrote that one of the crucial features of the practice in exercising authority of the bishop in judicial matters was by delegating the authority to its representatives, lesser clerics, particularly, officials and vicar-generals. Later short-term mandates were turned into benefices and offices in the ecclesiastical administration. “There can be no doubt that this development constituted an institutionalization of ecclesiastical functions and offices, which may well have been one of the preconditions for the formation of the modern state” (Hørby 1997: 204).

Clergymen exerted their influence in the Council and in discharging justice, as their advice was asked in legal matters concerning, for example, disputes about land or rights to income (Ibid). Ecclesiastical legal procedures were more elaborate because they were based on canon law and were superior to the then prevailing custom law, for example, in matters of proof.

Also later, after Reformation, the ecclesiastics exerted influence on civil administration serving as an example to state officials. Vicars in Denmark had to obtain university education. Clergy helped raise the standards of performance in civil administration, because they



cooperated with the latter in execution of public duties, particularly in conscription of soldiers in Denmark (Rian 2000: 328).

The constitutional makeup in Denmark reflected both Scandinavian traditions and the currents of European thought. Until 1660 the king of Denmark was elective. The power of the king was understood as deriving from temporary and conditional ceding of power by the estates. In Denmark the strongest estate was nobility, followed by clergy and relatively less influential burghers. The influence of the European political and juridical thought is seen in application of the notions of office and popular sovereignty in conceptualizing kingship. In Denmark in about 1513 Archbishop Birger Gunnersøn, inspired by famous medieval legal thinker Bartolo de Saxoferrato, portrayed the king “as a highest official, who had the use of the realm, but did not possess it. If he misused his power he could be deposed, and the “*consilaros, electores at regnicolas*” were the real owners of the realm” (L. Jespersen 2000: 45). This Italian jurist was one most read and respected in the northern continental Europe during the 15<sup>th</sup> century (Hørby 1997: 207). Starting with 1422 the king upon his election had to sign the accession charter (*håndfæstning*), a kind of a contract between the king and the Royal Council, consisting mostly of representatives of nobility. This accession charter set the terms of the rule and was composed by the members of the Council. Upon accession to the throne the king pledged the oath which was considered binding to him. Furthermore, it was recognized, that the king was limited by divine law, natural law and custom (L. Jespersen 2000: 46).

Nevertheless, the royal power was relatively strong in medieval Denmark, particularly in relation to the Church. The surviving texts of provincial laws and Church ordinances indicate that king probably exerted an overall authority on the content of the various laws on the territory of Denmark (Hørby 1997: 203). There was introduced a body of royal law by the Danish king Valdemar II in 1241 with the claim to be enforceable on the whole territory of the realm. The remaining copies of this text contain preface. There are references to the Roman notion of justice equivalent to equity. There is also reference to the canon law definition of justice “calling for the protection of the weak, on the part of the good who must coerce the wicked” (Hørby 1997: 202). Other places of the preface contain the demand that law “should be honest, discernible, clear to everyone, and not especially phrased in order to meet the specific interests of any party” (Ibid).

One of the distinctive features of Denmark was that church property and administration had been heavily dependent on the royal power. Another distinctive characteristic was that the boundaries of the archdiocese of Lund and the archdiocese of Trondheim coincided with the

boundaries of the kingdom of Denmark and the kingdom of Norway. This made it possible for the king of Denmark to completely subordinate the church after Reformation and appropriate its great wealth. Another consequence, about which Kai Hørby hypothesizes, as there have been no definite research conducted on the topic, is that the whole body of canon law, both general and particular “passed almost in its entirety, with the Reformation, into the body of royal (what was to become secular) law” (Hørby 1997: 208).

Again, it should be stressed that, according to modern scholars, ecclesiastical administrative structures in form of hierarchies of offices served as a model for the secular sphere of the state and were imitated and adopted by secular rulers (Padoa-Schioppa 1997: 15, Wolter 1997: 17; also Berman; earlier this thesis was set forth by Max Weber, Otto Hintze and Ernst-Wolfgang Böckenförde, see Wolter 1997: 20-21). The notion of office has particular importance in the context of the present thesis. According to some political scientists, the notion of office is based on the idea of representation (Wolter 1997: 17, see also Bourdieu). The idea of the modern state, in turn, according to German political scientists Hebert Krüger and Wilhelm Hennis, has its essence in the idea of representation (Ibid, see also the definition of the state by T.Hobbes). Thus according to Hennis, “The central concept of representative democracy is neither the people’s sovereignty, nor their volition, but the office, and here all constitutional competence is trust, fiduciary power (*Treuhand*), given in order to achieve the purposes of the commonwealth” (Wolter 1997:18).

German Professor of Legal History Udo Wolter, commenting on the writings of the above mentioned German political scientists, wrote that:

... office differs from the representation of persons in being exclusively and independently an intellectual concept and thus not even resting upon a natural substratum. Hence office is representation of the purest kind. In fact the state is conceived as a representing entity in order to make its entire life independent of the physical, psychological, and other natural accidents of individual lives. Office shows ‘the state’s existence through action (Wolter 1997:18).

Wolter concludes that “the office as an institution is of fundamental importance regardless of how it is interpreted. Thus it is certain that an absolutely essential aspect of the origins of the

modern state can be seen in the development of the concept of office” (Ibid).<sup>6</sup>

Wolter refers to recent studies which point to structural similarities between ecclesiastical and state offices, and his analysis confirms this founding. Several benchmarks should be mentioned in the development of the notion of office. First, with the introduction of positions of official and vicar-general, there was made a distinction between office and benefice. Earlier this distinction was made in theory but in practice the office of the priest was always accompanied with the grant of benefice and thus merging the idea of office with the right to property. Official and vicar-general served the bishop but were not granted a benefice. They were representatives of a bishop in administrative matters. Second, in the high middle ages there was a development in ecclesiastical law and later taken over by the secular sphere, of understanding the office as a task and delimited authority (jurisdiction) and responsibilities; thus “the personal tie of the office-holder to the lord is slackened and it is objectified by restriction to a defined task. The office acquires the character of an institution, as it is thereby conceived as permanent” (Wolter 1997: 23). Third, a peculiar characteristic of the ecclesiastical office shared with secular public administration was the duty of obedience. This was affirmed by the oath which was taken upon accession to the ecclesiastical office. The duty of obedience was a principle which should be understood in the context of the development of the Catholic Church as a hierarchy and its competition with the secular rulers. “Thus the principle of obedience to Rome might (and often did) become a means for particular churches to gain independence from secular power, and it was defined with conviction not only at the centre but also in local churches” (Padoa-Schioppa 1997: 15).

Taken the hypothesis by Kai Hørby mentioned above concerning the incorporation of the canon law into the royal law it could be further hypothesized that the concepts of office and representation elaborated in the canon law became useful instrument of the royal power. Revival of the Roman law and its utilization by the princes of the territorial states in the 16<sup>th</sup> and 17<sup>th</sup> centuries contributed to conceptual development in the field of public administration. German historian R.A. Dorwart wrote: “The primary contribution of the jurists (*legistes, letrados, curiales*), under the influence of Roman law, was to convert the feudal conception of private office as a function of property and of a feudal contract to one of public office as a function of the state (Dorwart 1953: 6)”. The origin of the administrative institutions

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<sup>6</sup> It can be noted here that the central concept of Hobbes’ *Leviathan* was the office of sovereign as a representative of people entering the social contract. The sovereign in the *Leviathan* is understood as a representative of the commonwealth and his officials are representatives of this supreme representative (chapter XXX ‘The Office of the Sovereign Representative’ in the *Leviathan*, also Hobbes 1993: 166).

themselves, however, according to Dorwart, was feudal and medieval (Ibid). Therefore it is necessary to trace their development from their early origin.

### **Political consequences of Reformation**

Danish historian Leon Jespersen holds that during 16<sup>th</sup> and 17<sup>th</sup> centuries in Scandinavian countries there took place a transition from a more diffuse form of polity, in which obedience was a question of personal relations (between the king and the feudal lords), to a new form of the polity, which he calls 'power state', based on law, administration and power (L. Jespersen 2000: 39). The way of operation of this state was more impersonal. The distinguishing characteristic of the power state is its legitimate monopoly of authority and enforcement, its ability to extract resources from the subject population and possession of necessary military and bureaucratic means of enforcement (Ibid.). The Renaissance conception of the state was one of becoming increasingly secular. The state did not claim to represent anything beyond itself. The state in the justification of its power was referring more and more exclusively to itself thus giving rise to the concept of the 'reason of state' (Foucault, Botero). In the conditions of early modern Europe this meant that state did not explicitly rest on the consent of the population and presupposed that the state could exert effective power of social disciplining (L. Jespersen 2000: 39). These changes also signified an emergence of a new ethos in the public authorities based on obedience and loyalty. In contrast, according to Elias, "feudal ethos was originally founded on a more equally balanced mutual dependence of the partners" (Elias 2008: 169).

The transition from the medieval feudal state to the power state in Denmark started with the Reformation. It transformed power relation and led to the increase of the central authority represented by the king and the state council. American historical sociologist Richard Lachmann in his study of economic and political transformations in the early modern Europe put forward the notion of elite conflict as a crucial factor of social change. According to his theory, conflict between elites creates strategic opportunities for other social actors, which subsequently results in transformation of the social structure: "My fundamental finding is that the chains of contingent change began with elites, not classes or individuals. Elite conflict propelled and directed each era of transformation (Lachmann 2002: 9)." This Lachmann's notion can be used in understanding the changes which took place in Denmark in the years of 1533-1536 eventually leading to Reformation in the country.

After the death of King Frederick I in 1533 the succession crisis broke out. The conflict over the throne of Denmark was between the followers of the nephew and predecessor of the

deceased king, Christian II, and the followers of the eldest son of the King Frederick I, Duke Christian (to become Christian III). In this military conflict, called the Count's War, the forces of the son of the deceased king won. The duke was adherent of Protestantism, whereby the council of state was predominantly Catholic. The council had opposed Christian's III accession to the throne on religious basis, fearing that this would break the established power balance. Having become the king, Christian III imprisoned the Catholic bishops, who constituted an influential faction in the council of state, and forced other members of the council to sanction their internment (Hørby 1997: 206). He then set forth the ecclesiastical reforms. In 1536 he confiscated all episcopal estates which administration he entrusted to superintendants, the royal officials, who would discharge these functions for a fixed salary paid by the royal treasury (Hørby 1997: 207). The Danish Church changed from being a province of a Catholic Church subordinated to Rome and having authority relatively autonomous from the king's to that of the king's Lutheran church. The king became a formal head of the church although in practice the ecclesiastical matters were mostly administered by his chancellor. He also reformed the council of the realm, which was now to be consisted of 15-20 secular councilors. Kai Hørby wrote that "[i]t could be well argued that the legislation on Church and state in Denmark of 1536 made use of the Reformation issue only for political reasons" (Hørby 1997: 205).

In order to stabilize the situation Christian III demanded from the members of the council to issue a declaration in which they swore their loyalty to the king and promised not to re-introduce the religious rule in the country. There were also issued constitutional documents in 1536. There was introduced a new concept of the sovereignty of the state with the expression 'The Crown of Denmark'. This expression referred both to the office of the king and the council. Danish historian Knud J.V. Jespersen describes the significance of this political innovation in the following way:

This concept was the overall description of the authority represented by the king and the nobles together. These two authorities together constituted 'The Crown of Denmark' in an abstract, permanent sense. Kings could die, the members of the council could change, but 'The Crown of Denmark' – the fulcrum of sovereignty and the state – existed independently. This in turn created the necessary legal framework for the expansion of the power of the state in the following centuries, for establishing a power of the state which virtually took on its own life beyond the reach of society. It existed, so to say, for itself and by virtue of itself (Jespersen 2004: 34).

The concomitant development, which Knud Jespersen describes in his work on the Danish nobility, was the stratification of nobility and its split into one which had larger estates and better chances to get access to state offices, and another, which had smaller estates, was less wealthy and had lesser political influence (Jespersen 1995: 51). This split of the nobility was similar to one into court and country in England of approximately the same historical period. Wealthier families could afford for their sons expensive education abroad with prolonged study visits in Germany, England, France and Italy. There the sons of the nobility became versed in jurisprudence, political science, diplomacy, foreign languages and acquired a cosmopolitan outlook in accordance with the trends of Renaissance Europe. Such training made them preferential as candidates for high state offices (Ibid). This split of the nobility eventually led to crisis of this estate, but in the moment of consolidation of the central authority in the form of diarchy (the king and the council) the upper nobility (aristocracy) served as a political support for this process. Danish historian Ladewig E. Petersen wrote that because aristocracy could see the benefit from the early modern power-state, the interests of the king and the aristocracy would coincide (Ladewig Petersen 1993: 125). “Stabilization of aristocratic power-state implied reduced opportunities for new men. The profits from power, from office and from social and education background tended, until the advent of absolutism, to combine, happily and exclusively (Petersen 1993: 126).” At the same time this condition for a certain period of time was conducive for professionalization of state officials and there are evidences that the crown subsidized the training of the future officials (Ladewig Petersen 1993:125).

As mentioned, an important consequence of Reformation was that the Church was subsumed into the apparatus of the state with the king as its head. The medieval Catholic organization with its privileges disappeared (Jespersen 2004: 90). Christian III reorganized the Church, receiving approval of this project from Luther himself and Lutheran theologians. The model of the reorganized church followed in many ways the example of transformed church in the states of Northern Germany. The king took responsibility to assure that the doctrine preached in the churches in Denmark was one strictly in line with Luther’s. The clergy, previously and estate on the same footing with nobility, was reduced to the position of civil servants; the bishops now were called superintendants.

The reformist clergy willingly accepted their role as civil servants. The attendance of the services was compulsory. The Lutheran doctrine of sanctity of authority and obedience to the state was regularly preached from the pulpits. In the expression of K.Jespersen, the clergy became an important tool for religious and social regimenting and disciplining of the people

(Jespersen 2004: 89). Because of their close contact with the subjects and their thorough knowledge of the local people, the priests became important channels of communication between the central organs of the state and the subjects. This made the state present in the remote parts of the kingdom.

As a result of this systematic imposition of orthodoxy and discipline, Danes became one of the most disciplined nations in Europe (Jespersen 2004: 90). It is from the introduction of Reformation that “the comprehensive and long-lasting social disciplining of the king’s subjects, which turned them into Danes, began” (Jespersen 2004: 212). With such surveillance carried out by the reformist priests, there was little possibility for revolt and disobedience. Indeed, Denmark after Reformation never experienced large-scale revolts of the peasants known in other parts of Europe.

The Reformed church started to fulfil its social functions in a more systematic way. This included poor relief, health care and education. These services were accessible to all and were financed from charity, which was semi-compulsory. Knud Jespersen theorizes that the beginnings of the welfare state which exists in nowadays Denmark and the formation of the necessary attitudes which are prerequisites for its functioning can be traced in the period of Reformation. These attitudes include the willing acceptance on the part of the population of the actions of the state because of the trust to the figure of the priest, who embodied the state, and the acceptance of the necessity to contribute in the forms of charity (which later became state-imposed taxation) for the general welfare.

### **Administrative reforms under absolutism**

Michael Mann in his first volume of “The Sources of Social Power” wrote: “Peoples, races, and tribes are the product of confined power interactions over a long period between persons who are caged within boundaries” (Mann 1986: 92). Formation of dynastic and later absolutist states represents such caging of the peoples within the boundaries. Power relations came to be hierarchically organized and stratified. The transition towards hierarchically organized authority, according to Mann, took place “in the realm of coercion in the sense of caging, the growth of focused, inescapably intense, centralized social relations” (Mann 1986: 86).

Since the dissolution of the Kalmar Union there had been rivalry between Denmark and Sweden over the dominance in Scandinavia and over the Baltic region. Such rivalry provoked military conflicts (Jespersen 1994: 141). In the course of the 17<sup>th</sup> century there had been a

series of wars between Denmark and Sweden but one with substantial implications for Denmark was the war of 1657-1660. In June 1657 Denmark launched attack on the Swedish acquisitions in Germany, but retreated on the invasion of the Swedish army, which was transferred from Poland. In course of the war the very independence of Denmark was threatened as the Swedish troops were besieging Copenhagen in 1659. It was saved with the help of the Dutch navy and interference of England and France. According to the terms of the treaty of Copenhagen the Danish provinces in the south of the Scandinavian peninsula (Halland, Skåne and Blekinge) and some other territories were ceded to Sweden. The war had significant domestic consequences for Denmark. As a result of the war the state acquired a huge debt. The king convened a general assembly of the estates in order to discuss the problem of saving the finances of the state. The question was raised about the burden of taxation of the nobility. The commoners voiced the complaints about the exemption of the nobility from the duty of taxation (Jespersen 2004: 40). In addition, the nobility was held responsible by the commoners for launching the disastrous attack on Sweden and military defeats (Bonney 1991: 255). In this situation the king used the support of burghers and clergy and the kingship became hereditary. This meant that the accession to the throne would become automatic and there would be no need for the accession charter. The constitutional change altered the power balance in the country. The nobility lost its political privileges and the council was abolished. Hannibal Sehested, who was a *stadtholder* in Norway, was appointed a treasurer and introduced the administrative reforms on the Swedish model (Ibid.). The nobility lost its monopoly on the offices of the state and it was proclaimed that hereafter these would be open on the basis of merit, also to the commoners. In a way quite unique for that historical period in Europe, there was issued a Royal Law (constitution) in 1665, which proclaimed ‘absolute sovereign power the king’ and established a direct relationship between the king and the subjects. The Article IV of the Law stated:

“The king alone shall have the supreme power and authority to appoint and dismiss all officials, high and low, no matter what name or title they may have, according to his own free will and judgment, so that all offices and positions, no matter what authority they possess, shall have their first source, as from a spring, in the absolute power of the king” (translated in: Ekman 1957: 106).<sup>7</sup>

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<sup>7</sup> This Article of the Law is reminiscent of Hobbes’ ‘Leviathan’, which was already available in print in 1651, particularly the passages about the right of the sovereign to choose and appoint his officials (Hobbes 1992: 126). However, there is no direct evidence that Hobbes’ work was used by Peder Schumacher, the author of the Royal Law (Ekman 1957: 104). Perhaps he was familiar with the ideas set forth in the ‘Leviathan’ during his stay in England in the years following Restoration (Horstbøll and Østergård 1990: 157).



In the early 1600s central administration in Denmark did not have a permanent character with departments organized on the functional basis with clearly defined areas of responsibility. The accession charter constrained the king in choosing the officials and organizing the work of administration. Some of the officials had multiple loyalties to the king, the council and the estates (L.Jespersen 2000: 72). This pertains also to the chief offices of the state (Steward (finances), Marshal (army), Admiral (navy), Chancellor (judiciary)), which largely had medieval feudal character.

After reorganization the government consisted of six colleges: Chancellery College, Treasury College, Commercial College, Admiralty College, War College and German Chancellery (which in general was dealing with foreign affairs. The heads of the colleges were subordinated to the king and his Privy Council (L.Jespersen 2000: 77). Local administration was reorganized as well. *Lensmænd* were substituted by *amtsmænd* (regional governors), who functioned under subordination and supervision of Chancellery College, Treasury College and Commercial College. Some military and tax-collecting functions of *lensmænd* were removed and placed under separate state offices (L.Jespersen 2000: 78).

The reform of central administration in Denmark was implemented after the pattern of the Swedish Form of Government of 1634. The administrative reforms in Sweden, which culminated in the Form of Government, took place during continuous wars which Sweden waged, and the king (Gustavus Adolphus) was personally involved in campaigns in Poland and Germany and frequently was absent from Sweden. Under these conditions, there was a pressure for formalization and rationalization of government. The central and local offices of the state were filled by nobility, but “[h]enceforward they would be the servants of the state, rather than irresponsible agents of the king” (Roberts 1992: 75).

M.Roberts concluded that the reforms in Sweden, implemented by the chancellor Axel Oxenstierna, were based on principles of “delegation of royal authority, regularization of procedures, and centralization of administration” (Roberts 1992:77). He considers that the administration in Sweden after the implementation of the Form of Government was “most efficient and up-to-date administrations in Europe. It was not corrupt, indeed, and it did not suffer from the current plague of venality...” (Roberts 1992: 78).

Leon Jespersen stresses a number of consequences of the introduction of college principle of organization of government for the position of officials. The division of the field of responsibility meant increased demand for qualification and had consequences for the selection of candidates for offices (L. Jespersen 2000: 69). In fact, examination of candidates

in Sweden was introduced in 1636 (Roberts 1992: 78). The work in the government was now a full-time job. Previously it was considered a sort of a public duty, which did not presuppose specialized knowledge or performance on the full-time basis. This had a consequence that it could be fulfilled irregularly, arbitrarily, and at pleasure. Now the civil servant was paid a salary in money. This condition itself had implications for the molding of habitus and behaviour of officials. The transition to paying the taxes in cash took place in Scandinavia in the course of the 16<sup>th</sup> century. Although in Sweden for some period of time officials were remunerated by allotting them pieces of land, the tendency was towards paying the salary in cash. N.Elias has made interesting observations on the influence of the transition of remuneration in cash for formation of habitus of those serving the king and the state. Receiving the fief and living on the rent permitted greater independence than receiving the remuneration in cash.

The favour of kings manifested in money presented a greater risk for those dependent on it, raised and cast them down more rapidly in society and so produced more mobile and complex human attitudes and physiognomies than favour expressing itself in land (Elias 2008: 168-169).

Another principle of the new administration was that the colleges were to function continuously, no matter whether the individual members of the colleges were at places or not. Unpermitted absence was prohibited. The place of the meetings of the college could not be changed. “This reflected the principle of authority, *which had to work in definite forms*” (Jespersen 2000: 69, my emphasis).

An official henceforth could exercise the authority only in the area of the responsibility of his college. “This formally indicated a new kind of distinction between a man and his office” (Ibid.). Before the reforms exercising of the public duties was associated with the privileges of personal character attached to particular individuals.

An important principle of conduct of the civil servant is obedience, which is linked to introduction of hierarchy. The civil servants on assuming an office gave an oath to be faithful and obedient to the king (Lind 2000: 180). The administration initially was organized after a pattern of colleges, with collegial decision-making and a few levels of hierarchy; as the volume of official business grew, the internal hierarchical division of colleges grew with the delegation of authority downwards. The administrative reforms set out the separation of the office from the domestic life and subjected the officials to the work discipline such as official procedures – written instructions for handling the cases, work schedules, rules of bookkeeping

and the filing system. The Danish Chancery was charged with the task to look after the correctness and lawfulness of the official proceedings and the activity of state officials and carried out inspections. After 1848, with the fall of absolutism, there was introduced the ministerial system which further emphasized the principle of authority and obedience in hierarchically organized state administration.

Leon Jespersen considers that the development of the college system of government was a consequence of changed socio-economic circumstances (increased complexity of the tasks of the central administration) and situation in the sphere of security and foreign policy, as Denmark had to find means to defend itself against the threat from Sweden (L.Jespersen 2000: 78-79). There should be stressed, in addition, the factor of changed power balance among the power actors in the country which made centralization under the monarch possible. Leon Jespersen wrote that “[i]n Denmark, absolutism came into being between the rising estate of burghers and the declining estate of nobility” (L. Jespersen, 1993: 119). This is in line with N.Elias’ argument about the maintenance of the absolutist regime put forward in ‘The Court Society’ as a balance between the bourgeoisie and nobility (Elias 2008: 191). In this context Leon Jespersen offers observations which help to understand the basis of stability of the absolutist regime in Denmark. He makes a point that burghers supported absolutism not just because they saw injustice in the fact that nobility was exempt from taxation. They hoped to gain mobility within the expanding public sector, as they were promised to get access to public offices (L. Jespersen 1993: 117, 120). Burghers were striving to get noble privileges (or what was considered at that time to be noble privileges). The interests of the king and the burghers in relation to the nobility coincided, because “securing of sound state finances as well as the ability of the state to pay out wages by far outweighed consideration as to the survival of feudal structures” (L. Jespersen 1993: 119). Indeed, there was achieved parity among burghers and nobility in the royal administration.

Leon Jespersen contends that there is no necessary connection between absolutism and well developed bureaucracy (L. Jespersen 2000: 76). He refers to the case of Sweden, in which the college system of government coexisted with the domination of the nobility. There is a link, however, between the centralization of polity and departmentalization and bureaucratization (and non-proprietary forms of offices). Perhaps it was a historical contingency that centralization was achieved in a number of European countries with the introduction of absolutism. I agree with the view of Harald Gustavsson, who points to the connection between bureaucratization and integration (Gustavsson 1994: 77). This integration, I consider, should be understood not only as an outcome of subordination of the territory of the state to a

universal central rule by the means of the chain of authority realized through bureaucracy. It should be seen as a systemic integration of the realm by virtue of which the country came to be perceived as internally connected whole. Integration here refers to what N.Elias described as a growing interdependence of the regions of the realm, economic differentiation of functions, division of labour and formation of the country as an economic entity. There was a corresponding intellectual development in political and administrative thinking. Organization of government on the departmental basis was a realization of a new perception of the state seen from a more detached and abstracted point.

Such perception and the social and technical development which backed it, made it possible and in effect necessary to organize the governance of the territory on the departmental principle. The formerly quasi-independent estates of the nobility lost their autonomy and became territories or provinces of state. Each department (or college or ministry) had a competence and authority for a certain aspect of the whole, which was 'assembled' for the purpose of governance in the Privy Council or king's chancellery. Authority of departments cut across borders of the estates. Reinhold August Dorwart, a historian of the Prussian state administration, wrote in this connection:

The departments were more distinctly defined in their competence; but they all found a point of unity in the Privy Council which thus became a supreme organ of control over all other colleges and departments (Dorwart 1953: 25).

In Denmark Privy Council, later – the council of state was the supreme organ of control over the colleges, whereby in Sweden such organ was chancery. To this it can be added that the departmentalization served the centralization of the government and the state because the departments were intrinsically partial and dependent on each other and coordination of the central organ. This corresponded to the development of the state from a coordinator of the powerful groups in the civil society towards what M.Mann calls cohesive-coordinating and organic centralized-territorial state, the process which was taking place in Europe from the 16<sup>th</sup> to 18<sup>th</sup> century (Mann 1986: 512).

The departmentalization and functional differentiation of the government had profound consequences for the introduction of the principle of non-proprietary office, because ownership of the offices in the departments would preclude the effective functioning of the government as a system. The departmentalization also introduced the principle of specialization and knowledge-based competence in the professional code of the civil servants. Specialization and professionalization had an effect on the formation of particular habitus and

ethos of the civil servants. For departmentalization of the governance brought about the corresponding development of the 'departmentalization' (that is, differentiation) of conduct of officials. The figure of a noble or a gentleman which dominated, for instance, English civil service in the 17<sup>th</sup> and 18<sup>th</sup> centuries, was substituted with an official possessing expert knowledge in the field of responsibility of his department. (Indeed, as H.Gustafsson remarks, civil service in Denmark in the 18<sup>th</sup> century was more professional than in France and England (Gustafsson 1994: 125).) This marked the beginning of the development of the peculiar professional ethos of the civil servants and bureaucratic *personae*.

Bonney wrote that the rise of the European absolutism was a tendency in the 17<sup>th</sup> century (Bonney 1991: 358). But such abrupt and radical shift as it happened in Denmark in 1660 was very rare. In most countries assemblies retained some power. The king ensured that the estates renounced the criticism and opposition to his power. On the other hand there was drawn a constitutional law which stipulated certain obligations on the king, and in this respect the case of Denmark was quite unique (Bonney 1991: 359). In practice the absolute regime was not despotic. The Danish Law issued in 1683 set boundaries to the interference of the power of the state and presupposed civil freedoms, for example, to enter legally bounding agreements for the subjects (Jespersen 2004: 47). Absolutism in Denmark was considered compatible with civil freedoms, a line of thinking similar to S. Pufendorf, whose work in Danish appeared in 1716 (Horstbøll and Østergård 1990: 158). Law was perceived as fundamental for legitimacy of the absolutist regime and the collegial system of administration stressed legal certainty (Hortsbøll 1988, Knudsen 2000a: 468).

### **Public administration in the old regime**

The Royal Law proclaimed the absolute power of the king, which was to be realized by his appointed officials. The centrally controlled administrative apparatus, however, was not so developed as to allow for the direct administration. In the rural areas (in the 17<sup>th</sup> and 18<sup>th</sup> centuries most of the population of Denmark lived in the countryside) the administrative tasks were delegated to the private landowners, which in most cases were the descendents of old nobility. The tendency in the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries was towards a closer supervision of the activity of private administrators, narrowing of their discretion and ultimately the transference of their functions into the sphere of competence of royal institutions and officials or local governments.

Public duties initially entrusted to the private persons for their implementation were gradually transferred into the sphere of the state. The combination of private and public roles in the person of the landowner caused conflicts of interests which, unresolved and uncontrolled, could grow into misuse of the public role and eventually 'corruption.' Creation of conditions curbing conflicts of interests and corruption was accomplished by differentiation of roles performed by the landowner in relation to his tenants by virtue of interference of the state power from above.<sup>8</sup>

I will mention several examples of this development following the work of Danish historian Birgit Løgstrup.

From the late Middle Ages the noble landowner had a right to hold a court and to appoint a judge to hear the cases pertaining to the area of his estate. From 1690 the appointment had to be confirmed by the king, who chose among three nominated to him by the landowner. Private manorial courts were abolished by constitution in 1849. There has not been done detailed research about working of the manorial courts and their consequences for the tenants of the estates whose cases were treated (Løgstrup 1984: 288-289). It could be hypothesized that because the judge was appointed by the manorial lord, the treatment might not wholly take into account the interests of the tenants.

Before 1660 the noble landowners had the right to bring prosecutions against their tenants and direct them to the manorial court or the district court according to the jurisdiction. The landowners also had the right to receive fines and carry out punishments. After 1660 not all landowners got these rights. It depended on the granting of this privilege by the king. It was obvious from the ordinance of the king from 1743 that the landowners brought prosecutions in those cases where it was likely that they would receive fines. "The ordinance declared that landowners used their right to bring prosecutions entirely in accordance with their private economic interests (Løgstrup 1983: 290)." The king tightened supervision of this function of the landowners and stipulated liability for the landowners for not discharging their duty properly. Løgstrup underlines, however, that the landowners never served as judges (Ibid). Later in the 19<sup>th</sup> century with the reforms of the judicial system this right of the landowners was abolished and handed over to public prosecutors.

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<sup>8</sup> Conflict of interest is defined here as a situation in which public official is to perform an official action in which he or members of his primary group are interested economically or personally; corruption here is defined as bribery or actual misuse of the public office for the private gain of the official or other persons.

The right enjoyed by all landowners was administration of the property of the deceased persons of the estate. The landowner owned the land and the buildings of the tenant, whereas the property of the tenant was the livestock, the furniture, tools, grain and savings. The responsibility of the landowner was to assess the value of the property of the deceased person and to assure that the debts of the deceased person are paid. "It was the landowner, or on the somewhat larger estates his bailiff, who determined the deceased's liabilities. In this matter, the landowner was therefore the judge in his own case (Løgstrup 1983: 292)." The landowner or his representatives clearly had personal economic interest in assessing the assets of the deceased tenant and deciding on the use of the assets. As a consequence of land reforms in late 18<sup>th</sup> century the responsibility of the landowner in respect to the deceased's property was circumscribed. An ordinance of 1787 stipulated that the assessors of the property should be persons not dependent on the landowner. An ordinance of 1817 "deprived most landowners of all their duties in the administration of the estates of deceased persons, and transferred these duties to an official of the crown, the *herredsfoged* (district judge)" (Løgstrup 1983: 293).

Løgstrup actually points to corruption in the cases of managing the property of the deceased persons by the owners of the estates, when the value of assets was underestimated (Løgstrup 1983: 292). One can see, also, that the landowners were not left to their own devices. They acted within legal framework and were controlled by the state officials. There was also a considerable measure of cooperation between state officials, the landowners and the tenants. Løgstrup points out that the state was able to lead the process of administrative centralization and the transformation of the manorial economy into the capitalist economy in a peaceful manner, avoiding great social upheavals observed elsewhere in Europe (Løgstrup 1983: 312, also Horstbøll and Østergård 1990: 162).

Relocation of administrative functions under responsibility of state officials meant that these functions were performed in a more disinterested fashion, in a more detached way, to use Elias's term. Officials also had a 'private' interest; they were interested in strong finances of the state on which they depended for their salary. But this 'interest' did not make them identify with one particular social group only.

American historical sociologist Charles Tilly in one of his late works wrote that "individual and collective dispositions result from interpersonal transactions" (Tilly 2005: 7). He took on the relational perspective and was using the 'relational mechanisms' in explaining social phenomena. On the rise of dispositions, he wrote that "transactions create memories, shared

understandings, recognizable routines, and alterations in the sites themselves” (Ibid.). This approach is compatible with figurational sociology developed by N.Elias. Moreover, in this respect it is useful to have a look at the work by the Swedish political scientist Harald Gustafsson “Political Interaction in the Old Regime”.

H.Gustafsson studies the process of decision-making in 18<sup>th</sup> century Denmark (-Norway) and Sweden (-Finland) and channels of influence on the decisions. His overall conclusion is that despite the constitutional difference between Sweden and Denmark, Sweden having a parliament and Denmark being an absolutist monarchy, in both states there were well functioning formal channels of influencing the official decisions. This precluded the development of informal and illegal forms of influence like bribery, nepotism, collective protests, actions of non-obedience and court intrigues. Although these forms of influence were not unknown, the subjects could largely rely on the formal and legal channels.

In Denmark-Norway (Norway was a part of Denmark until 1814) pressuring of politics was mostly through administrative channels. Subjects were allowed to write petitions to the king and this right was used widely. The subjects could petition about matters on which the decisions did not enter into force and the petition had to include the decision of the lower official. It was important for the king to have a possibility to have a direct communication with the subjects, both on the grounds that this kept him informed about matters in the localities and also as a means of keeping in check public officials. The roots of the direct communication between the king (the central administration) and the subjects of the kingdom can be traced to the circumstances of introduction of absolutism in 1660 and its general character as having a popular consent. Therefore the rule in Denmark in the 18<sup>th</sup> century was called ‘absolutism governed by public opinion’ (Gustafsson 1994:130).

There was also a corresponding ideological development in the 18<sup>th</sup> century Denmark. A remarkable thinker was Jens Schelderup Sneedorf, who wrote a book “On Civil Government”. There he combined ideas of the common good and justice from the natural law of Samuel Pufendorf with the concepts of honour and civic virtue from the works by Montesquieu. The rule by the king was seen as beneficial for insuring the common good. The absolute king could restrict the egotism of aristocracy and ensure the rule in the interests of all people, not one social group only. Civic virtue was interpreted as patriotism and public spirit of citizens, but the ideas of common good originated in the public debates on the advice to give to the servants of the state (Østergård 2006:66).



Aside from the administrative channel (in a narrow sense of the word), an important channel for influencing the decisions was the judicial one. The judicial system in Denmark and Sweden enjoyed considerable legitimacy (Gustafsson 1994: 107). The king could intervene in both civil administration and judicial administration and make the changes he considered appropriate (Gustafsson 1994: 133).

On the legitimacy of the formalized channels of influence H.Gustafsson wrote:

Particularly striking is the legitimacy of the legal channels for large groups of subjects. They were considered legitimate ways to influence the central government and also to resolve conflicts between different groups in the local community. ... People accepted the state and the legally established public arenas as suitable places for these processes (Gustafsson 1994: 149-150).

Perhaps it could be considered a peculiar Danish development that public administration due to historical and constitutional reasons assumed a role of the channel of communication and interaction between the central government and the subjects. This served also as a formative and disciplining condition for the civil servants. Civil servants were expected to be loyal to the king and professional in performing their tasks. At the same time they had a duty to deal with subjects and their issues who had the right to send a petition to the higher level. The subjects also had the right to make an appeal to the court or present a complaint about the official. Even before the abolition of absolutism in 1848 the citizens had the right to request the grounds for the administrative decisions from the officials.

Since the introduction of absolutism in Denmark, it was important to the king to form a group of loyal civil servants. He set out to lessen his dependence on nobility and tried to balance the influence of nobility with the raising bourgeoisie. The basis of recruitment was education and experience of the candidates. The king admitted to the civil service the candidates from the bourgeoisie also counting on their loyalty. The bourgeoisie origin of the civil servants made them dependent on the king and thus his loyal servants. Right after introduction of absolutism the number civil servants from bourgeoisie and nobility was evenly balanced, but to the beginning of the 19<sup>th</sup> century civil servants from nobility constituted only a small portion. In the beginning the loyalty was personal. That was also because the duties of an official in the beginning were not precisely defined (Knudsen 2006: 68). Later on the volume of administrative tasks grew and the procedures and routines became defined in a more detailed way. This made participation of the king in the business of administration less decisive. The personal loyalty to the king was gradually replaced by the loyalty to impersonal legal order

and the state. With the introduction of the ministerial system in 1848 public servant's loyalty to the minister came to the forefront, but was balanced with the loyalty to the state and the legal order (Knudsen 2000b: 81).

In Denmark in the 18<sup>th</sup> century the hierarchy of officials encompassed the whole country, with some limitations considered above. The official procedures, routines and the filing system were relatively well defined, especially on the central level. There was introduced in 1736 an obligatory examination in law for candidates for positions in the civil service which was to be passed at the University of Copenhagen. H.Gustaffson characterizes the system of state administration in Denmark as "professional bureaucracy in the making" (Gustafsson 1994: 150), "to a considerable extent a professional bureaucracy which was in some ways set apart from the rest of population" (Gustafsson 1994: 92). American political scientist Hubert C. Johnson points to significant characteristics of well developed bureaucracies of the age of absolutism, which in important ways resemble the bureaucracies of the modern times: "Identification with authoritarianism, disassociation from social and economic life, and preoccupation with internal regulations and procedures often characterize the modern civil service" (Johnson 1964: 402). Denmark, along with other Nordic countries, inherited in the 19<sup>th</sup> century well consolidated and disciplined bureaucracy, which ensured its independence of professional official action.

Danish historian Mette Frisk Jensen considers that it may be correct to assume that before the introduction of absolutism corruption in the state administration in the form of nepotism, sales of offices, fraud and bribery were widespread in Denmark and perhaps existed at the same level as in other more advanced European states (Frisk Jensen 2008). Since 1660 the king tightened the control over officials, introduced the system of supervision over the activity of official and the laws prohibiting corruption such the law from 1690 specifying the penalty for fraud in office and the law from 1676 which banned bribery and acceptance of gifts by the civil servants. The administration of the civil servants was the responsibility of the king and it is likely that he considered corruption a threat to his authority. The punishments for misconduct were very harsh; the civil servants found guilty of corruption could be imprisoned for life. Generally, as Tim Knudsen considers, there was a fairly low level of corruption already in the eighteenth century Denmark, partly because the finances of the state were in a good condition and the king was able to pay a regular salary to his officials. State administration in Denmark was less corrupt by that period in comparison to many other European countries (Knudsen 2006: 67). The increase in corruption was observed in the years around the Napoleonic war and thereafter, from 1810 till 1830. The costs of the war were very

high, the state suffered defeat and went bankrupt. The number of the cases of embezzlement increased during that period, as the increased number of legal persecutions show. From 1830 until 1860 there was introduced a set of legal and administrative reforms, including improvements of book-keeping, new penal code with a more detailed description of corrupt acts, new system of payment to civil servant. According to M. Frisk Jensen, corruption in Denmark decreased by 1860 and generally has remained low ever since (Frisk Jensen 2008).

### **Ethos of the civil servant in the royal administration: Frederik Stoud**

A senior civil servant of the Royal Customs and Commerce College Frederik Stoud (1759-1823) under pseudonym Frederik Corsten in 1816 published a book “On writing official letters” (Olsen 2002: 618). This book, consisting of two volumes, was written in a form of six ‘letters’ in which a senior and experienced civil servant addressed a newly employed civil servant. The book addressed the issue of official correspondence in different situations: responding to a complaint, giving grounds to a citizen about a decision taken in his case, writing a letter to a minister or a colleague etc. The principal aim of the book was to give advice to young civil servants on how to write official letters in terms of language, to ensure that it is understandable to non-specialist citizen, and in terms of giving grounds for the official decisions. Intended to be a manual of the official language to be used in the public administration, Frederik Stoud, however, could not avoid dealing with wider issues of ethics of civil servants, particularly, the attitudes towards the wider social environment and the ethical principles which should govern the conduct of the civil servant.

As was mentioned above, it was an established tradition in the age of absolutism that a citizen could require and receive grounds for the decisions taken on his applications or requests by the civil servants. This was understood as an aspect of the legal protection of the citizens. It was a shared understanding among civil servants in the 19<sup>th</sup> century, even before abolition of absolutism in 1848. What was conducive to the creation of common understanding among civil servants was the fact that from 1821 it was made a requirement that only law graduates could become civil servants in the royal administration. This promoted a creation of a common outlook and professional culture among public officials. Incidentally, developed professional culture of civil servants ensured the smooth transition of public administration from the absolutist system to democracy. Public administration, in fact, did not experience radical changes during this transition (Jespersen 2004: 43).

Professionalism, objectivity and fairness were the key concepts of good administrative practice for Stoud. In Stoud’s book the experienced civil servant instructed the young one that

it was obligatory in every case to examine the situation truthfully. Pursuing the truth was crucial for the administrative practice in Stoud's view.

A lawyer of the Danish Ombudsman Jens Olsen in a book chapter on good administrative practices wrote that during the period of the absolutist regime a civil servant presenting his case and decision to the king had to demonstrate to the king that he had made a comprehensive and thorough work. To be meticulous and thorough in investigating a case, to take it with seriousness, are the attitudes also underlined by Stoud. Presentation of the cases had to be based strictly on legal principles and this tradition has remained in place until nowadays.

Jens Olsen is mentioning a case from the administrative practice from 1848. A group of army officers was applying for a permission to hunt in a particular area. A civil servant rejected this application, referring to several arguments. There was no reason to give such hunting rights because everybody else could not obtain it; and if only one group would be given permission, other groups in the society would be annoyed by that (Olsen 2002: 619).

A basic principle of conduct was a complete loyalty of the civil servant to the king. Loyalty to the society, however, was also considered important by Stoud, although not as much as loyalty to the king. The decisions taken by the civil servants had to serve primarily the good of the state but also the good of the bourgeois society (common citizens).

Stoud treated the issue of the honour of the civil servant. He wrote that in particular situations decisions taken by the civil servant may not be liked by the general public, despite that they are very well grounded. If these decisions are for the good of the state and the government, the high ranking civil servant has to bear the non-sympathetic attitude towards him, thereby sacrificing himself, but saving the honour of the state. He should not try to provide unofficial justification to save his image; his personal image may suffer, but this situation should be accepted by the civil servant for the sake of serving the state and the government.

Loyalty was also understood in a quite broad and abstract way, as loyalty to profound, sacrosanct principles of natural law. The civil servant has to be loyal to them. But he has to be critical to his understanding of these higher principles. Especially in the situations, when the opinion of the civil servant is opposed by society or colleagues, he should thoroughly and critically evaluate his understanding of the principles of natural law and reflect upon his application of particular higher principles of natural law to the case in question.

Honesty and dignity are other core values for Stoud. He takes it as absolutely mandatory and obvious that a civil servant should never accept bribes. Honesty and dignity mean in this context complete resistance to corruption. This was particularly important for Stoud because he worked in Customs and Commerce College which was dealing with extraction of taxes and dues and where corruption risks were high. He was also mentioning that to receive excessive per diems for the civil servants travelling around country to exercise their duties was unacceptable and should be avoided because general citizens would disapprove that. Only if the civil servant is clearly by law entitled to per diems, he can accept them. Civil servant cannot ask for extra income from the state for travelling on the basis of past practice. This would be inappropriate and a violation of the principle that a civil servant cannot be a judge in his own case. A civil servant should be objective and forget himself in making decisions (Olsen 2002: 620).

A good civil servant, according to Stoud, should be able to give orders. The civil servant has to be able to effectively pursue implementation of his decisions on the basis of his conviction about the truth in these decisions even despite eventual opposition. Despite that a civil servant may be exposed to criticism, if he is able to defend his decisions, he will be highly valued by the government. Loyalty and honesty should back his conduct in the face of possible opposition.

A civil servant should take necessary time to evaluate cases and make the right decisions. Doing things in a hurry can damage handling the cases. It also goes against the esprit de corps of the department, because it is a good practice that a civil servant, if necessary, asks advice of his colleagues. A civil servant dealing with an application or a case should make sure that his decision is in a common spirit of his colleagues. This would increase the fairness and higher quality of decision. At the same time, in some cases the civil servant should be prepared to make quick decisions (Olsen 2002: 621).

Maintaining of appropriate relations between colleagues is important for collegial spirit. More senior and higher positioned civil servant should be very cautious in the language he is using towards his junior colleague. If the newly appointed subordinate makes mistakes, they should be corrected, but the language used in the communication between the civil servants should not violate the dignity and undermine the self-esteem of the younger colleague (Ibid).

Later in the 20<sup>th</sup> century there has been a series of normative acts with the aim to improve the language used in the Danish state administration. This was seen as an aspect of the legal protection of the citizens (Olsen 2002: 622).

### **On ethos of the democratic welfare state**

The preceding discussion emphasized the emerging autonomous character of the state, its administration and official ethics. In the previous chapter, however, it was pointed to the 'embeddedness' of the state and public administration (and, correspondingly, the civil service) in the civil society in Western democratic states. Again, N.Elias considered that collective identity, the 'we-image', was linked to the individual self-image and self-control. Therefore in this section I will briefly discuss some points in the development of national identity and the welfare state in Denmark which followed the process of democratization in the 19<sup>th</sup> century.

The starting point for this discussion can be the notion of a small state, as used by J.L. Campbell and J.A. Hall (Campbell J.L., Hall J.A. 2006). Referring to works by Peter J. Katzenstein, they argue that the size of the state matters for the external and internal politics. Externally, small states have to adopt themselves to the international conditions and rules set by bigger and more powerful states but internally they are capable of engaging in dialogue with various social groups in order to achieve agreement on internal policy issues. Thus, they argue that small states are capable of developing democratic corporatist institutions (Campbell J.L., Hall J.A. 2006: 18). Politicians and civil servants develop capacities for negotiation and learning, because state institutions serve as a node for compromise and consensus building among social groups and the state itself. In addition, vulnerability of the state and potential threats diminish the uncertainties in definition of goals and situation and help to find 'agreement on the big picture' (Campbell J.L., Hall J.A. 2006: 28).

History of welfare state goes back before the era of democratization. Dorwart argues that in a sense any state is a 'welfare state', because the principal goal of the state is to promote 'welfare' of its subjects (Dorwart 1971: 19). The definition of welfare varies from one historical period to another. In Medieval Ages it was primarily understood as individual, spiritual welfare. Starting with Early Modern Times (here – 18<sup>th</sup> century) welfare is understood more in terms of material aspect of life and includes a clearer concept of the common good; individual welfare was thought to be subordinate to the common good (Dorwart 1971: 18). What remains constant is the regulative function of the state by means of rules and laws and the police power which together serve to compel individuals to cooperate to promote general welfare. On the basic level the general welfare is understood as good order and security. Promotion of the common good was the purpose of the 'enlightened' rulers of the 18<sup>th</sup> century in Western Europe.

Many reforms of society were undertaken by Danish government under ‘enlightened’ absolutism in the second half of the 18<sup>th</sup> century or beginning of 19<sup>th</sup> century according to economic and political ideals prevailing at that time. These reforms included the agrarian reforms which favoured the peasants but were to the disadvantage for the big landowners; reforms of the road system, poor relief system, school system, prison system, local government system and others (Østergård 1990: 162). Just as in Prussia, carrying out such reforms required loyal, honest, professional and efficient civil service.

Under democratic regime, however, a greater number of social actors are involved in the definition and implementation of the welfare policy; this places new demands on politicians, heads of departments and civil servants in carrying out their duties.

Danish historical political sociologist Lars Bo Kaspersen also does not view the welfare state primarily as an outcome of policies of particular political parties, for instance, social-democratic party, but rather as a part of the state’s strategy to survive as an independent unit (Kaspersen 2006: 102).

In Denmark, the massive state intervention, Kaspersen contends, took place in situations of crisis, when the security of the state and well-being of citizens were endangered. The first time a comprehensive intervention in the market and society happened in 1914, during the World War I. There was created a governmental commission with the representatives from business, trade unions, peasants, scientists and politicians with a mandate to intervene into society, to regulate and control it. “The commission constructed an elaborate system of regulations that affected every economic and social area, including price policy, supply policy, rationing system, and, to a certain extent, income distribution policy” (Kaspersen 2006: 117). It can be said that the corporatist system in Denmark was initiated at that time (Ibid). It actually proved its efficiency and was called into being again during the crisis of the 30’s and after the World War II. The welfare policy was aimed at strengthening social cohesion and decreasing inequality. It was inclusive, directed to all groups of civil society. Politicians, primarily in the capacity of heads of ministries, and high civil servants played decisive role in bringing into existence and ensuring functioning of corporatism and welfare policies. They actually underwent a process of collective learning in the face of the threat to the existence of the state. These processes brought about changes in the way state officials conducted.

Willingness to compromise, the ability to listen to one’s opponent, and a consensual culture are elements of a political culture which, in the Danish case, were more an

outcome of necessity than the natural product of a good-hearted people (Kaspersen 2006: 116).

Postwar years of economic growth provided favourable conditions for expansion of the welfare state. One of the incentives behind that was competition with the socialist system in the Soviet Union. Development of welfare services, in particular, employment services, necessitated changes in the administrative system on the regional level which brought about reforms in 1970's. The territorial administrative units became larger and less numerous, every local government was provided with professional staff of officials to ensure availability of social services. The aim of the reforms was to increase the adaptability of the workforce and also their geographic mobility. To ensure effective management of the system, decentralization of social services was matched by centralization of dealing with particular cases (Kaspersen 2006: 126).

In the beginning of 1970s it was realized in Denmark that the growth of the welfare state must have limits. Economic problems in the 70s with the budget balance and unemployment posed the question about the economic sustainability of the welfare state. Society expressed its dissatisfaction with high level of taxation as the outcomes of the parliamentary elections in 1973 showed. Danish political scientist Tim Knudsen considers that from that period on there started a process of re-evaluation of the role of the state in relation to society and the individual. He considers that there has been a process of change from the concept of the welfare state to the concept of social competition state (Knudsen 2008: 26). This change is marked by an increasing use of ideas from neo-liberal theories in the political discourse, the policies and the practice of the institutions' relations to the citizens. A feature of this new approach to the role of the state is that the individual is seen in a greater extent to be responsible for his or her social and economic situation and the state is more seen as a 'moderator' which helps the individual to take care of his or her interests. From the beginning of 1980s the central administration of Denmark started to apply the ideas of neo-liberal economics to 'modernize' the public sector. On the change of the perception of the role of the state administration Knudsen writes: "State administration should not any longer ensure stability and continuity, on the contrary, it should be in the forefront of change and innovation" (Knudsen 2008:57).

From the end of 1980's – beginning of 1990s the ideas of New Public Management were applied with the purpose to make the public sector more effective (Knudsen 2008: 58). The measures included privatization and outsourcing of functions previously performed by the



state, decentralization of decision-making, introduction of result-oriented management and increasing use of contracts with the public employees and agencies. Knudsen writes that the use of contracts instead of appointment to an office has caused changes in the perception of the work in the state sector. The traditional form of appointment to an office in state administration (*tjenestemandansættelse*) was related to an idea of the loyalty to the state, the idea of a life-long fidelity, continuity and long experience. A civil servant was paid a salary irrespective to a measured performance. This concept and a form of employment have been supplanted by the ideas of performance-related pay and flexibility in individual's career (Knudsen 2008:64). Knudsen writes that this might cause a shift from the individual's loyalty to the state to the loyalty to organization, where one works at a moment (Ibid).

Tim Knudsen considers that even though the elements of New Public Management have been introduced in the public administration in Denmark, it retained the classical bureaucratic expectations towards officials such as 'objectivity, professionalism, truthfulness, political neutrality, legality and demand to treat everybody equally' (Knudsen 2008: 244). He admits that the implementation of the New Public Management, the increasing practice of market thinking and globalization might bring about at present small influences which in some cases could create confusion over the appropriate way of conduct of the public officials.<sup>9</sup>

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<sup>9</sup> Interview with Professor Tim Knudsen, Copenhagen, 22.08.2011.

## **Chapter 4. State formation and administrative developments in Finland**

### **Introduction**

In his sociology of law Max Weber describes two typical situations which constitute conditions for the systematic codification of law, including the public law. These are of interest and significance in the context of the present thesis because of the close relation between the emergence of bureaucracy as an institution and form of organization of state administration and the development of rational law. British sociologist and an author of a book and articles on bureaucracy Martin Albrow points out that for Weber the crucial and in principle defining quality of rationality of bureaucracy is to a great extent due to its functioning according to rational law (Albrow 1979:63).

Weber writes that a more 'usual' way towards the systematization and rationalization of law, which here means also, rationalization of state administration, is the 'monarchical codification'. When the power of the monarch increased and stabilized, he desired order and unity of the realm, and the unambiguous fixation of the law (Weber 1978: 848). This could serve the causes of better control, prestige and the central ruler's fiscal interests. Another driving force besides this one was the interests of the officials, who benefited from the uniformity of law across all the territory of the realm, as this increased their career possibilities. Bourdieu expanded on this point (namely, the interests of the officials), arguing that systematization, proliferation and more comprehensive introduction of law into administration served the interests of the juridically educated administrators as it raised the prestige and value of their education in law and strengthened the position of their profession and thus they had a 'particular' interest in the 'universal'. Still another driving force are the interests of the commercial strata (bourgeois business interests) of legal security, which in some places Weber underlines strongly. Stable and unequivocally fixed laws allowed the entrepreneurs to calculate costs and future benefits of their activities, which is necessary for capitalism, opening up the possibility for the development of foresight. Provision of the legal security for the bourgeoisie served the interests of the monarch as well because it promoted his fiscal purposes (because stabilized the flow of state revenues) (Weber 1978: 851). This configuration of factors can be seen in the case of Denmark of the 17th century and onwards, when the power of the king was strengthened and became 'absolute', and in this rise the king to a great extent relied on the ascending power of the commercial strata vis-a-vis the declining power of the nobility (See Chapter 3). That could be considered a historical beginning of the formation of state administration as a distinct sphere of social action with its distinct ethos,

which later, if one applies the argument put forward by Coulin Crouch, was transformed into modern social democratic ethos of the welfare state.

But Weber also mentions another situation, which conditions the codification and systematization of law. Weber writes: „Systematic codification of the law can be the product of a conscious and universal reorientation of the legal life, such as becomes necessary as a result of external political innovations, or of a compromise between status groups or classes aiming at the internal social unification of the political body, or it may result from a combination of both these circumstances” (Weber 1978: 848). Historical facts and processes reflected in the sociological and historical literature on Finland point out that it is this constellation of factors, mentioned by Weber, that is, the external political decision and the conscious compromise between power groups for the sake of unification and internal pacification of the polity, that generally can account for the formation of relatively well functioning and ethical public administration in Finland. In the following pages I will try to explore the applicability and validity of the argument for the case of Finland in some historical and sociological detail.

### **State formation in Finland in the 19th century**

The formation of an autonomous Finnish polity in the beginning of the 19th century was an unintended consequence of the Napoleonic wars. Throughout centuries the territory of Finland was a sphere of interest of Sweden and Russia. In the 14th century most of the east-north territory of present-day Finland was a Russian dependency, while west-south was Swedish dominated. From the 16th century most Finnish territories passed to Sweden which strengthened its political and administrative grip on the territories during the imperial period. When Russia ascended to a status of a European military power under Peter the Great, it began to move westward. The border with Sweden-Finland moved westward after the Northern War with Sweden which ended in 1721 and again after the next war in 1743. When in the beginning of the 19th century Napoleon started to advance into Europe and crush one rival after another, Russia perceived that as a threat. Russian tsar accepted Napoleon's offer about the division of the spheres of influence in Tilsit in 1807. It presupposed that Russia could get control of the Gulf of Finland and potentially the territory of Finland. Initially Russia did not have plans to conquer the territory of Finland, but these changed when Napoleon started to advance eastward swiftly in 1808. Alexander I decided to take over all the territory of Finland. The Russian troops initially did not meet considerable resistance, as the Swedish forces were concentrated on the western border with Norway, where it waged war with Denmark over the dominance in this country. Russian leaders vacillated between the

plan to convert Finland into province of the empire and the plan to incorporate it as an autonomous unit. Finnish historian L.A.Puntila considers that there were three factors which acted in favour of autonomy: Finland's national defence, international situation and constitutional ideals held by the Finns and supported by some high-ranking officials and Alexander I himself (Puntila 1975: 23). Finns appeared not to be eager to become separated from Sweden and some groups of Finns even went to war to confront the advancing Russian army. The Finns had received certain freedoms and recognition from Sweden as political subjects. Finns had the right to take part in the election of the king and like Swedes could take part in the decagons making on the provincial and state level at the provincial meetings (Puntila 1975: 15). Sweden issued a constitution according to which the monarch did not have right to enact new laws or abolish old ones without consent of the four estates – the nobility, the clergy, the burghers and the peasants (Puntila 1975: 27). The Finns had guaranteed rights to take part in the legislation process. These political rights were appreciated by the Finns, although they realized that the balance of power with the Swedes in the state institutions left them in an disadvantaged position and there had been voiced aspirations for a greater autonomy from Sweden and some hopes were associated with a changed geopolitical situation during the Napoleonic wars and securing greater independence in cooperation with Russia.

Because of the military advantage in the war with Sweden, Russia could negotiate such a demarcation of the border that pushed the previous Swedish-Finnish border westward, which after that arrangement more precisely corresponded to the borders of the settlement of ethnic Finns. This circumstance contributed to the formation of the Finnish state in the future (Jussila, Hentila, Nevakivi 1999:12).

Following the conquest of Finland, Russian tsar convoked the diet of Estates in 1809 in a town of Porvoo. At this Diet the representatives of the estates of the conquered territory of Finland pledged allegiance to tsar. In return, tsar promised to uphold the laws of Finland – the 'constitutional laws' and 'constitutional privileges'. According to Puntila, it was the Swedish constitution of 1772 that tsar promised to uphold in Finland. It stipulated that legislation was a joint responsibility of the monarch and the assembly of estates, that the monarch had the right to convoke the assembly and tsar could not enact new laws without the consent of the diet (Puntila 1975: 27). The Porvoo diet constituted by the act of mutual recognition two subjects – a Grand Duchy of Finland and the Grand Duke, the Russian emperor. It was for the first time that the estates of Finland assembled as the representatives of one polity and in his speech the emperor observed that Finland was granted a place among other nations (Jussila, Hentila, Nevakivi 1999:11). This assembly of estates had such significance and resonance that

later in the 19th century there had been discussions whether the diet actually constituted the state of Finland by emancipating itself from Sweden and concluding a peace treaty with Russia (Jussila, Hentila, Nevakivi 1999:15). Modern Finnish historians consider that this is not what happened then and the tsar actually concluded an agreement with the representatives of the land in line with the European medieval tradition. And this is how it was perceived then by the contemporaries. But this assembly had significant implications for the further state formation in Finland because then there were constituted the organs of legislation and state administration.

Important consequences for Finnish state formation had the fact that Sweden was administered bureaucratically, as the consequence of the reforms of state administration in the 17th century. According to historian Eli F. Heckschler, Sweden in the 17th century had „a strong state power and presumably the most effective administration among all countries of that time”; despite economic backwardness, „politically [it was] an exceptionally solidly-built society, where there was no room for particularism” (cited in Alapuro 1988: 52). There was not a central governmental organ in Finland prior to its incorporation into Russian empire. The local administration was divided into countries and communities, where „common administrative practices had evolved during the centuries of Swedish rule” (Alapuro, 1988: 22).

In Finland there were no administrative organs or offices, like *landrat* in Latvia, dependent on and answerable to the assembly of the nobility *landtag*, enjoying high degree of autonomy. Finnish historians write on that: „Paradoxically it was fortunate for the future development of the Finnish state that unlike the Baltic lands, it did not have its own Estate-based, self-governing institutions, but had been an integral part of the Swedish realm” (Jussila, Hentila, Nevakivi 1999:18-19). The power of the administrators, mostly of Swedish origin, was not based on large land owning and corporate privileges. This opened up the possibility for the development of centrally coordinated and bureaucratically organized state administration in newly formed Finnish polity.

During the war between Sweden and Russia in 1808-1809 the provincial governors and priests (who also exercised administrative authority in communities) showed their loyalty and support for the conqueror, Russia. Consequentially they remained in their offices after the war and were integrated in the newly created system of state administration. The question was then to institute a central governmental organ for the administration of Finland. The council of government, later called the Senate, became such an institution. It had two parts, one dealing

with the juridical matters and another with economic matters. The lands conquered by Russia before the war of 1808-1809 (annexations of 1721 and 1743), north to St. Petersburg, in 1812 were administratively united with the rest of Finland. The council of government held meetings under the chairmanship of the Governor-General. Governor-General represented the interests of the empire in the Duchy. He referred the matters of Finland to Russia, either directly to tsar, as in cases of some Governors-General, or via State Secretary (later, State Minister) in the government of Russia. Finnish historians write that through most of the 19th century the relationships between the council of government and the Governors-General were favorable for the development of autonomy of Finland. Governor-General often resided in St. Petersburg and the chairmanship was delegated to his deputies, the members of the council of government. Besides, the council of government was Swedish-speaking, and the requirement for the Governor's-General office was knowledge of Russian. This contributed to a distance between the Governors-General and the council of government. The civil servants for the committees under the council of government were recruited from the Swedish-speaking residents of Finland, while the civil servants subordinated to the Governor's-General to assist him, were mostly recruited from „Russian Finland” (territories conquered in 1721 and 1743). The next Diet after 1809 was not convoked before 1863. Consequently some of the legislative work during this period was performed by the Senate. Senate was a main preparatory organ for the budget of the country and laws, which then had to be directed and confirmed in Russia. During the first part of the 19th century the activity of the Senate, and the correspondingly, the state (in this initial form as it existed in Finland), increased. It was related to the necessity to offset the economic separation from Sweden. The economic links with Russia could not yet compensate this divorce with Sweden, and the activity of the Senate was directed to the increase of the economic self-sufficiency of the country (Jussila, Hentila, Nevakivi 1999:32). The capacity of the state to interfere into economy increased during the 19th century everywhere in Europe and in Finland the public projects included building of railroads and canals. As the tasks of the government piled up, the number of civil servant grew as well, and it tripled between the years of 1808 and 1860. Leading officials of the economic division of the Senate Erik and Lars von Haartman introduced cameralism as the main economic doctrine for the economic policy of the government. They strived to promote the free entrepreneurship and abolish monopolies and privileges (Ibid).

Finnish sociologist Risto Alapuro writes that creation of polity in Finland by Russia greatly increased the power of bureaucracy in Finland (Alapuro 1988: 25). The power of bureaucracy derived from the position to govern the country, to exercise the administrative authority which

until the convocation of the Diet was monopolistic and included also legislative authority. Nobility lacked such political and administrative organ. In addition, their authority was derived from their role to defend the autonomy of Finland in deciding over the domestic policy vis-a-vis the imperial authorities. In years following 1809 bureaucracy formed a distinct status group, recruited mostly from Swedish-speaking gentry. „These bureaucratic leaders thus eagerly claimed the right to exercise authoritative control based on their capacity to defend autonomy through a combination of rigid legalism, diplomacy, and strategic compromise” (Alapuro 1988: 28). Thus, it was unique for the first part of the 19th century in Russian empire that Governor-General’s authority was circumscribed by written rules with which he had to comply as a head of the council of government. Given the limited interference of the imperial authorities in the domestic matters of Finland, bureaucracy occupied a strong position. Commenting on the power position of bureaucracy in Finland, Alapuro comments that „[e]arly-nineteenth-century Finland was, in its upper echelons, a thoroughly bureaucratic society” (Alapuro 1988: 25).

During the formative phase of the polity of Finland in the 19th century Finnish society was characterized by social tranquillity. There were no violent social conflicts in Finland throughout the period. Alapuro considers that this was possible thanks to the social structure in Finland in that time. The increase of the power of bureaucracy meant the decline of nobility and relative decrease of authority of clergy. There was a large freeholding peasantry and economic development during the 19th century strengthened positions of domestic bourgeoisie. Such balance of power within society plus the firm administrative control of bureaucracy over the entrepreneurial activity stabilized society.

According to Elias, *the growing interdependence of social actors within society gives rise to stable and autonomous central power of the state*. Elias expressed this thought in the second volume of „The Civilizing Process”. Therefore it is worth to consider the argument put forward by Alapuro that in Finland along with strengthening, centralization and differentiation of the instruments of government there occurred economic integration with territorial division of labour and transformation of the country into an economic unit (Alapuro 1988: 39).

Before 1809 territory of Finland was not economically integrated. The most developed regions were south-western region because of the economic connection to Sweden and after the annexations by Russia in the 18 century the region of Viipuri, close to St.Petersburg. The traditional export products to Sweden included wood, tar, metals and ships, which were

manufactured in the region of Ostrobothnia. There were weak economic links between north and south and especially between east and west. Alapuro suggests that after 1809 Finland came to occupy an 'interface' position between more industrialized west and less industrialized Russia and was able to use this position for the benefit of its economic development (Alapuro 1980). Enjoying a favourable tariff policy adopted by Russia, Finland came to be an exporter of raw materials to the West, especially wood. And the country became an exporter of the industrially processed products to Russia, including sawmill products, especially paper, metals, textiles, especially cotton. There was a rapid development of forest industry in Finland during the 19th century. Plants manufacturing sawmill products concentrated in the south of the country. This corresponded to a more general pattern of the capitalist development of the country. The capital, the industrial production, concentrated in the south, close to the export centres of Turku, Helsinki and Viipuri, while the north was more a source of supply of raw materials, agricultural products and manpower. With the progressing industrialization and growth of capitalist production there emerged a nation-wide labour market and the 19th century witnesses migration of workforce from the north to the south of the country and emergence of a large group of industrial workers. There also appeared a domestic market for raw materials demanded by the capitalistic enterprises. This was facilitated by building of a country-wide network of railroads, connecting first north to the south and later east to west. The leading industry was that related to forestry and because of the territorial division of labour (north was mostly a supplier of the wood and the south the manufacturer of the processed goods) and the industrial development in the industry a large portion of population (including workers and secondary industries) could benefit from it. Alapuro concludes: "Economic transformation contributed greatly to the process of state-making, and Finland emerged as an economic unit with a territorial division of labour and an autonomous economic core" (Alapuro 1988: 33).

Before 1809 Finland was a country without a center (Alapuro 1988: 52). The polity of Finland was created by an external decision (Alapuro 1988: 29). Likewise, by the imperial authority there was established an administrative centre of the Duchy in 1812, namely the city of Helsinki. It was deliberately built as prestigious administrative centre with impressive administrative buildings. By the imperial decree there was established a university. In the first two decades following the Porvoo diet the government was rather a passive actor in the economic sphere and most of the tax collected by the state was spent on maintenance of administration. After 1840 the state started to act proactively. It served as a source of financing, giving the monetary loans to entrepreneurs. The state became active in building



infrastructure, notably canals and railroads, started to provide for social services and education, including the vocation education readily useful in the economy. It consciously followed the mercantilist policy, promoting the growth of economy, especially industry. That was expressed particularly in „corporate consultation in economic planning, as governmental, industrial and commercial interests were reconciled” (Alapuro 1988:36) which took place in committees held by the divisions of the Senate. The period of the reign of Alexander II coincided with the time of economic growth and modernization in Finland. At the same period there was seen an expansion and differentiation of the administrative bodies. Before the independence there were no ministries, but rather administrative agencies and boards, dealing with such areas as ‘agriculture, forestry, trade, industry and local government’ (Arter 1987: 123). Agencies were policy-formulating institutions and boards those responsible for implementation which corresponds to modern division into departments (ministries) and agencies (Ibid). Alapuro commenting on the activities of the state at that period, writes that the state itself started ‘to acquire capitalist features’ as it consciously promoted the process of capitalist accumulation (Alapuro 1988: 32). „Thus a political unit that had been created by an external decision gradually became economically integrated” (Ibid).

### **National ideas in Finland in the 19th century**

Alapuro analyzing nationalism in Finland places the discussion in the context of the conceptual separation between the Western and Eastern European types of nationalism. Referring to the works by Ernst Gellner he notices that according to Gellner’s works the Eastern type of nationalism arises as an outcome of the spread of literary and simultaneously as a reaction of the stateless peoples to the uneven development of capitalism. Striving for the benefits of developing capitalism and industrialization in the 19th century peoples that did not have their own states and were in the status of second-class citizens, started to politicize the linguistic differences between them and the elites, usually speaking foreign languages, and demand political emancipation and ultimately an independent state demarcated along with the ethnic boundaries. The leading role in this type of nationalism was taken by upwardly mobile middle class intellectuals and representatives of creative professions: writers, artists, as well as teachers and lower level civil servants. The development of Western European type of nationalism took place when the independent state was already there. The state was establishing direct relationship with the individual, for example, via direct taxation or conscription, and there was a need to strengthen the loyalty of the individuals to the state. Nationalism was required as an ideology which strengthened the loyalty of the citizens to the

state, in the form of a 'secular religion', to use the term by Eric Hobsbawm. The leading role in the development of this kind of nationalism was played by the elite groups.

Now Alapuro argues that nationalism that emerged in Finland cannot be unequivocally classified as one or another type. Finnish statehood did not have a long history but by the time of the emergence and spread of nationalistic ideas, that is, by about 1840, Finland already enjoyed a limited political autonomy as a duchy. It had a centralized governmental organs. Other two important differences from the eastern European type were that most of the landowners were Finnish freehold farmers and the feudal relationships were almost non-existent. Furthermore and perhaps of decisive importance was the circumstance that the dominant political elite, the Swedish-speaking gentry, did not derive their authority from land owning and privileges, as it was in the Baltic states: they were bureaucrats employed in the state administration without property rights to their position. Their power position, in Alapuro words, was quite fragile. They were interested in preservation and strengthening of the autonomy of Finland as a political entity (in contrast to the landed nobility in Latvia) and in this respect they needed cooperation and allies in Finnish non-elite groups. The Finnoman movement which was originated by an intellectual of Swedish descent Snellman was directed to Finnicization of the Swedish-speaking elites. The leaders of the movement argued that the bureaucratic elite should adopt Finnish as the language of state institutions and that the Finns should be educated and elevated to a higher cultural level, without abandoning their cultural Finnish roots. Finnomenans were striving to develop an integrating ideology of the state which would strengthen it in its precarious position between western and eastern external political powers. So the Swedish speaking elites were interested in adoption of the kind of nationalist ideology promoted by the Finnomenans but also did not have incentives or sufficient power to resist or oppress the rising non-elite Finnish groups. (It was different in Latvia where landed nobility had a continuing interest and support by the imperial authority to use violence to put pressure on the peasants).

The effect of operation of forces within this figuration is described by Alapuro in the following way:

The upper classes in Finland, with their Swedish culture, found exceptionally strong incentives to adopt or accept the language and culture of the large majority of the people, both because of the country's political dependence of the great autocratic state, Russia, and because of their own need, as state bureaucrats, to establish a sense of

obligation to the Finnish polity. As a consequence, a rather unified national culture grew up (Alapuro 1988: 92).

The Fennoman movement achieved obvious results, as in the second half of the 19th century Finnish was adopted as a language of administration and elementary schools with Finnish as a language of instruction were established in rural districts. „By the end of the century, Finnish had achieved a strong or even predominant position in the central institutional spheres of society” (Alapuro 1988: 97). The importance of this achievement should not be underestimated in the context of the present thesis, taking into account the argument put forward by Bendix that in order for the state administration to function reliably and effectively, there should be developed within society a ‘common understanding’, functioning as a common frame of reference in the interactions between the politicians and executive state officials (to which one can add citizens as well). [Footnote: in an article on bureaucracy Bendix writes that it is necessary to have a correct idea of impartiality in the public administration: „...impartiality presupposes a similarity of outlook between administrators and the forces framing public policy. Without this basic agreement administrative discretion would result in sabotage rather than in impartiality” (Bendix 1952:132).] The ensuing pacification was a result, to suggest in line with Weber’s argument, of a *conscious compromise* between the upper class and ascending groups in the society. It was not only an agreement on the ideology of the state but also on particular laws and reforms and the way of administering these laws. For, as Alapuro writes: „The linguistic conversion of the gentry was necessary to establish a sentiment of solidarity with the large Finnish-speaking masses, which in turn would help to make the people accept the prevailing relations of power and authority” (Alapuro 1988: 96).

### **Separation from Russia and formation of the independent state**

Processes and events surrounding the emergence of the independent Finnish state further characterize the kind of national consensus on political values that evolved in Finland over the 19th century and onwards. They also highlight the role of legalistic bureaucracy in securing the autonomy of the state in the face of external pressure and point to the importance of the stability of the monopoly on violence for preventing the upsurge of uncontrolled violent behaviour.

Towards the end of the 19th century Russia was striving to achieve greater uniformity in the administration of the realm. That meant also attempts to make laws of empire more uniform and strengthening of control over the peripheral territories. Finland enjoyed autonomy of

deciding on internal, domestic matters without seeking consultations from the officials of the Russian government. There was also much uncertainty in the regulation of relationships between the Finnish political institutions and officials and the imperial institutions and the tsar. For example, the imperial decree of 1891 required that the Finnish State Secretary (an official representing Finnish matters in the Russian government) should consult the relevant minister in Russia if the legislative matter (a proposed regulation) can have consequences for the empire. The Finnish State Secretary was invested with discretion to decide whether the matter is of importance for the empire or not (Jussila, Hentila, Nevakivi 1999:73). Another uncertainty was the relation of the diet to the imperial law-making process. That was not formalized. The practice was that there were committees for joint law-making where the representatives of the empire took part and who, when necessary, put pressure on the committees and the diet to adopt a certain bill. Often it was difficult to achieve compromises and the Russian officials foresaw that it would be improbable with the case of pan-imperial conscription law (Jussila, Hentila, Nevakivi 1999:74). In 1899 Russian authorities issued a Manifesto which stipulated that the Estates had only consultative role and they cannot veto a law which was to be applied to the whole empire (Jussila, Hentila, Nevakivi 1999:69).

Previously the proposals of law were presented by the Finnish state secretary directly to tsar. The changes in the procedure presupposed a closer integration of the decision-making process into the bureaucratic apparatus of the empire. The proposals had to be considered by the corresponding ministry of the imperial government. Moreover, under process of elaboration was a regulation defining more precisely the area of the imperial competence and the provincial competence.

The Manifesto caused a stormy reaction in Finland. It contradicted the idea of the autonomy of the Finnish polity and self-image of the officials and wider social strata that was already in place. Russian officials argued that even before it was up to the tsar to accept or to reject the proposed law. But the Finnish side had a different concept of Duchy and relationship with the empire. Whereas in Russia Finland was considered a (subordinate) part of the empire (as Alexander III wrote on a proposal from Finnish Senate – „Does Russia belong to Finland or Finland to Russia?“), in Finland it was closer to the idea of a union of states. In 1809 emperor guaranteed the observance of ‘constitutional laws’ and the Manifesto was considered by many Finns to be a violation of the promise and thus the act of perjury. The Manifesto caused a resistance in Finland and another reason for that was the foreseen introduction of Russian in central administration in Finland. The concomitant effects of the protests were public discussions and growing awareness among Finns about their constitution and the form of

government (Jussila, Hentila, Nevakivi 1999:76). Wide strata in the society felt that the constitution is under a threat which created a form of nationalism with the focus on law and constitution. Half million signatures from all over Finland were collected in two weeks under petition to tsar with the protest against the Manifesto (Puntila 1975: 65). Finland was de facto a bilingual country and it was constitutional law which could create solidarity, rather than the issue of language (Ibid). There are evidences that in the similar way it was experiences by the contemporaries: „...as an astute contemporary Jac. Ahrenberg tersely remarked, it was the railways and Bobrikov [N.I.Bobrikov, the Governor General at that period – A.Š.] that created an integrated Finland: the railways economically and Bobrikov politically” (Ibid). In the civil service the protest against implementation of orders which Finnish officials considered unconstitutional was expressed in disobedience to the point of dismissal from the office, or in administrative delays (Puntila 1975: 65-66). The events surrounding the Manifesto and the protests against the issuing policy severed the bond of loyalty towards tsar which the Finns had from 1809 (Jussila, Hentila, Nevakivi 1999:77; Puntila 1975: 65).

Further developments leading to the formation of Finland as an independent state are related to the long-term developments in the social structure and gradual polarization between the classes and the short-term factors of revolutions in Russian and the World War I. A distinctive characteristic of Finland by 1905 was the existence of a large Social Democratic party which attracted members both from agrarian and industrial proletariat. The predecessors of the working-class movement was various religious revivalist movements which originated in the first half of the 19th century and resembling the kind of the revivalist movement in Denmark of about the same period. Priests were the moral leaders of the local communities in the rural areas, they organized regular devotional meetings, participated in education, and generally contributed to creation of the sense of solidarity among the peasants. The Fennoman movement further contributed to the vitality of the popular movements introducing the idea of an ultimate solidarity of the nation (Alapuro 1988: 106). In Finland there was a popular and numerically large temperance movement, which opposed the consumption of alcohol, and youth organizations. By the end of the 19th and the beginning of the 20th century there gradually took place a shift toward the political orientation of the mass movements. The Social Democratic party was formed in 1899. There was also growing trade union activity as the industrial proletariat began to emerge in 1890s (Ibid). The elite groups did not oppose the self-organization of the workers and peasants in Finland at that period. One of the reasons was that the industrialists considered self-organization of workers to be a conducive factor to their discipline and made it easier to bargain and arrive at compromises; another reason was that

the political elite, unlike in the Baltic Provinces, including Latvia, was not the landed nobility but the *bureaucrats* who had a precarious position of holding their offices in a dependent state (Ibid). They did not have incentives or possibilities to oppress mass organizations and in addition they needed allies in maintaining and strengthening the autonomy of Finland as a distinct polity.

As a political power Social Democratic party emerged in 1905 when the general strike broke out in Russia. There were no violence in Finland comparable to Latvia and the constitutionalists (the conservative groups advocating for the administrative autonomy of Finland) and Social Democrats voiced same demands to reverse the imperial integration policy. But the Social Democrats insisted on universal suffrage in election of a unicameral Parliament, instead of a four-estate assembly (Alapuro 1988: 115). Emperor authorized the institution of the unicameral Parliament and reversed some of the integration measures, including the conscription system. In the elections based on universal suffrage Social Democrats gained 80 seats in the Parliament out of 200 (Alapuro 1988: 101).

In the years following 1905 and before the October revolution there was a gradual drift among the political forces, especially those representing bourgeoisie, in the direction of a greater autonomy. The final break with Russia took place after the Bolshevik insurrection in 1917. That was followed by an attempt by the Social Democrats to seize the control over the state institutions and the civil war which was taking place until March 1918 and the defeat of the workers' forces. That marked a crystallization of Finland as an independent polity.

The events of January 1918 – March 1918 in Finland have various designations in scholarly literature: war or liberation, revolt, revolution, civil war (Jussila, Hentila, Nevakivi 1999:113-115). Finnish historians consider that as the Reds (the workers' military group) overthrew the legal government in Helsinki, it meets the criteria of a revolution (Jussila, Hentila, Nevakivi 1999:114). Alapuro, analyzing the causes of the revolution in Finland of 1918, refers to Barrington Moor's three factors, leading to revolution: 1) the loss of the legitimacy of the central political institutions, that is, loss of the belief in the validity of the normative order; 2) contradicting interests evolving into conflict among the dominant groups; 3) loss of the control over the means of violence, disappearance of the monopoly over the use of violence – the prerogative of the state (Alapuro 1988: 145). Alapuro considers that the third precondition was central for the attempted revolution in Finland, while the others were not that significant. He stresses that there was an overall agreement among the major groups in the Finnish society over the principles of integration, on the basis of the acceptance of the Finnish language and

culture and tolerance towards the Swedish minority, and strengthening of the autonomy of Finland. Although the political programmes of the Social Democrats and the bourgeois parties differed, they fundamentally shared the vision of Finland as a capitalist and democratic society. Social Democrats advocated for the controlled market economy with certain guaranteed rights for the workers. But the insecurity created by February and October revolutions in Russia triggered off confrontation between the reds and the whites by the advancing process of mutual suspicion, a situation which Elias called a *'double-bind'* process.

As was mentioned earlier, Russia was reforming its conscription system at the end of the 19th century. Earlier in the 19th century Finland was allowed to keep its army recruited from Finns. In the beginning of the 20th century this army was disbanded. The military power which could ultimately guarantee order was the imperial army stationed in Finland which after the October revolt in St. Petersburg mostly aligned with Bolsheviks. The police beginning from the time of February Manifesto was getting 'Russified'; it was not much trusted and after the February revolution in Russia became ineffective. The immediate events leading to the attempt at revolution began in 1916 when in the Parliamentary elections the Social Democrats won the majority. The elections could be held, with the authorization of the emperor, as there were not active military operations during the World War I. After the February revolution the Social Democrats attempted to pass a law on the autonomy of Finland which left to the Russian provisional government only the spheres of the foreign affairs and the military policy. The provisional government in Russian disapproved the law and dissolved the Parliament and ordered new elections. In these elections in October 1917 Social Democrats lost and the majority was won by the bourgeois parties. The Social Democrats were unable to accept the defeat and on the 1 November 1917 issued a program with the demand to dissolve the newly elected Parliament and particular actions on food, employment and work conditions. In March 1917, after the February revolution in Russia, the police in Finland was dismissed and replaced by militia in March-April (Alapuro 1988: 152). These semi-official and semi-private armed forces organized for the maintenance of order began to assemble around two divergent political groups – the bourgeoisie (thus, farmers and 'Activists' were the organizers of 'guards') and the workers' groups led by the Social Democrats. The workers' guards were formed immediately after the Parliamentary elections in 1917, in which Social Democrats lost. In course of spring, summer and autumn of 1917 this polarization grew, heightened by the problem of the shortage of food in the country and the workers' strikes. The government (now dominated by the bourgeois parties) was faced with the problem of securing order and at the same time of the inability to set up official police

force, because it realized, that the Russian government would not approve it (Alapuro 1988: 156). Shortly after the revolution in St. Petersburg, on the 6th of December, the government proclaimed independence and received recognition from the Bolshevik government. Now the official armed forces could be formed for the maintenance of the order. They were formed on the basis of the bourgeoisie guard. The government's intention to disarm the workers' guards became clear to the leadership of the Social Democrats and, after several encounters between the two forces, the party proclaimed revolution on the 27 of January 1918 (Alapuro 1988: 172). The revolution in Finland was called 'defensive' and even 'half-hearted'. The reds were able to seize Helsinki, from where the members of the government fled. Both forces, the reds and the whites mobilized about the same number of troops – approximately 70 000 on both sides (Jussila, Hentila, Nevakivi 1999:109). After capturing of Helsinki and southern regions of the state, the reds stopped their advance, considering that the revolution was complete and their victory assured, and began to reconstruct the administration. But they were unable to resist a better supplied, better trained and more professionally led army of the whites which won a decisive battle in Tampere. The whites were also militarily supported by the German troops which landed in Finland and in April took over Helsinki. The red army soon disintegrated and by May the country was controlled by the whites and the Germans. The attempted revolution was followed by a drastic counterrevolution. It is estimated that the whites in a few weeks after the war executed about 5600 reds and put into concentration camps about 82000 people (Alapuro 1988: 177).

What emerged as a result of the war was, according to Alapuro, a hard-won, but solidified political culture and a broad consensus on the basis of nationalist and bourgeois values backed by the bourgeois hegemony (Alapuro 1988: 198, 206). Nationalistic currents got a tendency to grow into extremes in the fascist-type Lapua movement but were effectively put to end in the early 30's by the government (Jussila, Hentila, Nevakivi 1999:163). What was important for the formation of the unified political culture, according to Alapuro, was that no influential intellectual group opposed the state and the bureaucracy:

...the Finnish educated class had become a bureaucratic intelligentsia: it participated actively in the construction of the state, and the university elite played a central role in politics and bureaucracy. ... In Finland, because no powerful section of the elite was decisively outside the state bureaucracy, the variety of intra-elite conflicts that is apparently a key precondition for the emergence of a revolutionary situation did not exist (Alapuro 1988: 198-199).



Alapuro further mentions that the bureaucracy, along with other elite groups, supported nationalism as an ideology of unification and moral regeneration, and idea of a 'rigorous martial unity' and 'inculcation of moral values' (Alapuro 1988: 204-205). That was vital for the state elite groups that had experienced political upheavals internally and felt potentially externally threatened by gradually consolidating neighbour Soviet state.

### **A tradition of good governance in Finland**

Regarding the legal norms and conventions preventing corruption in the state administration, Finnish researcher and public official Paula Tiihonen stresses the *continuity* of the tradition of good governance in Finland:

When Finland received independence in 1918, it inherited good governance legislation, which was situated in different laws, and almost without change, as a part of the rule of law. The most important norms were basically the same in the Russian era – 1809-1918, as they were at the end of the Swedish era – 1100-1809. Altogether, norms and principles of good governance are also seen in a holistic, historical way in the Finnish judicial discussion (Tiihonen 2003:100).

There are indications that back in the middle of the 19th century administrative integrity was in a good shape in Finland. Tiihonen's research in the statistics of crimes related to corruption shows that even back in the middle of the 19th century, one could find out only limited number of cases of corruption, decreasing every year, especially taking into account the growing number of civil servants thereafter (Tiihonen 2003:101). Bribery was found as almost the only recognizable type of corruption. Tiihonen considers that the basic legal norms preventing corruption have been in place for more than 100 years and she mentions four legal principles which have informed the normative acts at various levels: the principle of equality, objectivity, proportionality and commitment (Tiihonen 2003:100). She considers that Finns have formed general attitudes towards legality, integrity and corruption which include awareness that the rules are 'old, short, clear and taken seriously' and that despite relativity of any legal case 'there are limits for corruption and bad governance' (Tiihonen 2003:100).

Administrative culture inherited from the Swedish times was passed into administrative practice and various levels of legislation. There has been a tradition that Finnish civil servants were taught at the university or when they assumed their duties in the office the instructions of Swedish scholar Olaus Petri from the 16th century:

„What is neither just nor equitable, cannot be the law; it is for the equity in the law that it is accepted.”

„The good of the common man is the supreme law; and therefore, what is found useful for the common man shall be deemed the law even if the words of the written law would seem to order otherwise.”

„He who acts against the purpose of the law acts against the law even if he seems to comply with the words of the law.”

„All the laws have been enacted for the sake of justice and equity and not for fines. For a fine is to punish those who break the law; but the law prefers not to be broken and would willingly go without fines.” (Quoted in: Tiihonen 2003: 100-101).

Finnish researchers into the problems of integrity and corruption consider that it is one of the causes of the low corruption in Finland that there has been a long tradition of legalism in Finnish state administration based in Scandinavian and Russian legal traditions. That is, most of the civil servants had a legal education and the presence of legalistic culture helped to fight maladministration and mismanagement (Salminen, Viinamaki, Ikola-Norrbacka 2008:6).

As was mentioned above, starting with the last decade of the 19<sup>th</sup> century and until the independence in 1918 there was going on a juridical battle between the Finnish and the Russian sides on the legal status of Finland. The Russian side put forward a view that Finland was a province of Russian empire, enjoying autonomy, but it was up to the highest political authority of Russia to decide where this autonomy ends and if considered necessary, to extend the legislation of Russia into Finland. The Finnish side defended a view that right from 1809 Finland was in a union with the state of Russia and therefore had the right to autonomous legislation. This politico-juridical battle can be seen as a reinforcement of the tradition of adherence to and respect for law. This historical situation can be interpreted as giving rise to what N.Luhmann called a ‘juridical ethos’ or ‘moralization of law’. Finnish professor of jurisprudence Hannu Tapani Klami, discussing the circumstances of Russia’s attempts to extend its administrative power into Finland, describes the resistance of the Finns and in particular the public officials to the influence from Russia by means of legalism: ‘...Finnish officials, despite the threat of punishment and removal from office, acted according to the “old” Finnish laws, which they regarded as valid’ (Tapani Klami 1981: 109).

### **On the ethos of the welfare state and public sector in Finland**

The Finnish students of corruption referred to above point to the development of the welfare state with its emphasis on strong state and the principle of uniformity as a factor which further contributed to strengthening of integrity and high ethical standards in state administration in Finland (Ibid). The ideology of the welfare state emphasizes the principles of equality and

universality (Kildal, Kuhnle 2005). Besides that, the principle of consensus making and involvement into policy making of wide range of social actors can be seen as increasing the social control in the field of public administration. The state becomes a coordinator of the agreements and it gives the executive branch a new active role, which at certain moments overshadows the role of the legislature.

An example of the active role of the state (the government and its institutions) in coordinating the collective interests is a planning of so-called income policy. The government coordinates the negotiations between workers and the employers on the employments terms and working conditions prior to formulating the bi-annual budget. Seeking compromises among collective economic actors sometimes is referred to as corporatism or corporate state, still, Arter mentions certain factors which point that the state maintains an *autonomy* in its decisions and operation. First, though interest groups actively participate in various consultative governmental organs (like Economic Council) and are asked to express their opinions on the matters of policy or even the composition of government, 'it does not in itself denote enhanced influence. Ministers do not always proceed to legislate on the basis of commission proposals; there may not be a remiss stage; and cabinets are formed which do not meet with the approval of the main interest groups' (Arter 1987: 218). Second, Arter mentions that the government seeks to keep up with its own agenda and rationale. While seeking to lead the parties to compromise, the executive officials try to steer the negotiations so as to meet the goals set by the government, to ensure that the outcome fits the envisioned fiscal policy and take into account the economic developments outside the country (Arter 1987: 211), that is a goal set in a wider policy context. For instance, since the end of the Second World War and still nowadays among government's priorities has been the competitiveness of export branches (Kosonen 1993: 50). In general, the goal of the policy of achieving broad understanding and compromises among major economic collective actors is 'to strengthen the nation's international competitiveness, curb inflation and in this way improve employment and maintaining high living standards (Arter 1987: 225). In the way similar to L.B. Kaspersen's argument concerning Denmark (see Chapter 3), Arter considers that the consensus politics and the corresponding consensus-seeking political culture should not be regarded as 'independent variables', a result of willing cooperation of good-intentioned people. Rather, this style of policy-making is a result of a necessity, and the external pressure in war and post-war period, formed in the 'critical junctures' of history, and particularly, as Arter underlines, this pertains to the fields of economy and foreign policy (Arter 1987: 235).

Another feature constituting a particular ‘mentality’ of the welfare state, to use the expression of Finnish political scientist Risto Erasaari, along with widely practiced consultations with social actors, is a salient role of detached expert knowledge within state administration (Erasaari 1993: 15). A recent study of formation of the welfare state has underlined the central role of knowledge-bearing actors, usually academically educated civil servants (Lundqvist, Petersen 2010). Along with the orientation to values of democracy and equality, the normative ideal within the welfare states includes scientific rationality (Edenheim 2010). This normative aspect of the welfare state brings into focus *professionalism* as a significant element of ethics of the executive public officials. In this context it is noteworthy to refer to the article about formation of the welfare state by Nils Edling, who considers that even from the beginning of the 20th century, the time of the inception of the welfare state practices, the policies were not simply reactions to social changes. They were result of problem solving, deliberation and collective learning which involved various actors within the field of the policy planning: state bureaucrats, social scientists, politicians, and representatives of political and labour movements (Edling 2010: 139).

Reliance on expert knowledge in state administration and the practice of consultations with the societal actors, in the view of Risto Erasaari, gave rise to new ethos, new mentality of the state bureaucrats who are responsible for the management of the welfare state, and of the social actors: „an increase in valuation of what these experts offer, an increase in self-constraint and a stronger orientation towards the future, and an increasing awareness of the generalization of ‘interdependency in modern society’” (Erasaari 1993: 23).

According to A. Norlund’s study of social policies in the Nordic countries, there has been a general consensus among Finnish political parties about the value of the welfare state in Finland and no political party which has formed the government in the 90’s in principle opposed it (Nordlund 2005: 80). Welfare state has also been a basis of agreement for the political parties during the last parliamentary elections in Finland of 2011 (see interviews with public officials in Finland).

## **Chapter 5. State formation and administrative developments in Latvia**

### **Introduction**

Latvia as an independent state appeared on the map in 1920. The political elite proclaimed a will for Latvia to exist as an independent state in 1918 but it was not until 1920 that the internal pacification of the territory was achieved and the borders with the neighbour countries demarcated. The state lost its sovereignty in 1940 following incorporation into the Soviet Union. A completely different political culture was imposed on the population and the public administration during the period of the Soviet Socialist Republic of Latvia. The Republic of Latvia regained independence in 1991 and in 2004 joined the European Union. Under these historical circumstances one cannot expect a long history of public administration as an autonomous institution with its peculiar ethos and crystallized and stable professional culture. Theoretical works of distinguished sociologists, however, allow to hypothesize about the shape of the professional culture and possible influence of the historical heritage in the field of state bureaucracy in a newly independent state such as Latvia.

To begin with, one can recall Thomas Ertman's statement that patrimonial institutions can have long-lasting effects. He considers, for example, that the influence of patrimonial administration and its long dominance in Italy finds its expression in present-day corruption and rent-seeking behaviour in this country. Patrimonial type of administration develops a particular type of ethos which is different from the dispositions found in bureaucracy. Reinhard Bendix discussed these differences at length when setting out the distinction between the traditional authority relations and the modern administrative authority. The patrimonial administrator treats the means of administration, including his very office, as his property. He claims the property rights over them and succeeds in these claims with variations of degree in particular historical and geographical cases. Bendix makes a point that under patrimonialism the master and a servant perceive each other as extended parts of themselves. The master behaves towards his servants as towards extended but inferior part of himself, but the servant looks upon the master with the personal identification with his wealth and high rank (Bendix 2005: 49). Discussion of patrimonialism and its heritage is relevant for Latvia, as patrimonialism existed in the territory for many centuries and was abolished quite late in comparison to Denmark and Finland. Remnants of feudalism stayed until late 19<sup>th</sup> century, but some privileges of the landowning class (for example, in the area of taxation) were abolished only in the 20<sup>th</sup> century. The patrimonial mode of administration and its ethos are in some respects opposite to the bureaucratic conduct and ethos, which (the latter) presuppose,

for instance, awareness of the limits of one's role, strict adherence to the goals of one's office and limitation of arbitrariness, personal detachment from both the political masters and the members of society etc. With the reference to Australian scholar Ian Hunter one can say that under patrimonialism there were no conditions for creation and cultivation of the moral personae which administrative state gave rise to, that is, the personae of the bureaucrat and the citizen with the appropriate techniques of the governance of the self (Hunter 1994: 36). Society should reach a greater level of social differentiation of the areas of action and roles to produce these 'personae' and the respective codes of conduct. The tendency of a person to stretch the limits of one's office and identify oneself with the official role can lead, according to Dobel, to unethical and corrupt behaviour. The patrimonial habitus, the corresponding 'tradition of behaviour and feeling', to use Elias's term, can be taken over from the patrimonial past by the means of 'sociological inheritance' (again, to use another Elias's term, which broadly means, informal early socialization through the mechanism of identification). Habitus is formed and changes slowly. Once the pattern of habitus has been shaped, it takes, according to Elias, at least three generations to transform it. To quote Elias on this issue: "In a way not uncharacteristic of long-term social processes, the development of peoples' social habitus lags behind the process of global [societal – A.Š.] integration" (Elias, 1990: lxxii).<sup>10</sup>

Even a brief look at the history of Latvia can detect a lack of a centralized political authority for a long stretch of time and massive amount of violence throughout all its periods. In the perspective of the theory of the civilizing process this gives material for reflections on development of patterns of self-control of the population. It was an important point in Elias's book "The Civilizing Process" that development of stable self-control depends on the existence of a stable central authority which controls the use of the means of violence. Security on the territory is necessary for the development of a stable pattern of self-control. Again, it was also a point made by Foucault that the introduction of the discipline within population is possible only with a stable state sovereignty (Foucault 1991: 102). Elias made an observation that differences in permanence of the central authorities of the state have their counterpart in differences and permanence of the self-regulating pattern of people living under

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<sup>10</sup> In order to illustrate the point I will quote here Elias on the problem of sociological inheritance and habitus, which he explored on the example of working-class families in his book "The Established and the Outsiders": "If one considers this long-term development, one will probably find that part of the disordered working-class families, of the 'problem families' of today, are the diminishing remnants of generations of such families – remnants who by a form of sociological inheritance of certain tendencies of behavior have been unable to escape from the vicious circle which tends to produce in children of disordered families propensities for forming in their generation again disordered families" (Elias, Scotson 1994: 122).

these regimes (Elias 1990: lxvii). The stability and continuity of the central authority contribute to the stability of patterns of individual self-control. On this problem Elias wrote:

The strength of their [those European countries which had undergone a continuous state-formation process and rose towards great power status – A.Š.] pattern of civilization was related above all to the length and continuity of the state-formation process in the context of which it had been formed (Elias 1996: 282-283).

What one can observe in the history of Latvia, is the exposure of the population to violence caused by wars, by invading armies, and by foreign authorities. It was established by the study of the World Bank that longer years of statehood are statistically associated with a lower level of corruption in the country (World Bank 2000), though this report did not provide an explanation for this statistical finding. To give an illustration of the point, Denmark is ranked among least corrupt countries and has experienced a historically long and continuous state-formation and nation-building process. Denmark is one of the oldest monarchy in the world and is still officially a kingdom. The point of the development of *stable* self-control is crucial in Elias's theory of the civilizing process. He stressed in his "Essay on Time" that in more simple societies self-restraint is not absent and sometimes it is quite severe. But it is by and large more discontinuous, uneven, letting for outbursts of emotions and violent actions in insecure situations to which these people are often subject. In more differentiated, integrated and pacified – in a word – more developed societies, the habitus of the individual is characterized by more stable and continuous self-restraint (Elias 1992: 25-27).

Another relevant theoretical proposition is Elias's assertion of the connection between development of a stable self-control and *prestige* or value of one's social group. He made this point in his study "The Germans" and also verified it in the empirical study of the community in England in the book "The Established and the Outsiders". The proposition he suggest is that the higher prestige is associated with a higher standard of self-control and a lower prestige is associated with a lower standard of self-control. The higher prestige in turn is associated with a higher power-chances of the group in question in a wider social context. The greater social power of the group binds it to impose on its members a stricter discipline of self-control. In his "Germans" Elias wrote that a greater self-discipline of upper classes was, first, a means of governing of and dominating over groups of lower standing, those who were less self-disciplined. Second, greater self-control is a means of a social distinction, of distancing of the group of higher standing from the lower groups (Elias 1996: 72-73). The

imposition of the greater self-discipline brings costs of frustrations caused by missed short-term gains and pleasures. But these costs are compensated by greater long-term benefits of maintaining the position in the higher-standing social group and satisfaction from the consciousness of heightened self-esteem. From these propositions Elias derives his views on formalization and informalization processes. The formalization spurt takes place when the group acquires greater standing and power-chances. Again, as examples one can mention formalization of codes of conduct of court aristocracy in absolutist France. In case of Germany Elias mentions Junkers as a group which developed a particularly strict code of conduct demanding high level of self-discipline. Studying community life in a neighbourhood in England he observed that the inhabitants of a more prestigious district ('the established') followed a more disciplined and orderly way of life which was related to their opposition to the inhabitants of less prestigious district ('the outsiders'). Self-denial for the members of these groups, which they imposed on themselves in some aspects of their personal or communal lives, was compensated by the consciousness of being 'a better sort of people'. When a group slips down in its social position, an informalization process sets in. The self-discipline of the members of the groups deteriorates. They do not feel the pressure of outer and inner constraints at the same degree when the group occupied a higher position. The opinion of other members of the group does not have the same impact on them. When the power of the group is lost, the meaning of the self-denials, which served as a means of domination and distinction from lower groups, is being lost; and the value of the group among its members is diminished. "In such a situation", Elias writes, "it is almost impossible for the members of the falling group to form or even to borrow another code which would enable them to regulate their lives in a way they would find equally meaningful and valuable" (Elias 1996: 73). In connection with this discussion Elias mentions the cases of invasions of the Western Europeans in countries inhabited by more simple people, like American Indians. The Westerners erased the elites of these groups. As a result, the old ways of lives of these peoples lost its value and meaning and the condition of these peoples was described as apathy and group depression (Elias 1996:74). Now one can point out to the fact that the formation of Latvians' elites was a delayed process. It took place gradually in the course of the second part of the 19<sup>th</sup> century, when there appeared a group of university educated intellectuals. It was virtually non-existent before that period. Latvian elite which developed in the times of the Russian empire brought the Latvian state into existence but heavily suffered or was destroyed with Latvia's incorporation into the Soviet Union and during the Second World War.



Another important concept in the context of this discussion is honour, already discussed in the first chapter. Elias introduces this concept by relating it to the problem of the autonomy of individual self-control to the opinion of the group to which he or she belongs. Elias considers that a complete autonomy of the individual conscience from the group is a fiction. In closely-knit groups the influence of the opinion on individual self-steering is higher. The individual internalizes the expectations and values of the group and takes it as his 'honour' to act upon them or follow them. In connection with this Elias writes on the sense of honor among German military officers and student fraternities:

... student and military code of honour included a conscience which was *relatively* highly dependent on the opinion of other people, and thus also *relatively* heavily reliant, in coping with short-term drive-impulses, on self-control being reinforced by external constraints (Elias 1996: 96).

What is relevant for the present discussion is that the civil servant should possess a heightened sense of membership in the state-society. This view is put forward both by Patrick Dobel and John Rohr, American political scientists who authored books on ethics of civil servants. John Rohr advances this view to the point that he argues that an individual who does not consider the present political regime to be fundamentally just and does not value the principles of the country's constitution does not have a moral right to be a civil servant in this country. Otherwise it is impossible to expect from that person a morally responsible official action. Patrick Dobel considers that a civil servant should possess a sense of honour embedded in his sense of membership in the community, which he regards as a value. The notion of honour is also applied to the civil servant's membership in the institution which he serves. As was argued and demonstrated in the second chapter, autonomization of the state brings forth state bureaucracy and an autonomous set of institutions, and as a consequence of that, a particular institutional *esprit de corps* develops. Development of the sense of community in the institutions of state administration serve as an additional factor of restraint and discipline. A strong sense of membership in the collective of the institution reinforces the authority of the code of ethics and facilitates compliance with it.

This brings the discussion to the problem of the relation of the individual and collective self-image to the development of the pattern of self-control. Elias considers that there is "...a clear connection between national pride and civilizing self-restraint" (Elias 1996: 280). He mentions examples of Holland, France and Britain and "unbroken stability of national feeling in these countries" (Ibid). Continuous state-formation process and the corresponding national

pride facilitate the imposition and continuous maintenance of civilizational self-constraints. Mentioning a particular case he writes: “Britain is just one of many examples of this complementarity between national pride and the following of a specific national pattern of norms in behaviour and feeling” (Ibid). Again, Denmark, though substantially contracted from a regional power to a small European state (if one excludes nominally large Greenland), is another example of a long continuity of state-formation process (see Chapter 3).

Elias did not study specifically the Baltic states, but he explored other late-comers in state-formation processes, namely Germany and Italy. In both countries centralization, unification and pacification came about relatively recently. The built-in civilizational controls were relatively fragile. Elias considers that this was evidenced by the fact that social conflicts between middle classes and workers ended up by the use of violence (Elias 1996: 285). In the context of the present study one can just mention a huge extent of violence which raged during the revolution of 1905 in Latvia; again, the rioters were violently suppressed by the imperial authorities and military forces. The historical image of the state of Germany, according to Elias, especially in the inter-war period, inherited the traits of inferiority in relation to other European countries. It was not stable, fluctuating from the imagined greatness of the time of the Holy Roman Empire to the image of humiliated and defeated country after the First World War. This provoked fluctuations in self-esteem of the Germans (Elias 1996: 320). This historical image of the state was not quite realistic and had much fantasy content in it. Such unreliable, unstable collective self-image could not properly fulfil the function of orientation and civilizational restraint. The cumulative effect of the disturbed history, filled by military defeats and occupations by enemies resulted for the Germans, according to Elias, in a broken national pride, and facilitated the creation of malignant beliefs and political ideologies (Elias 1996: 329). The theme of a disturbed and traumatic history is pertinent in the discussion of the image of the state of Latvia, which was created after seven centuries of dominance by external forces. Both two World Wars had devastating consequences for the economy and the peoples of Latvia; one can easily find other examples of the destructive effects of wars between foreign military forces on the population of Latvia from 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries.

Significance of the collective self-image – the image of the state, conceptually links the historical process of state-formation with the perception of the present and future power-chances and prestige of the state and to the pattern of self-restraint and self-steering of public officials.

My last theoretical point in this introduction to the historical overview of Latvia comes from John Rohr's suggestion that a political value for it to serve as frame of reference and the means of orientation for action should have its 'history', that is, it should be embedded in the political history of the state and the people. From there it derives its meaning and the authority. John Rohr has in mind the constitutional values of the United States of America, which are rooted in the history of the USA and commands authority among the American statesmen. For the European context a relevant and helpful seems to be British sociologist's Colin Crouch's contention that civil service embodies "the social democratic ideal of the state as the servant of the universal citizen" (Crouch 2004: 97). He considers that the idea of autonomous ethic of the statesmen and civil servants was developed from the concept of the superior interests of the monarch representing the common interests of the people in relation to particularistic interests of estates and private entrepreneurs; then it was transformed into social democratic idea. One can observe that social democratic ideology is prominent in the state administration in Denmark, as well as in Finland. If one looks at the case of Latvia in the interwar period and after restoration of independence, one can notice that social democratic ideology was not either strong or popular. Parties professing social democratic values were marginalized from the political life during the first period of independence and completely lost political power in the second decade of the post-Soviet period.

### **Patrimonialism in Latvia**

The concept of patrimonialism, initially introduced by Otto Hintze and Max Weber, was later put into use by Reinhard Bendix in his studies of modernization and nation-building and most recently by Thomas Ertman and Philip Gorski in their works on state formation. The general characteristic of patrimonialism is that patrimonial lord rules over his domain as if it were an extension of his household. Patrimonial lord governs with the help of officials but he grants the power to them and commissions the tasks to be performed on an arbitrary basis. He is free to take the powers granted to his officials back from them. The appointment on the offices is arbitrary and depends on the personal judgment of the ruler. Usually the candidates are selected from the household of the ruler. In order to maintain the dominance over the servants and officials and prevent their identification with their offices the lord makes abrupt changes among his favourites and personnel. The lord and the officials who act in his name conduct the business of governance when and where they consider it appropriate – without prescribed procedure and routine, that is to say, arbitrarily. Theoretically the ruler and his officials are limited in their actions by tradition usually sanctioned by religion. If the power and

arbitrariness of the lord prevail, this gives way to tyranny; if the officials of the lord succeed in asserting their claims on the means of administration, or the power of the great lord weakens, the patrimonial rule turns into feudalism or disintegrates into separate smaller patrimonial domains (based on Bendix 2005: 130-131). The dynamics of the latter process can be observed on the territory of Latvia over a long stretch of time beginning from the establishment of the states forming the Livonian Confederation in the 13<sup>th</sup> century until the unfinished reforms of Russian imperial government in the end of the 19<sup>th</sup> and beginning of the 20<sup>th</sup> century. Patrimonialism in the form of oligarchy (see Chapter 2 for definition) was a dominant form of governance in Latvia until the reforms of 1890s, which took away from the German landlords the powers over courts, police and schools and limited them in other ways. Latvian historian Arvēds Švābe analyzed the terminology used by the Baltic Germans for their self-description and came to a conclusion that their self-perception was a derivative from the double system of rule found in the medieval Germany. It is known by the German term *Ständestaat* (see Chapter 2 for the discussion of this type of rule). The Baltic German landlords considered themselves to be the representatives of the land before the king, or tsar in Russia. But because other estates did not have their separate organs of rule and were not represented (neither clergy, nor bourgeoisie, nor peasants or artisans), *Landesvertretung* (the representation of the estate) turned into the actual rule of the landlords – *Landesverwaltung* (administration of the land) (Švābe 1958: 30). The real administrators of the land were not the emperor's appointed governor and his council but the "land's councilors" (*landrat's*). In their hands they held control over all branches of civil administration, including churches and schools, while the governors' responsibility was mostly the military matters. That is why the imperial government dispensed with a numerous bureaucratic staff and governmental officials fulfilled mostly the functions of supervision (Ibid). Švābe estimates that the Russian imperial government had relatively small number of civil servants in the 19<sup>th</sup> century: in Kurzeme (the Western province of Latvia) of about 1850 and in Vidzeme (East-Northern province of Latvia) – 1400 (Ibid). That, of course, was economical from the fiscal point of view. These elected officials of the Baltic Germans functioned according to officially prescribed principles of estate particularism. According to Baltic Province Laws, once the land's councilor was appointed to a high administrative position, the "first obligation of the councillor was to wakefully and fatherly take care of the preservation of knighthood's rights, institutions and traditions". If the interests of the knights' estate would clash with the rights of other estates, then according to the law the landrat would have to give the priority to the interests of the knighthood rather the common good of the land. If the landrat would attempt to act according to the interests of the whole land, the landtag would force him to leave the office (Švābe

1958: 31). In an interesting way this prescription is just an opposite to the civil servants' rules of conduct found at that time or even earlier in the state administrations in Scandinavia and what is found in the rules regulating the prevention of conflict of interests nowadays.

The formal basis of the privileges of the German landlords was a contract they concluded with Peter the Great, when he annexed the territory of Livonia in 1710, and his promise to respect their privileges. These privileges were presumably granted to the German landlords by the Polish king Sigismund Augustus in the 17<sup>th</sup> century and allegedly codified in a document referred to as 'Sigismund Augustus's privileges'. Still in the 19<sup>th</sup> century, when disputes occurred between the Baltic Germans and the tsar or his representatives, they referred to this document and the promise of Peter the Great. Only last Russian tsar refused to abide to Peter's the Great promise.

If one looks at the origins of the estates and the power of the landlords, one finds the massive creation of the estates following the dissolution of Livonia in the 16<sup>th</sup> century in course of the Livonian war (1558 – 1582) (Dunsdorfs 1962: 325). Livonia was a loose confederation but still its central power contained the centrifugal tendencies. With the disappearance of that central power these tendencies increased their sway and the process of 'hiding' and appropriation of the local administrative power, described in the Chapter 2 with reference to M.Mann's works, took off. Dunsdorfs traces these centrifugal tendencies up to the 18<sup>th</sup> century, when the power of the landlords reached its apex. The landlords in course of this process of decentralization acquired political powers and increased the powers over the peasants, which allowed them to intensify exploitation and introduce adscription. In Vidzeme during the period of Swedish rule the powers of the landlords were curbed and limited by the central Swedish government and its officials. The Swedish government introduced 'reductions' of the estates (converted them into crown's property) and established a three-layered system of courts which limited the landlords' jurisdiction over the peasants, leaving with them the rights of 'home re-education'. Sweden attempted to rule over Vidzeme by means of bureaucracy. Thus, it is known that Swedish general governor and civil servants worked according to detailed instructions elaborated by the chancellor Axel Oxienstierna. With the incorporation of Vidzeme into Russian empire these centripetal tendencies were reversed and the power ratio of the landlords raised again. In Latgale, the region which was under the jurisdiction of Poland, the landlords, according to Dunsdorfs, ruled as unlimited landowners (Dunsdorfs 1973: 131). They felt as if they were small kings and actually waged wars with each other. In the duchy of Kurzeme, also formally under jurisdiction of Poland, in

the 17<sup>th</sup> century the power of the duke was weak; Dunsdorfs calls it an oligarchy of the nobility (Dunsdorfs 1973: 55).

Dunsdorfs writes that it is “an undisputable truth that the landlords had a natural tendency to consider the estates and the lands of the peasants as their own land” (Dunsdorf 1973: 78). One should recall that according to the medieval laws the fief was a grant of land allotted by the great lord to the holder of the fief as a means of sustaining the military capacity of the knight necessary to provide the military service; usually most of the land was given in use according to a contract between the great lord and the fief holder; only a part – the allodium – was a private property of the landlord. Dunsdorfs writes that one cannot find a prove that still in the 17<sup>th</sup> century this tendency became a fact in relation to the peasant’s land. In 1783 an order issued by Catherine II stipulated the allodification of the estates and they became the private property of the landlords. The estate concentrated within itself the whole social system. Dunsdorfs comments on that: “Indeed, in the 18<sup>th</sup> century the estate took the place of the state” (Dunsdorfs 1973: 315). The state very little interfered in the relationships between the landlords and the peasants. The 18<sup>th</sup> century witnesses also an increase of the power of the landlords over the peasants. The landlords in fact (by the rights they ascribed to themselves) could arbitrarily evict the householder and annex the householder’s land to his own. That happened in many cases and in that way the landlords succeeded in increasing the territory of their estates. The landlord also could arbitrarily change the householder. All that meant that dependency on the land was substituted for the dependency on the person of the landlord, which in practice signified the extreme form of patrimonialism. Characterizing the 18<sup>th</sup> century in Vidzeme Dunsdorfs writes the landlords in fact behaved towards the peasants as towards their possession (Dunsdorfs 1973: 262). Dunsdorfs finds out that in relation to peasants the self-perception of the German landlords derived from the Roman law on slavery. For example, a representative of German nobility Rosen wrote that the peasants “with their person and their body are completely subordinated to and are possession of the landlord”. In accordance with this definition the peasant cannot own anything and can be punished even by death (Dunsdorfs 1973: 66).

The extremes of patrimonialism were removed with the abolition of adscription in 1819 in Vidzeme and 1861 in all Russia including Latgale. The landlords agreed to vote in landtags for abolition on the condition that all public burdens would be borne by the peasants. In order to organize the payment of the taxes and provide the conscripts and take care of other public works like building of schools and construction of roads local communities (*pagasts*) were organized on the basis of the estates of the landlords. Another function of the local

communities was maintenance of extra supply of crops, the magazines. The local governments which consisted of representatives of the local communities functioned under close supervision of the officials and police of the landlords and before the second half of the 19<sup>th</sup> century was little more than an extension of the authority of the estate.

Laws of 1866 made self-governments in Vidzeme more independent from the authority of the estate and delegated more power to the council of self-government. Representatives of the local community decided on the budget of the community, the taxes, appointed schoolteachers and accountants, prepared claims and

The community's council received the power to punish the members of the community in administrative order, and which earlier was the function of the community's court. The authority of the police of the estate was curtailed which earlier had the right of 'home re-education'. If the estate's officials identified the breach of rules which caused disorder, the person in question was referred to the elder of the community, the community's court of the district's police (the state police) (Švābe 1958: 340).

Reforms introduced in all territory of Russia in 1889 differentiated the courts from the police power, abolished separate courts for different estates and introduced a clear hierarchy of a unified system of courts under supervision of the Ministry of Justice. Police authority of the landlords on all territory of Latvia was abolished and the German influence on court decisions ceased, as they lost the right to choose the judges. Judges and senior policemen were now mostly recruited from Russia and this phenomenon was a part of a more general tendency of Russification of the Baltic provinces at the end of the 19<sup>th</sup> century.

The events of the Revolution of 1905 revealed the breakdown of civilizational controls of the groups involved in the conflict – the rioters, the Baltic Germans and the imperial police and military forces. These events showed the entrenchment of remnants of patrimonialism, the inability of official channels to solve civil disputes in a peaceful way, the accumulated enmity among the involved social groups and the fragility of self-control of the actors. The Revolution started in Russia with a series of strikes of the workers. Soon the wave of strikes took over the territory of Latvia, first in the urban and then the rural areas. The initial demands concerned higher wages and less working hours but later grew into wider set of demands of more democracy and rights of representation, abolition of the Baltic German patronage over appointment of priests in Lutheran churches, more even distribution of public duties between the community and the landlords, more equal taxation and possibility for non-owners of the land to acquire pieces of land for a fixed price. There were various groups

formulating different demands, more radical of them in a socialist tradition demanding abolition of private property. Discussing the conditions provoking the events of the Revolution Arvēds Švābe points to huge inequalities between the landlords and the peasants. Both groups possessed an equal quantity of land, but the Baltic German nobility constituted only one per cent of the population. At the same time the disparities of the public burdens were “like in the middle ages”. The landlords, who in 1905 possessed 46,4% of all land paid only 8,3% from the real taxes. The landlords’ contribution for the construction of roads was about 10%, but from the peasants’ land 90%. The landlords virtually did not contribute to the maintenance of schools and poor relief system (Švābe 1958: 652).

As the course of events went out of control of the leaders of the Revolution, the rioters went on to pillage and burn the estates and disarm their owners. In order to suppress the insurrection, the military forces were invoked. In many cases the revolutionaries were punished to death without a proper procedure of investigation and examination in courts, under the rules of the military regime. As the lists of the suspected persons were often drawn by the representatives of the landlords, the punishment often took form of retaliation. The government made concessions, for example, as regards to working conditions and rights of representation, but the costs were numerous human lives and a highly traumatic experience. The victims of the Revolution (people killed or executed) included the Baltic Germans – 82, and the revolutionaries about 2000 (Švābe 1958: 632).

### **Formation of the state of Latvia in the aftermath of the World War I**

What is of interest in this historical outline are factors shaping the development of external controls and inner restraints of groups and individuals in the field of public administration (in the wide sense of the term) in Latvia, and the course of this development. In fact, Elias discussed ‘self-control in matters of state and politics’ as a special subject matter for sociological investigation (Elias 2008: 301). In his latest works Elias put forward an idea that self-control can be developed or, on the contrary, have gaps *in particular spheres*. For example, self-control can be strong in the private sphere but be insufficient (or, in Elias’ words, ‘absent’) in the political area (Elias 1994: 60). In Chapter 2, using the works of Elias and up-to-date sociological and historical literature, I attempted to show how in the course of the civilizing process the state and its bureaucracy became an autonomous sphere of action with its own system of controls and self-control. And in Chapter 1 I tried to describe the interrelations between external and interiorized controls peculiar to the bureaucratic field. In another place Elias calls these relatively autonomous ‘spheres’ ‘part-processes’, such as political, economic and cultural (Elias 1996: 336). The development of controls and self-



control peculiar to these part-processes depends on the power that peoples at different stages of development can wield in the social 'sphere' in question. For example, the majority of Germans did not have access to the political institutions and developed greater capacities in such spheres as literature, music, philosophy, poetry. Their self-control in the sphere of politics proved to be insufficient in the inter-war period when Germany reverted into authoritarianism. Another example of the relationship between power, control over political sphere and self-control comes from Elias' study of absolutism in France: "To keep the rule over his country firmly in his hand he [the king – A.Š.] had to organize himself, keep himself firmly in hand. Just as he tried to turn his country and particularly his central group, the court, into a clearly visible and calculable organization" (Elias 2008: 149). Other examples of connections between power, absolutism, centralization and attempts to create a clear visibility of the administrative field are Denmark and Sweden in the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries.

Formation of the state is of paramount importance in the context of N. Elias' theory of the civilizing processes and for the subject of the thesis. Elias wrote that the moment of crystallization of the political regime is important for the future development of the polity: "Every form of rule is the precipitate of a social conflict – it consolidates the distribution of power corresponding to its outcome. The moment of consolidation, the point of social development reached at the inception of a regime, therefore, has a determining influence on its specific form and its subsequent state" (Elias 2008: 156). Actual emergence of the state of Latvia is a highly complicated event because of multiplicity of social actors involved in the process, both domestically and internationally, the swift shifting balances of power of the actors, their changing loyalties and alliances, emergence of new actors and the complexity of the timing of the process. At the same time one cannot fail to notice that prominence of ethnic identities and clashes between groups formed on ethnic basis was a salient feature of the events surrounding the emergence of the state of Latvia. Another feature is the dependency of the emergent state on external geopolitical forces.

When the World War I began in August 1914 most of Latvian groups were loyal to the Russian empire and openly expressed their loyalty and patriotism. The hope was that in case of Russian victory Latvians would acquire a better social and political position in Latvia and eventually a cultural and administrative autonomy within Russia. Only a small minority considered that formation of an independent state would be a more desirable outcome. These individuals thought that the aim could be achieved in case of military defeat of Russia. Loyalty towards Russian empire as a public opinion was still prevalent until 1916, when Latvian military forces (troops of riflemen) were organized by the Russian government as the

German army approached Riga. Under the pressure of the German attacks and as a consequence of inner disintegration caused by Bolshevik propaganda the Russian troops retreated. In September 1917 Riga was occupied by the German army and on the 7<sup>th</sup> of November 1917 the October Revolution took place in Petrograd (Sankt-Petersburg). On the 3<sup>rd</sup> of March 1918 Soviet Russia in Brest-Litovsk concluded a peace treaty with Germany, whereby Kurzeme was ceded to Germany, but Vidzeme came under Germany's police administration. Latvian historian E. Andersons considers that it was after Germany's occupation of Riga that the idea of the independent state of Latvia finally won among the decisive number of Latvian political leaders, because German occupation would mean a threat to survival of Latvians and Latvian culture (Andersons 1967: 252). At that time there still was a possibility that Germany would win the war. In January 1918 a revolution in Germany took place and on the 9<sup>th</sup> of 1918 the German emperor Wilhelm II abdicated. On the 11<sup>th</sup> of November 1918 Germany and Entente states concluded a truce stipulating that Germany would have to withdraw the military forces from the territory on Entente's demand, which before the beginning of war belonged to Russia. Entente states wanted that Germany would keep the military forces in Latvia as a buffer and defence against the Bolsheviks in Russia. That moment of geopolitical uncertainty was clearly what in political sociology is called a 'state of exception'. On the 18<sup>th</sup> of November 1918 Latvian political forces formulated a will to establish the state of Latvia, as an independent and democratic republic. Recognition of Latvia as a state from outside world did not follow immediately. The outcome of the situation in Russia, where the civil war raged, was still unclear and the Entente states hoped that the democratic, anti-Bolshevik forces would win in Russia and the Baltic states would remain part of Russia. There followed a complicated chain of events. In November 1918 Bolshevik government in Petrograd decided to attack the territory of Latvia and establish there a Soviet Socialist Republic of Latvia, with the help of Latvian Bolsheviks. Riga and most of the territory of Latvia was taken over by the Bolshevik forces in the beginning of 1919. The Bolshevik troops and government retreated following the offence of German and Latvian military forces later in 1919. In summer 1919 the Baltic Germans in coalition with the German military forces attempted to take over the power in Latvia and establish their own government but were defeated by joint Latvian and Estonian forces. On 28<sup>th</sup> of June 1918 in Versailles a peace treaty among the states involved in the war was concluded with the provision to respect the independence of those territories which before the beginning of war belonged to Russia. On the 7<sup>th</sup> of July 1919 the national temporary government came back to Riga where the cabinet of ministers was formed on the 13<sup>th</sup> of July 1919 with the following departments: Ministry of Agriculture and Supply, Ministry of Foreign Affairs, Ministry of

War, Ministry of Justice, Ministry of Finance and the State Controller. The civil war was still going on in Russia and its outcome was uncertain. The new government had to defend the independence of the new state against the military attack of a coalition of the Russian monarchist military forces and the German military forces still stationed in Latvia in October 1919. This attack was repelled by the newly formed national troops with the help of Entente. In the following months the national army drove the joint German-Russian army out of Western part of Latvia and the Bolshevik forces out from Latgale. The peace treaty with Soviet Russia was concluded on the 11<sup>th</sup> August of 1920 and with Germany on the 1<sup>st</sup> February of 1921 (after Andersons 1967).

Most of the ministries started their work in July 1919 (Šilde 1982: 259). The Ministry of Foreign Affairs was busy with establishing the diplomatic relationships with foreign countries, promoting the recognition of Latvia as a newly independent state, delivering correct information about Latvia and opening the representations overseas. Ministry of the Interior took care of the security on the territory, fighting the enemies of the regime and providing the security on the borders, especially with Soviet Russia. The Ministry of the Interior was also responsible for supervision over local governments. The primary task of the Ministry of Education was to secure the provision of primary and secondary education: building of new schools, recruiting the schoolteachers, elaborating curriculum, providing for education of ethnic minorities. The Ministry of People's Welfare took care of destitute population, fight with epidemics, health security of the workers. The Ministry of Justice during the first years of state's independence took care of the establishment of independent system of courts and their proper functioning. The task of the Ministry of Defence was to create a national army by training the officers and soldiers and supplying the arms and munitions. The Ministry of Agriculture had important tasks following the agrarian reform in course of which the land earlier owned by the private (landowners') estates and the priests' estates were partly nationalized (converted into the state's land) and redistributed to the population. The primary function of the Ministry of Finance initially was to ensure the income of the state, to take care of loans which were taken to start operation of the state, to seek and take care for the sources of income and introduction of a national currency.

Using the advantages of a late-comer, well documented in the sociological literature (see, for example, Gerschenkron 1962), the government created the departments and organized their work after the latest patterns available at that time (as, specifically, in the case of the Ministry of the Interior). The political culture had its leaks, however, as Latvian historian Šilde points out, and that was most visible in the work of the Parliament. There was no election threshold

and consequentially in the Parliament there were elected numerous representatives of small parties. In Šilde's view, the patriotic and military spirit waned with time and some of the politicians distinguished themselves with narrow-mindedness and propensity for unfruitful clashes with the representatives of other parties. Political particularism dominating at that time made a member of the Constitutional Assembly say: "We do not have any state politics. We have only class politics" (Šilde 1982: 266). According to Šilde, during the first period of independence, "corruption was no lacking indeed" (Šilde 1982: 268). A member of the fourth Parliament related, that in order to create a government, the votes of the 'single' deputies were needed. They were simply bought. They usually were not interested in the governmental offices and were offered money instead (Šilde 1982: 270).

Characterizing the political culture of independent Latvia Šilde wrote:

Sixteen years of parliamentarism was too short period for the broader masses of people to be raised in the democratic culture. Also press stuck in the banal evaluation of political events was not helpful for understanding of the advantages and fundamental values of democracy, which are rooted not only in the rights, but also in the obligations. And in the middle of all that there meddled a materialistic world-view which took the lead in the majority of the population. Under the influence of materialistic thinking and practical mind-set the course of the political life formed. That corresponded to the multiplicity of political and professional groups. For the creation of coalition government some politicians used easy and helpful method: to get the majority by offering some deputies touchable goods (Ibid).

In 1928 in Saeima (the Parliament) anti-corruption law was debated. A representative of Social Democrats during a parliamentary session in 1928 gave a speech in which he admonished the deputies to vote for giving an assignment to the Juridical commission to consider the draft anti-corruption law. In that speech he said:

That which is called corruption, the use of administrative and political position for private gain, plays in our state, regrettably, very big and pitiful role. I think I do not have to remind you about that particularly extensively; you all know that and all society knows that. The fellows of my faction, being in the government, put all the efforts to pave different pathways in the life of the state. (...) I will remind you, respected deputies, the case with the appointment of the Finance Minister. That was a surprise not only to social democratic faction, not only to the opposition of Saeima, but also to broad circles of society and, as you know, to the State President. (...) Not

knowing the Finance Minister in person, I do not have a ground to doubt his good will to do all good. But will he has a sharp view to see clearly where corruption hatches, and the necessary strong hand to uproot it, I have to doubt. One has to doubt that precisely because of the reasons, why the appointment of this Minister was astonishment for the society. This government is endlessly dependent on the circles, which created corruption in Latvia. (...) And if in the society and among civil servants there is no consciousness that in the frontline of the state there is a strong and definitive hand to fight corruption, as there was in 1927, one should not be surprised that some civil servants – not all, but some ‘good ones’, who do not have necessary moral qualities – can stretch out the hand for the bribes (E.Morics, VII Session of the Second Saeima, 22 meeting, 13<sup>th</sup> March 1928).

Coup d'état of 15<sup>th</sup> May 1934 put an end to the development of parliamentarism in Latvia during the pre-war period of independence. The coup was plotted and implemented by the Prime Minister K. Ulmanis who introduced the war regime and released the Saeima. He concentrated both the legislative and executive functions in the Cabinet of Ministers, where he played the leading role. Later in 1936 Ulmanis took over the position of the President as well. The official rationale for the coup was the incapacity of Saeima being split in warring factions to work satisfactorily. The ideology of the introduced authoritarian regime was a national (in the ethnic sense Latvian) state and unity of the nation. Ulmanis proclaimed that in Latvia there is a place only for Latvian culture (Šilde 1976: 610). Latvian historians write that the civil servants were interested in and supported introduction of authoritarian regime (Bleiere et al. 2005:152). But the executive power lost the autonomy of its operation and merely implemented the directions of the Prime Minister, as Šilde points out. Also, there were introduced simplified rules for dismissal of the civil servants (Šilde 1976).

Latvian historians consider that among the main reasons for the coup to take place was the insufficiently developed political culture of society and the political elite (Bleiere et al. 2005:149). As a matter of fact, there were no social protests against the coup. Society either supported it or looked at it with indifference.

Commenting on the return of Germany to the autocratic rule in the inter-war period Elias made a following observation: “As a rule, people emerge only gradually from a long era of autocracy in which the related habits have taken root, and the inclination in the transitional phase to revert to a phase of autocracy in every serious crisis is very widespread” (Elias 1996: 341). In relation to Latvia in the inter-war period one has to note that the regime preceding

parliamentarism was not just autocracy, although Russia, of which Latvia was a part, was an autocracy; the regime preceding 1905 was in many respects semi-feudal for a large part of the population of Latvia.

### **The system of double governance during the Soviet period**

In this section I draw mostly on the analysis of the system of administration in the Soviet Union by Reinhard Bendix. He considers that until the Revolution of 1917 in Russia in the sphere of governance there was no developed 'stability of expectations', or orientation to abstract norms, a feature of political culture in the West. He explains that by absence of a long tradition of the rule of law and bureaucracy in Weberian sense which would administer abstract law (Bendix 2005: 195). Perhaps this conclusion can be applied to some extent also to other parts of Russian empire (not only the traditional territory of Russia). The system of administration introduced and practiced under Soviet regime in some sense continued or even reinforced that tendency. Bendix considers that in the Soviet Union bureaucracy in the Weberian sense did not exist. Bureaucracy functions on the condition that there is a stable set of rules and the official realizes his discretion by orienting his action to these abstract norms, the legal order. Bureaucracy functions under the political supervision or control of democratically elected politicians. A bureaucrat who occupies his office is not a personal ruler himself. Bureaucracy is an effective system of organization and rule but it implies some inflexibility to ensure orderly and fair discharge of official business.

The basic conditions and purposes for which public administration in the Soviet Union was established were the forced industrialization and the exclusive rule of the Communist Party. Bendix considers that there were two systems of hierarchy penetrating all public spheres: one stemmed from the management of the branches of the economy with its planning agencies; the other stemmed directly from the party and was represented in all enterprises by Party cells and the Party officials, 'nomenclature'.

For the Communist Party it was not enough to set out the plans for the economy and put them down to management of the economic branches. The Party constructed the system of control in the enterprises. Formally, the director of a factory, for example, was sole manager who had unrestricted authority within the rules and the stipulated plan. The purpose of Party cell was to assist the director in the 'fulfillment and overfulfillment' of the plan by mobilizing the employees and facilitating cooperation between the director and the workers. The party functionaries, however, had other tasks of the party cells included the fight against

mismanagement, control of administrative authority and fight against bureaucratism (Bendix 2005: 199). The conflict between party officials and the management of the enterprises (or heads of institutions) was officially denied. But the representatives of the Party were expected to exert pressure on the management and interfered with the administration to force the fulfillment of the plan and realization of the directives of the Party. Such system of the 'double government' went through all social spheres:

Every factory, every government office, every unit of the army and the secret police, as well as every cultural or social organizations are subject to two authorities rather than one. For the work of each unit is programmed, coordinated, and supervised by some government agency. But it is also propagandized, expedited, criticized, organized, spied on, and incorporated in special-purpose campaigns by the Party cell within the organization (...) (Bendix 2005:201).

Latvian historians also point out that the essential feature of the Soviet regime was that the state offices and Party structures were not clearly separated. The Party structures interfered not only into political, but also into economic matters (Bleiere et al. 2005: 314). Bendix considers this feature of administration to be characteristic to totalitarian societies. Mixing up ideological power with political and economic powers could be conceived as a sign of de-differentiation of society.

Now Bendix considers that this system of rule was rationally adapted by the Party to its goals of industrialization of the country under condition of one-Party rule, as manifested by some (and in particular instances, quite spectacular) success in industrialization of the Soviet Union. But such system of double administration militated against the rationality of managers or officials, because of intrusion of irrationalizing influence of the party functionaries. Even if the officials or the managers were non-corrupt, they had to adapt themselves and the administration of their institution or organization to the demands of the party functionaries which could be considered 'irrational' from the viewpoint of the expert knowledge of the official or manager. This latent conflict was often, in the view of Bendix, a soil for illegal or quasi-legal conduct. Collusions between the management (officials) and the party representatives then would be a way out when there was a gap between the real performance indicators and Party-stipulated plans. That also was a ground for the development of what became known as 'double morality' of the Soviet regime. The models of conduct which became habitual under the Soviet regime in relation to authorities and law continued to influence behaviour of people after Latvia regained independence and as some authored

considered, was a factor which fostered the adoption of corrupt practices in the newly restored state (Karklins 2005).

Taking into account that in Elias's theory of the civilizing processes concepts of violence and pacification play important role, one should mention that the introduction of the Soviet regime in Latvia was accompanied with much violence and represented a discontinuing event in the development of the state of Latvia. In 1940/1941, at the time of establishment of the Soviet regime before the World War II, according to data, mentioned by Latvia historians, about 10000 people were deported from Latvia and about 2000 sentenced to death and killed. In years 1944-1953 about 40 000 were deported from Latvia and about 2000 sentenced to death (Bleiere et al. 2005: 317). Among those subject to repressions there were representatives of Latvian intellectual and business elite who were perceived to be a potential threat to the new regime.

### **On the patterns of conduct of public officials after restoration of independence**

The state of Latvia the independence of which was restored in 1991 claimed its continuity with the state formed before World War II. The conditions under which the process of formation and functioning of institutions of public administration in the newly restored state, however, were quite different. American political scientist Vanelin Ganev considers that one should not assume a simplified picture that the administrative structures in post-communist countries were merely taken over by the new democratic regimes and easily adapted to the new constitutional framework and developmental goals. The data actually shows that in most cases the infrastructural power of the states of the former Soviet bloc actually deteriorated. These states were as a rule unable to design and implement the developmental plans to catch the 'first world' of the Western countries as swiftly as was expected (Ganev 2005: 427). Ganev suggests an answer to the question why the newly restored states were, and some still are, infrastructurally weak. In constructing his answer he uses the conceptual tools from historical sociology of state-formation, mostly the works of a distinguished American sociologist Charles Tilly.

As a starting point of his analysis Ganev seeks to answer the question how the strong infrastructural power is formed in the process of state formation. He mostly uses the works by Tilly and I only briefly outline the argument as the processes of state formation in Western Europe were in more detail discussed in Chapter 2.



State-formation for Tilly starts as an elite project in the socio-historical context of war-making. In early modern Europe states emerged basically as war-making social machines engaged in various social activities like preparation for war, extraction of resources from the population, elimination of internal enemies, production, war-making itself etc. The by-product (or, the unintended consequence) of these activities pursued by the elite was the consolidated state apparatus with a robust state bureaucracy capable of effective extraction of taxes but also caring and providing services for the population within its borders. In the context of the present discussion the extraction activity is of special importance. The state elite needed resources (particularly, money) for pursuing their war-making activities, and these resources were possessed by the groups of the civil society, like merchants, producers and other economic agents. Later, when the use of field armies became necessary and national armies were introduced, human resources became important as well. The extraction of resources met with the resistance of the subject population possessing them. The members of the civil society agreed to provide the resources in exchange for the protection but in addition they demanded control over the activity of the elites, which limited the action of the political elite not allowing it to become predatory. In the series of interactions between the political elite and the population the elite was 'civilized' by the checks and controls imposed on them by the civil society. The result of the civilizing of state elites is the social environment characterized by mutual restraint between the state elite and the citizenry, robust bureaucracy checked against misuse of office and the perception of a career in state administration as a service to the community or the nation (Ganev 2005: 428).

Post-communism is seen by Ganev as a phase in the state-building process. It was taking place under conditions when after decades of the Soviet regime the economic wealth was appropriated by the state. To this I would add a relatively secure geopolitical position of the newly independent states of Eastern Europe, particularly the Baltic states and Latvia, as they early started to develop cooperation with transatlantic security structures. Under these conditions, Ganev argues, the dominant state elite project during the first decade of post-communism became not extraction from the population, which after all, did not possess any significant resources, but the 'extraction from the state'. This strategy of behaviour was shaped by the 'historically constituted opportunity structure' and the legacy of post-socialism (Ganev 2005: 430). I would add that these opportunities created possibilities for seeking short-term benefits and satisfactions and might orient the behaviour of public officials to short-term behavioural strategies.

The forms of predatory behaviour of state-elites in post-Soviet countries could take various forms. That could be amassing the key enterprises in the process of privatization which secure a steady flow of income; the assets under privatization could include valuable land or buildings. It could be siphoning off the public money to offshore private companies under the pretext of state-initiated projects. Predatory behaviour can take a form of an institutionalized rent-seeking, whereby the private companies owned by government-related groups are financed by state agencies; or a rent-seeking in the form of creation of sinecures, state-owned and abundantly financed agencies staffed by party-related people. As Ganev argues, “the aggregate result of various forms of predatory behaviour is the extraction of what Michael Mann characterizes as “the logistical resources of the state” or its ability “to organize and control people, materials and resources of the state” in pursuit for communal goals” (Mann 1986, 1)” (Ganev 2005: 436). This might mean that the whole branches of public administration could come under control of predatory politicians which could be of use for their private interests, be it customs, tax-collecting agency or something else. The examples of predatory behaviour of state elites are well-documented in the literature on post-communism (Ibid).

The point which Ganev makes is that under these conditions, when the state elite pursues the project of the ‘extraction from the state’, a strong, honest and effective state administration is not needed. On the contrary, a strong administration would be an impediment for the success of the project (Ganev 2005: 435). Instead, predatory elites are interested in a weak, under-institutionalized public administration. Cooperation of state administration is necessarily needed by the predatory elites to realize their project and their influence therefore intrudes the autonomy of state bureaucracy. Another point made by Ganev is that predatory elites in post-communist countries are unlikely to meet the resistance of civil society because the elites did not seek to extract resources from society, but instead, from the state (Ibid). The elites, consequentially, did not face the pressure of the civilizing restraints from the civil groups, which in the post-Soviet area in addition as a rule were powerless.

Does this account bear any plausibility for the case of post-Soviet Latvia? Experts of the World Bank in 2000 and 2003, analyzing corruption in the countries with transitional economy came to a conclusion that at that period of time (end of 1990s and beginning of 2000s) in Latvia more than in other countries there were characteristics of ‘state capture’. By state capture the experts of the World Bank understood actions by the agent from the state sector and the private sector which purpose are to influence formation of laws, rules, orders and policies for their private benefit. In short, state capture is creation of such regulation,

which suits interests of certain economic agents (World Bank 2000). In the report by the World Bank (2000) it was stated that in Latvia political corruption was a problem while the administrative corruption was not particularly distinctive. The critical evaluation of the World Bank was that the Cabinet of Ministers of Latvia at the end of the 90s more resembled a bunch of self-interested individuals than a government. One of the reasons for the existence of political corruption in Latvia the experts of the World Bank saw in imbalanced concentration of the economic power in the hands of a few individuals related to the state power (World Bank 2000). Since then there have been very few cases of political corruption proven in courts. The most notorious one was related to the election of the head of the local administration of the resort town Jūrmala. There are currently a number of cases still under investigation. On the level of public opinion however the government and the parliament have had low trust rates. Public credit reached its lowest point at the time of the government legitimacy crisis of 2008 which coincided with the fiscal crisis in the country.

These tendencies could not but produced impact on public administration. In a research conducted under commission by the State Chancery in 2005 about work motivation of the civil servants there was made a conclusion that public administration lacks a healthy ideology of civil service and a commonly accepted corporate culture (Laboratory of analytical and strategic studies, 2005). One can find out differences in motivation for the civil servants in Denmark and Latvia. The most important factors of motivation for the civil servant in Denmark are the content of the work (49%), the work environment (11%) and the salary (10%) (Finansministeriet 2001: 5). In Latvia the most important motivational factors are salary, career opportunities and the prestige of the work. In addition, the motivation pointed out by the civil servants in Latvia is contradictory, as was revealed by focus group discussions and interviews. Civil servants mostly are not satisfied with the salary, they consider that it is very hard to get higher on the career ladder and they are aware that in the society and the media the work of the civil servants has a low prestige and their work mostly is depicted in negative terms. In comparison with the private sector there are more people working in the state sector who plan to find another job in no longer than one year (Laboratory of analytical and strategic studies, 2005).

Administrative corruption, however, was not altogether absent in Latvia. According to the polling data in 2005 about one half of population have had some personal experience with corruption. About 20 per cent of respondents said they had to pay unofficially to the employees of the public sector in order to solve their problems; 10 per cent said the bribes were required from them by officials (SKDS 2005).

Corruption Prevention and Combating Bureau was established in 2002. Its tasks included investigation of criminal offences in the field of corruption; prevention of corruption, including fining of public officials for the breaches of the rules preventing conflicts of interests; and the control over financing of political parties. The Bureau was also in charge of the state anti-corruption programme which included wider activities like strengthening the ethical infrastructure of institutions, drawing of codes of ethics etc.

To illustrate the points made in this section I will make a brief survey of publications in the mass media. In 2009 the national auditor's office made a revision of financial flows in the central organs of state administration. It revealed that expenses in the state administration were often ungrounded and did not at all follow the principle of efficiency. Starting from 2006 there was a steep growth of salaries of all levels of civil servants but especially of high level officials. In three years salaries rose by 50 to 150 per cent. Critically evaluated were the ungrounded high salaries of the politically appointed members of the councils of state enterprises, a quite clear case of an institutionalized rent-seeking (in 2008 the members of the councils received 3300 Lats per month). Besides the regular salary impressive sums were paid as bonuses. The state auditor's office revealed that in most ministries there were no clear criteria for paying bonuses and nationally there were no regulation on paying bonuses to the civil servants. They are paid when there is money available in the budget for 'good work results' and sometimes the salary in comparison to other payments constitutes only 34% (Jemberga 2008). Extra payments to the high level civil servants (usually state secretaries) were paid without any system or for work which was included in the job description. Second largest expenses formed overseas trips and often such trips were not grounded, as for example, a trip by the civil servants of the Ministry of Education to Halifax to attend a world championship in ice hockey (Rulle 2009). Other positions of expenses which were critically evaluated by the auditor's office were large amounts of money spent for public relations events. From this position there were paid for such events as Christmas parties for the staff and birthday parties of the heads of departments (Ibid). Communication and paying the bills of the mobile phones made another substantial position of expenses. It is phenomena like these that Reinhard Bendix called 'neo-patrimonialism' in modern public administration.

The state auditor after inspection of the state agency which administers state's real estate drew a conclusion that the administrative policy of the agency was not purposeful and did not assure realization of the state's interests. She said: "Personally I was most astonished by the attitude of the management that everything is allowed to them, that everything they do is to be considered right" (Bebre 2009.) Commenting on wider problems of government state auditor

Sudraba said that the dominating way of thinking is realization by each ministry of its own project and a lack of unity in the work of government. This, in her opinion, is linked to a narrow party particularism.

A lawyer on the results of the audits comments in the newspaper that the cynical purposeless spending of public money and handling it as it were one's personal money is a result of imitation of the behaviour of higher officials and politicians by the civil servants of the lower level, because 'no-one wants to be a greater fool than another, especially than the boss or the higher standing one' (Akmeņkalns 2009).

A public wrath incurred a case in 2009 when a new Minister of Transportation appointed a young son of his chauffeur to a high position in the ministry. The young man in his early 20s did not have an appropriate education and experience for that position. When the chauffeur was asked to comment on the appointments, he was said to answer to the journalist that this was a family business in which one should not interfere. A newspaper commenter with an irony wrote on the case: "The power elite considers itself and those related to it as a family. ... It is laudable that one influential man in the Ministry of Transportation finally openly and precisely said how the power circles view themselves (family) and how they define a desired attitude of society (you should not interfere). This is the factual point of view of the majority in the ministries, the government, the Saeima. If this was not the case, we had had a different spiritual configuration of the power" (Avotiņš 2009). Commenting on the case a lecturer in political science and former politician Ilga Kreituse said: "State capture is to be blamed for the present moral, political and economic crisis in Latvia. State capture is first of all putting one's own people to the offices of high responsibility. As a result in Latvia there formed a power elite of about 200 people, who work in their private, not state interests" (Delfi 2009).

During the work on strategy of sustainable development of Latvia a foreign expert on the reform of public administration, a former World Bank expert Helen Sach was invited in 2008. She pointed out that one of the problems of public administration is a low trust level to the institutions of public administration. She highlighted that the dominant view still was that the state administration could not separate personal interests of gaining the private benefits from the work for the public good. There still was a tendency to have trust in personally known people rather than state institutions (LETA 2008).

It should be stressed, however, that the 'extraction from the state' represents *an episode* in post-communist state-building, as Ganev himself puts it, and does not exhaust the whole process of state-building after restoration of independence. There have been state formation

processes of different character aimed at constructing law-based state and professional administration.

As a Latvian historian Ļ. Zīle points out, the social movement of national revival at the end of the 80s put forward an aim to fight with the bureaucratic arbitrariness, and creation of the state of law with the guarantees of rights of citizens (Zīle 1998: 141). The reforms of the system of law from the start of the 90s were directed towards establishment of modern, in West European sense, the laws to secure the rights of private property, to reform the civil code, the law on labour relations, the laws pertaining to administrative and criminal offences and the process laws (Jundzis 1998a: 245). The goal to establish a new system of law which would correspond to Western democratic standards has not been achieved at once but has been pursued in the course of years following the restoration of independence. Latvian historians and lawyers note that the process of reforms has been full of difficulties which had to do with the historical heritage of Latvia. The staff of the reformed institutions of state administration was not changed completely, the employees who showed the loyalty to the new regime were allowed to continue in their positions. That conditioned the preservation of some aspects of political and administrative culture and implanting of these into the new system (Levits 1998: 215-220). The style characteristic for the state administration in the soviet period was continued under new conditions and perhaps reinforced by the short-term opportunity structure, described above. Thus, a Latvian author O. Celle writes that such practices as bribery, non-observance of the laws, arbitrariness and arrogance could be seen frequently in the activity of the state officials in the beginning of the 90s (Celle 1998: 435). According to Celle, in the political life of that period one could witness selfishness, the lack of interest to build a honest state, an interest to gain control over the power to maximize personal gain under new conditions of capitalism (Ibid). In the beginning of the 90s there was a need to pass the laws very quickly and that often happened in a chaotic and unpredictable way; the laws changed very often and sometimes the lawgiving process served the interests of narrow business interests (Jundzis 1998b: 315).

Latvian lawyer E. Levits writes that the ideas of the democracy and law-based state and the skills necessary to manage the modern democratic state administration were practically absent in all social and professional groups in Latvia in the beginning of the 90s (Levits 1998: 220). These skills were gradually mastered in individual way in the course of the 90s (Ibid). He considers that the long presence on the socialist path caused the weak understanding of the nature of the civil society and the state of law. The elites did not fully comprehend the principles of organization of the state of law and this continued to influence the character of

the state and society (Levits 1998: 208). Celle considers that the first government after the proclamation of independence did not set up high moral standards to the ministers and did not put enough effort to curb corruption and criminality in the country (Celle 1998: 457).

Lawyer T.Jundzis writes that as the institution of state administration got reorganized, there was an outright lack of honest, competent civil servants, loyal to the newly restored state (Jundzis 1998a: 242). At the wake of the process of restoration of independence, however, it was vitally important for the state to ensure that the employees of institutions of state administration do not oppose the idea of the new state; thus, soon after proclamation of independence in 1990 there was launched the process of de-politicization of state administration, by forbidding for the party organizations to work there. Loyalty of the civil service was achieved by supplanting from the positions of those who denied the new state or by making the civil servants accept it (Levits 1998: 215).

After the first elections in the parliament (5<sup>th</sup> Saeima) after restoration of independence in 1993 the Cabinet of Ministers included a position of the minister of state reforms. Correspondingly, the ministry of state reforms was set up. The main task of the ministry was to organize the state administration in such a way that corresponded to the new constitution. The constitution of 1922 entered into force in 1993. The main areas of activity of the ministry were functional and hierarchical ordering of the institutions of state administration, facilitating cooperation of the ministries and promotion of the principles of ethics and improving the management of the institutions.

One particular area of activity was reformation and building up of the civil service which would correspond to the needs of the newly restored democratic state. There were set up Public service administration and a School of public administration both subordinate to the ministry. In the beginning of the reforms the personnel was required to re-enter the civil service by passing a written examination on a new constitutional order; the management was required to pass an interview. Those who remained in the civil service had to undergo a training organized by the School of public administration on the juridical foundations of the newly restored state. The purpose of the training in ethics was to induce in the civil servants the notions of the distinction between the state and private interests and the notion of the conflict of interest. The training in ethics of the higher management took place in the form of seminars led by experts invited from the Western countries. There was also organized training for the top civil servants and politicians on effective management of the staff which would

correspond to a more democratic political context, for example, how to lead a collective in a non-authoritative style.

One of the tasks of the reforms was to draw a line between the politics and administration and to create favourable conditions for their cooperation. The position of the state secretary was meant to be politically neutral but in reality the newly appointed minister retained the power to change the state secretary which in some cases opened the door to the politicisation of the civil service. The ministry worked to ensure that cooperation in the state administration would take place not only at the level of the Cabinet of Ministers but also at the level of state secretaries, at the stage of the preparation of policies.

Another field of activity of the ministry was to introduce and ensure the functioning of the principle of openness and transparency in state administration. The citizens had to learn about their rights to be informed and the state administration had to learn the obligation to provide the citizens with the required information.

An interviewed former public official of the ministry of state reforms considers that in comparison with the beginning of the 90s there has been made a great progress in the attitudes of the employees in state administration, for example, their ability to distinguish between the public and private interests.

As Latvia was advancing on the way to become a member of Western international organizations – EU and NATO, the shortcomings of the state administration were highlighted. Egils Levits in 2002 authored a conception on the law on structure of state administration. In this conception Levits discussed the problem of administrative weakness, as a part of a more general problem of the state weakness, in Latvia (Levits 2002: 27). He expressed an opinion that from the mid-90's the quality of state administration had been steadily improving but in the conditions of approaching EU membership, higher evaluation standards had to be applied, in the light of which one could see the shortcomings in the functioning of state administration (Levits 2002: 27). Administrative weakness is expressed in insufficient quality of application of laws which leads to inefficiency of state administration and the lack of legitimacy. Above in this section there were discussed possible structural reasons for the weakness of state infrastructure in post-soviet Latvia. Levits pointed out to the reasons of administrative weakness of the state which are to be found in the lack of understanding of certain politico-juridical concepts both among state officials and the lawyers. Thus, he mentioned the insufficient understanding of the democratic character of the constitution of Latvia and the role of state administration in it; of the difference between the public and the private juridical



persons; of the hierarchical character of state administration; of the process of delegation of state functions to non-state actors; of cooperation between institutions of state administration, when it is admitted in practice that an institution can have its own interest, and so on (Levits 2002: 28). Levits pointed out that the process of improvement and eliminating the administrative weaknesses would take a long time and that the specific situation of Latvia was the lack of tradition of good administration and the administrative culture, as well as insufficient development of juridical thought in the sphere of state administration (Levits 2002: 32). The purpose of the law on structure of state administration, which entered into force in 2003, was to set up and strengthen the constitutional framework of the functioning of state administration. The law made provisions for regulation of such issues as the hierarchical structure of state administration, responsibility, delegation, internal normative acts, financing and so on. In the mentioned conception Levits puts forward that the purpose of state administration is to implement the abstract will of the law-giver and the government. That is possible if state officials take 'correct' decisions, that is, lawful, useful and legitimate. The weakness of the state expresses itself in a large amount of mistakes in taking the decision. He also commented that in Latvia there still was not consolidated a concept of a profession of the civil servant which content is taking the correct (useful and lawful) decisions and their argumentative grounding (Levits 2002: 33).

In 2010 Levits made an appraisal of the reforms in state administration. He remarked that since the law on structure of state administration entered into force, the normative regulation for building an effective state administration has been sufficient. What was lacking was the understanding of the law and its application (Litvins 2010). Levits pointed to a number of problems in connection with the process of reforms and reorganization of state administration in previous years, in connection with the budget cuts following the economic crisis in 2008. He mentioned the lack of analysis from the point of view of long-term needs of the state in reorganization of ministries and subordinated institutions; problems in the management of civil service, in particular, the management of human resources in state administration, and problems in relations between the political and institutional leadership in the ministries (Litvins 2010).

Seen from the perspective of the theory of civilizing processes one should not expect swift changes in the ethical habitus. According to N. Elias it takes usually a change of a generation or even longer period for the apparatus of self-control to adapt to the 'functional democracy' (to use Elias's term). Currently there are in place influences in Latvia which facilitate the

development of ethical self-control of state officials in public administration, such as positive law and State Chancery's programs of development of public administration.

## Chapter 6. Methodology of fieldwork research

### Path-dependency, habitus, ethos and tasks of the interviews

American political scientist Paul Pierson discussing methodological strategies associated with application of the notion of path dependency examined the concept of causality in the context of the study of long-term social processes. He considers that the notion of synchronic causality, as a past event which generates some outcome observable in the present, to be too limited. It is true that the notion of a critical juncture presupposes that a figuration of social forces sets in motion a particular social process, or a 'path'. What is important in the notion of path dependency, however, is that there are social processes that *reinforce* the chosen path. With the reference to Arthur Stinchcombe he argues that viewed in a stretched temporal perspective, an effect of a particular cause can become a cause of the same effect in succeeding periods (Pierson 2004:46). That means that the produced effect becomes a reinforcing factor for a created outcome, or an initiated social process. With regard to the study of path dependency, positive feedback and reinforcement Pierson writes:

In such a process the crucial objects of study become the *factors that set development along a particular path* – and which lie in the past – and the *mechanisms of reproduction of the current path*, which at first glance might seem commonplace, perhaps almost invisible or at least analytically uninteresting (Ibid, emphasis added).

The preceding chapters concentrated precisely on identifying the causal factors, lying in the past, which can explain formation of role-specific normative orientations in the state administrations in Denmark, Finland and Latvia. In these chapters, I used theories of development of state and public administration, theories of sources of social power and the civilizing processes, as well as empirical descriptions provided primarily by history books on formation of the state, administration and ethics. The subsequent chapters will concentrate on the 'mechanisms of reproduction'. It has been already mentioned in this thesis that Norbert Elias considered the notions of process-structures, or figurations, as evolving in interconnection with habitus, the internalized mode of self-control. Habitus is a result of a long-term civilizing process which he sees as series of shifting figurations. Now it was a French sociologist Pierre Bourdieu who emphasized habitus as a factor of *reproduction* of the present objectified social structure, or the field. Therefore it is worth to make a brief overview of Bourdieu's notion of habitus and its links with the social field.

As a matter of fact, Bourdieu in his 'Outline of the Theory of Practice' directly writes about the 'continuous reinforcement' as one of 'the fundamental effects of the orchestration of habitus' (Bourdieu 1989:80). In his definition of habitus Bourdieu stresses its function of reproduction of objective social conditions:

The habitus, the durably installed generative principle of regulated improvisations, produces practices which tend to reproduce the regularities immanent in the objective conditions of the production of their generative principle, while adjusting to the demands inscribed as objective potentialities in the situation, as defined by the cognitive and motivating structures making up habitus (Bourdieu 1989: 78).

Bourdieu looks upon the relationships between habitus and the objectified social conditions in terms of circularity and mutual reinforcement. Habitus is 'history turned into nature', that is, a set of dispositions produced by past experiences, but the agent tends to forget or to be unconscious of the process. He defines habitus as a system of dispositions (Bourdieu 1989: 214) and explains that the meaning of the term is close to such expressions as a way of being, habitual state, predisposition, tendency, propensity, inclination (Ibid). In Bourdieu's view, habitus is produced by 'the structures constitutive of a particular type of environment' (Bourdieu 1989: 72). This is close to the view held by Elias, who considered that habitus is formed in the figurations and by the figurations. Bourdieu states that practices produced by habitus are only apparently the product of 'the future', that is of an action strategically oriented to the future result. By the most part they are determined by the 'past conditions' and implicitly contain the tendency to reproduce these conditions in the results of the planned action. The process is mostly hidden to the consciousness of the actor. The objective social conditions induce in the actors aspirations and practices which are compatible with the requirements of these conditions. Actions which significantly deviate from the principles contained in the reproduction of the objective social environment are held to be "unthinkable". In this way, there is developed a practical principle of "double negation", that is, an inclination of the subjects to decline what is already refused and "to make a virtue of necessity" (Bourdieu 1989: 77). (See, for example, the interviews with Danish state officials on the subject of corruption, in the next chapter.) Thereby Bourdieu, in this context, equated ethos with a "necessity made into a virtue" (Ibid).

What passes unnoticed to the subjects, according to Bourdieu, is that aspect of their practices, which is responsible for making their actions compatible with, or adjustable to other practices,

and that the underlying principles of their actions are the products of the social environment. In his expression, “subjects do not, strictly speaking, know what they are doing” (Bourdieu 1989: 79). The work and actions of the subject are the product of the principle, the “modus operandi”, of which the subject is not an author and has not conscious possession of it. Bourdieu is talking about deeply internalized, subconscious inducements to action which structure motivation and cognition of social actors. These deeply lying principles (called by Bourdieu ‘ethos’) are invoked whenever a subject is practically evaluating a course of action:

...practical evaluation of the likelihood of the success of a given action in a given situation brings into play a whole body of wisdom, sayings, commonplaces, ethical precepts (...) and, at a deeper level, the unconscious principles of the *ethos* which, being the product of a learning process dominated by a determinate type of objective regularities, determines “reasonable” and “unreasonable” conduct for every agent subjected to those regularities (Bourdieu 1989: 77, original emphasis).

The cognitive and motivational structures tend to reproduce the objective structures which have produced them. There is an inherent relationship of likeliness, congruency, or, to use Bourdieu’s term, homology, between habitus and the field, or objective social structure. In the dynamic dialectical relationship between habitus and the field, they tend to reproduce each other. Bourdieu is clear on this point: “In short, the habitus, the product of history, produces individual and collective practices, and hence history, in accordance with the schemes engendered by history (Bourdieu 1989:82). Thus, by empirically studying habitus in a particular social setting one is confronted with the product of earlier historical development and also discovers the way in which the objectified social conditions (or, in Pierson’s terminology, the current path) are reproduced. Habitus comprises a capacity to produce thoughts, expressions and actions and the process of their production is socially and historically conditioned (Bourdieu 1989: 95). The notion of habitus, also in the version presented by Bourdieu, can therefore be placed in the context of contemporary historical sociology, which operates with such concepts as path dependency, reinforcement, positive feedback and critical junctures, and the process sociology as developed by Elias, with its notions of civilizing process, shifting figurations and interconnection between external and internal constraints.

Another meaning from the aforementioned quotation from Bourdieu which should be underlined is the *normative certainty* of what he called ‘ethos’. This aspect is close to the

meaning of the term that N. Luhmann renders to it. When discussing the development of law in historical perspective, Luhmann points to the importance of stabilization of expectations through law and acquired certainty of normative orientations of those who administer law by the development of 'taken-for-grantedness of law-enforcement procedures'. For, as he puts it "The specific ethos of service to the law arises from this" (Luhmann 1983:144).

Norbert Elias by the term habitus means the 'second nature' of the humans or the 'embodied social learning' (Dunning, Mennell 1996: ix). As the formation of habitus, on a collective level, takes time, Elias also, to describe the idea behind the term habitus, used such expressions as 'tradition of behaviour and values' or 'tradition of behaviour and feeling'. The concept of habitus in his theory of civilizing processes is linked to the problem of relationship between the external and internal constraints. Habitus therefore embodies that social learning which is relevant to self-steering and self-control of individuals in the context of social figurations which exert their influence on those involved in them. Figurations are networks of interdependent social actors with shifting power balances. A dynamic notion of figurations allows analyzing the changes of habitus in long-term, historical perspective. For Elias, a survival unit is a basic social figuration which in the course of historical development came to be known as a state. The process of state formation is linked to the process of formation of habitus: "a people's national habitus is (...) very closely connected with the particular process of state-formation they have undergone" (Elias 1996:2). Elias considers that in order to 'tease out' the development of the habitus of a group it is necessary to follow group's development over a long stretch of time: "...the contemporary problems of a group are crucially influenced by their earlier fortunes, by their beginningless development (Elias 1996: 19). The process of social learning, the formation of habitus, by means of internalization of external constraints, is seen by Elias also as partly conscious. Yet Elias, especially in his later works, introduced more conscious and reflexive aspects into the process of formation of habitus. Thus he linked self-control of individuals to their individual and collective self-images and the notions of I- and we-ideal. These in turn are linked to the power positions of the individuals in the shifting figurations and the past states of these figurations. For example, Elias considered that a continuous state-formation process and a position of a relatively high power rank are linked to a more stable self-control of the group and individuals through a stable and heightened self-image (England is a case in point). Such theoretical mediation of habitus and history through self-image opens up *more possibilities to investigate the characteristics of habitus through the interview process.*

Now, even though Elias did not provide a definition of the term *ethos*, he used it in his sociological treatises. What one can deduct from the context of his usage of the term is that it is less a ‘deeply lying unconscious’ disposition, as Bourdieu would have it, but rather a set of guiding ethical principles, normative orientations and behavioural tendencies prevalent within a demarcated social context. Thus he describes *ethos* of the Wilhelmine bourgeoisie, in interwar Germany, as militaristic:

That the military *ethos* to a certain extent defined the *ethos* of work for workers themselves, and ultimately also the national work *ethos* and the consciences of individuals, was also in keeping with the social power ratio of the time (Elias 1996: 205).

He characterized this military *ethos* by the importance of such keywords as discipline and honour, the tendency to behave toughly and ruthlessly, idealization of human toughness, rejection of sympathizing attitudes as ‘misplaced sentimentality’. Moreover, Elias links his generalized description of dominant *ethos* of bourgeoisie to the changed power position of Germany:

In keeping with the change from a weak state to a strong state, the humanist-moralist-civilizing code was correspondingly transformed into a counter-code with strong anti-humanist, anti-moral and anti-civilizing tendencies (Elias 1996: 206).

Such theoretical and conceptual context opens up possibilities to formulate interview questions which would address the *ethos* of respondent, that is, the role-specific normative (ethical) orientations of the professional group which tend to be internalized. Namely, the questions could be related to self-image of officials, their power position in relation to other groups; the historical image of the state, social forces within the politico-administrative field, dominant attitudes and norms in relation to the problems of corruption and unethical behaviour, the sense of prestige and honour, general ideas framing current notions of the state and politics, factors which strengthen and reproduce the current standards of behaviour.

Historian Conal Condren has used a term ‘*an ethical habitus*’ to designate the subject matter of his study of office-related behaviour and its presuppositions in Early Modern England (Condren 2006: 24). This term *ethical habitus* seems to comprise the complex of meanings which form the subject of research in this thesis with the qualification that I am interested in the area-specific *ethical habitus* of state officials.

Another layer of the notion of ethos can be added on the basis of Ian Hunter's studies of emergence of ethos of legal profession in the context of philosophical debates in the age of Enlightenment. With reference to M. Foucault, he defines ethos as a result of a reflexive activity of the subject on his own consciousness. The subject adopts a certain normative theory of the self and carries out the 'work of the self on the self'. By assuming a particular 'anthropology', or a self-image, the group develops a certain ethos – in Hunter's study the examples included the metaphysical ethos of transcendental philosophy and civic ethos of moral offices of secularized civic philosophy and theory of natural law. Thus, in his version ethos is a product of a distinctly conscious process (Hunter 2006: 21).

Now this reflexive notion of ethos of a vocational group can be extended by the use of some of conceptual instruments from sociology of Niklas Luhmann. What is of interest from the point of view of currently discussed problems is that Luhmann looks upon the state as an abstract part system which evolved in the course of societal differentiation. The notion of office as an abstraction and its significance for the development of ethos of public officials has been discussed in Chapter 1. Luhmann puts forward an argument that because such social systems as bureaucracy and the state are abstract part systems, their unity is to be maintained by the process of reflection and recursive communication. As he puts it: "Seen from an empirical angle, societal differentiation is obviously correlated with an increased need for self-observation, self-description and theoretical reflexivity of the system within the system" (Luhmann 1982: 286-287). Moreover, for Luhmann, reflexivity and discursively sustained self-reference is a precondition for the *reproduction* of the system. In practice this means that such systems as state bureaucracy develop self-descriptions of themselves "to justify the meaningfulness and autonomy of their functional areas" (Luhmann 1982: 287). These self-descriptions are produced, in particular, in the forms of various kinds of internal regulatory documents, rules, instructions and codes of ethics and on a higher level of reflexivity, in the form of legal theories and theories of state administration. Then they, theoretically, become part of self-images of the actors (state officials in the instance) and their communicative and discursive practices which in effect guide their actions.

What follows from this line of argumentation, is that ethos is not just *constituted* by history and objectified social environment (as is the case with the notion of habitus), but also *constructed*, that is, produced and reproduced by the subjects. In the case of bureaucracy, it can be argued that it is partly discursively produced by the actors within the field and from outside the field. This process of construction is linked to the reproduction of the system. The object of the empirical research becomes the means and argumentative strategies of the



process of social construction of official roles and ethics in administration. Thus the interview questions can include such topics as codes of ethics, internal rules and regulations, relevant laws, and points of view in current legally-political debates.

The idea of reflexivity is contained in some of Elias's later elaborations on the notion of self-control. Thus in "The Germans" Elias makes a point that achievement of a higher level of self-control and self-steering requires a self-conscious process and reasoning, not simply external process of disciplining. Then it becomes more independent from the external punishment. Lacking this self-conscious dimension, self-constraint remains dependent on the external constraint (Elias 1996:34).

Interviews allow to assess these self-conscious processes related to self-control, integrity and ideas associated with the professional ethics. Through interviews the researcher gets access to the language (in the broad sense of the word, as a system of symbols, to use the term by Elias) of the respondent. In the Elias's perspective, language represents the product of the civilizing process and reflects the levels of synthesis of the social experience achieved by the humans. In the perspective of social constructionism language (that is, sets of meanings, metaphors, representations, images, stories and statements) reflects the social practice within a particular social setting. Language contains categories which divide and sort out social experience and thereby the usage of language reflects the construction of particular versions of events (Burr 2003: 64). The purpose of the interviews, in terms of social constructionism, is therefore *to obtain the patterns of discursive practices by public officials related to the issues of professional ethics and corruption* in Denmark, Finland and Latvia. Then these patterns can be interpreted in the conceptual context of the theoretical framework employed in this thesis by applying the notions of ethos, habitus, self-constraints and external constraints, individual and collective self-images, office, state formation and further analyzed comparatively.

### **Interview questions**

This section presents the questions used in the interviews with public officials. The interview questions are divided in clusters according to the main theme.

**Corruption and integrity** In the beginning of the interview the respondents have been asked directly about the subjects of corruption and integrity. The respondents have been asked about their personal perception, and the perception of the people they know (in particular, the colleagues), about the spread of corruption in the country. As a point of reference there were

used Transparency International measurements of the perceived level of corruption in the country.

*There are measurements of spread of corruption in particular countries. What is your perception about the level of corruption in your country? Is it a characteristic phenomenon, is it considered a problem in the society and among public officials (cases?)? What kind of corruption is more widespread? What is considered to be a driving force of corruption?*

The next question was asked about the respondent's perceived level of tolerance towards corruption. On the one hand, such question does not require much reflexive efforts on the part of the respondent, and also serves as introductory to the further talk. On the other hand, the question about tolerance is related to the concept of social and external control which is significant in the theory of the civilizing processes. In order to facilitate the talk, there was mentioned an assumption that corruption could be considered by society or public officials as an 'unavoidable evil'.

*What is the level of tolerance to corruption in the civil service and society? Isn't it considered, for example, an 'unavoidable evil' to be tolerated?*

The next question in the corruption and integrity cluster was about the relative weight of the factors which in the respondent's view prevent corruption from taking place.

*What is the main factor limiting corruption: is it an outside control of the respective national agencies, or control within the institution, or inward self-restraint of the official?*

By the means of this question I asked the respondent to express his or her opinion on the relative importance of the factors limiting or curbing corruption – the control of the law-protecting agencies, internal control within the organizations of the individuals' self-restraint. This question directly addressed the issues of the present thesis. The purpose of asking this question was to make the respondent express his or her opinions and set forth argumentation on the issue of internalization of the ethical and legal norms and the interplay between the external and internal constraints. This and the previous question can facilitate the respondent to express what is *normatively certain and taken for granted* in the professional activity. The question could also provoke the respondent to engage in the reflexive process and lay out the view on ethical self-image of public officials in the countries and the notion of integrity. The question implicitly refers to the problem of discretion in the acts of state officials. As it has been pointed out in the Chapter 1, with the reference to works by P. Doherty and N. Elias, self-

control is a precondition for integrity. The recorded views and arguments could be analyzed within the conceptual framework of the thesis and comparatively between the countries.

**Autonomy and outside influence** Questions in the following section pertained to the issues of autonomy (independence) and outside influence. The concept of the autonomy of the state from societal influences has been introduced and discussed in the previous chapters (in particular, see Chapter 2), with the reference to the works by Ch. Tilly, M. Mann and N. Luhmann. The notion of independency of the decision-making by the public officials is included in the legal acts of some countries (for instance, in Latvia). It has been a suggested theoretical proposition of this thesis that in modern society corruption represents illegitimate conflation, or de-differentiation, between the relatively autonomous spheres of politics and administration on the one hand, and other relatively autonomous spheres, or part-systems, in particular the economy. Therefore the questions are asked about the control of the influence on the politico-administrative system from the ‘outside’. Lobbying represents a typical way of the attempt to influence the decision-making in the politics and administration from the ‘outside’. Taking into account that lobbying is a widespread phenomenon in all three countries, I asked the questions concerning the legitimacy of the process and possible problems associated with it.

*Is there a problem of the outside influence from the civil society/businesses – proper (transparent) and improper (latent) lobbying?*

According to Luhmann, politico-administrative system differentiates itself from other part-systems, but in modern societies there also takes place a differentiation between politics and administration. In certain cases the lack of this differentiation can bring about the risks of corruption, in particular, political corruption. Therefore the next question addressed the relationships between the politicians and the executive public officials (civil servants) and the risks associated with the interactions of these roles.

*Is there a problem of improper influence of politicians on the civil service/public administration (your institution and in general)? For example, illegitimate dismissal of the civil servants, appointing to offices ‘own’ people (patron-client relations), pressure on decisions, co-opting etc.? Is there trust between politicians and the civil servants/executive public officials?*

**Esprit de corps** It was E. Durkheim who said that the state of development of professional ethics depends on the ‘strength of the group structure’ (Durkheim 2005: 7). The more

coherent is the professional group, the greater is the extent of proliferation of ethical rules and their authority over the group members. In the first place Durkheim applied this thesis to the state and professional groups associated with it (Durkheim 2005: 8). P.Dobel in his book on public integrity theorized that esprit de corps, the spirit of the organization, is a factor which supports the integrity of individual public officials. The officials seek professional advice from their colleagues but also support to the sense of meaningfulness of the service in the office. The questions in this section address the topic of relationships between the colleagues and such variables as trust, respect, cooperation, authority and obedience, as well as problems and dysfunctions in the professional environment.

*What are the general relationships between the colleagues in the institution; between the officials of the same level and between the superior and subordinate? Is there trust/respect or is there a problem of improper dominance/pressure, disobedience/lack of cooperation when executing orders etc.? If there are problems, how are they dealt with usually? Are they more often solved or suppressed/concealed?*

**Historical image of the state** Theoretical propositions regarding the relationships between the history, historical image, habitus and self-control have already been considered and discussed in other parts of the thesis. According to Bourdieu, habitus is the encapsulated history, but remains unnoticed as such. According to Elias, the historical self-image influences formation of self-control. Historical developments condition what at present is regarded as taken-for-granted and normatively certain in a particular social context. In the interview I intended to probe the actual historical awareness of the respondents and the characteristics of the collective historical self-images that they hold, and inquire, whether the respondents see the connection between the historical collective self-image and the ethical principles considered important in work in the state service. History matters also when the political values are concerned. John Rohr discussing the ethical values of civil service wrote: “An attitude or a passion or a principle must have a history – either personal or societal – before it becomes a ‘value’” (Rohr 1989:78).

*Do you think the historical image of the state, the history of the state is important for being the executive public official? If so, what are the historical events that are of particular importance for sensing the mission of the service to the state for you?*

**Role-specific, political and statist values** The next set of questions directly address the ethos of civil servants – the professional role-specific normative orientations. I asked the respondents, whether they consider, whether the respondent thought there are normative,

value-orientations specific for the field of state administration, different from changing political agendas. The purpose of the question was to make the respondent himself/herself 1) identify, whether there are such normative orientations and values; 2) spontaneously name the normative principles regarded as most important and engage in reflection on these principles, interpreting them, pointing to examples and so on; 3) name the sources of information on these values be it the working environment, internal rules of conduct or nation-wide codes of conduct and laws. On the last point, to facilitate answering the question, in some cases the examples of such sources could be mentioned, such as constitution, welfare state values and so on.

*Do you think there are values of the state which are constant and independent from the changing ideas/agendas/programmes of politicians? What are these values?*

*Is it constitution? If so, which parts/articles are of special importance?*

*Is it an idea of a nation? What is your/predominant understanding of the nation?*

*Is it social democracy/welfare state? Which are the values of special significance?*

*Does EU make a difference, is it important in this context?*

Inter-state alliances and state unions alter the classical notion of the sovereignty of the state as being indivisible. The purpose of the next question was to get to know, whether the respondent sees in that process, and particularly in the membership in the EU, the consequences for ethics in state administration. For instance, whether these outside influences increase uncertainty or alter the notions of the civil service ethics.

*Do you think there is a belief among civil servants in the sovereignty of the state, taking into account that the state in question is*

*a)small,*

*b)it is part of the EU,*

*c)there are active outside interest group within the state attempting to influence its decisions,*

*d) politicians may be self-interested/corrupt,*

*e) civil servants may be corrupt?*

*How is sovereignty understood/imagined?*

**Self-image** The purpose of the set of the following questions is to gain a more detailed characterization of the self-image of the state officials, taking into account that on the theoretical level self-reflecting processes, self-image, self-control and integrity in the public office are interlinked (P.Dobel, N.Elias). To facilitate the respondent's discourse on the subject I asked, whether he/she sees the difference between the work in the public and the private sectors, and if so, where these differences lie; what are the (perceived) differences between the work in the state administration in the home country and other countries. In addition, I intended to ask the respondent about the first lesson that he/she learned when started the work in the civil service or the present institution.

*Do you think there is a difference between the work in the civil service/work for the state and the work in the private sector? If so, what are the differences?*

*Do you think there is something special/different in the work of public administration in your country as compared to other countries?*

*What were your first lessons you learned as you started your work as public official/work in this institution?*

The questions of prestige and honour address still other aspects of self-image. Theoretically, both prestige and honour are related to self-control (N. Elias, P. Dobel). The purpose of these questions is to get to know, how public officials evaluate the prestige level of their profession and standing in society, whether the concept of honour plays any role in the self-image of the respondents, and how these concepts are related to professional ethics.

*Do you think it is prestigious to be a civil servant/executive public official in your country?*

*Is there a point of honour in your work? Do you take pride in being a civil servant/public official?*

**Common good** Theoretically, the principal subject matter, or the functional area, of politics is the public good (Pierson 2004). In the interview plan I included the questions about the public good in order to assess the respondent's reflexivity with regards to this issue – to get to know, what kind of terms the respondent uses to make sense of this concept, and to what extent it is present in his or her consciousness. I proposed to suggest some symbols of the concept of the common good in the interview to facilitate the talk.

*Do you think there is a commitment to the idea of the service to the common good among civil servants?*

*How is this idea of the common good framed/understood (service to the nation, civil society, service to the social democratic values etc.)?*

*How strong is this commitment among the civil service in the country/your institution?*

*What helps to maintain such commitment among public officials?*

The final question is one of a still higher reflexive order. According to N. Luhmann, law and the state officials who apply the law represent the expectation of expectation of a social actor. That is, this is an expectation of a third party, which comes prior to, and therefore forms, the expectation of a social actor prior to his or her proposed behaviour. Luhmann admits that there can be still higher orders of reflexivity with regards to expectations. In the interview, I asked about the official's perception of their work by the members of society, which, in Luhmann's terms, would mean the expectation of expectation of expectation. Now this level of reflection, theoretically, is significant for ethics of the civil servants and public officials in general. According to Dobel, it is a precondition for the integrity that the state official internalizes the expectations that the citizens hold in relation to the fulfilment of the official duties.

*Do you think society generally believes that there is such commitment/consciousness among the public officials (politicians, civil servants)?*

At the end of the interview I asked the respondents some biographical data, in particular, years of working in the state administration and education.

### **Sampling**

From the point of view of the 'grounded theory' the purpose of collecting empirical data is to fill the theoretical concepts with meanings and get the ground for deriving new categories (concepts). The purpose of theoretical sampling is selection of the sources of data, typically respondents and groups of respondents for interviews. Theoretical sampling is different from random sampling designed for surveys. The latter should represent population as defined in the particular research. The former should be theoretically relevant and provide data for saturation of theoretical concepts, or categories, and provide the basis for development of new ones (Glaser, Strauss 1967: 48-49). The sampling should lead to such a selection of the sources of the data that will help to generate as many properties of the theoretical categories as possible (Glaser, Strauss 1967: 49). Finding out the properties will lead to 'saturation' of the categories, which is one of the main purposes of data collection in the context of grounded theory. In the context of the present study a number of categories, or concepts, have been

derived from the theories, such as the theory of the civilizing processes by N.Elias or theory of public integrity by P.Dobel (see the previous section). The task of the interviews will be to 'saturate' concepts with the empirical data of the interviews, the spoken texts of public officials, seek for interrelationships between the categories and develop additional sensitizing concepts.

G.Glaser and L.Strauss suggest that comparison among diverse, contrasting groups will lead to a fuller saturation of categories (Glaser, Strauss 1967: 63). This suggestion fits well into the design of the study, because the interviews have been held in Denmark, Finland and Latvia, the countries which had a diverse historical experience of state-building and also the current level of corruption. The authors referred to above instruct that it is useful to continue the process of collecting data up to the point when the new interviews provide the categories with new meanings, that is, contribute to the saturation of the categories. When the new interviews do not add principally new content, it is practical to stop the process of collecting data. In practice, it has been a purpose to make interviews with over ten officials in each country with experience of work in state administration.

### **Analysis of interviews**

Analysis of the texts of interviews will proceed according to the principles of and methods of qualitative research, such as developed within the grounded theory (Charmaz 2006). Interviews with the respondents are recorded and transcribed. The transcript is analyzed by coding the text. The interview questions lead the respondent to talk on particular subjects and as it has been discussed in this chapter, the questions contain certain hypothesis about formation of ethos of public officials. But the analysis of the text of the interviews proceeds from initial coding of the statements by the respondents. The codes identify meanings of the respondent's speech. These codes select and separate the themes by naming the segments of the data (Charmaz 2006: 45). The second level of analysis following the initial coding identifies the most frequent or significant initial codes and moves to a higher level of generalization to synthesize and organize the data (Charmaz 2006: 46). At the second phase, called theoretical coding, one is looking for the relationships between the codes identified at the initial phase and seeks to explain these relationships. At this stage of analysis one can test the application of the concepts and the hypothesis which have led the formulation of the questions.



## **Chapter 7. Ethos of public officials: interviews in Denmark**

### **Introduction**

In Denmark I conducted 11 interviews with public officials: 10 interviews in March 2011 and one interview which I quote in the text was made in March 2008. The length of interviews varied but on average each was about one hour long. During the interviews I asked all public officials most of the questions included in the interview plan (see the attachment), though in some cases, when there was a pressure of the time limit, some questions were omitted. It can also be noted that often public officials, answering the posed question, gave answers to other questions included in the interview plan as well. The general characteristic of the interviews was that the officials could rather freely discuss the matters of corruption and public sector ethics. They were confident in expressing their views on the subject and the evaluation of Denmark as a country with low level of corruption certainly contributed to this confidence. In the interviews the state administration in Denmark appears as a value-intensive environment.

### **Tolerance towards corruption**

Interviewed officials were fairly unanimous in their opinion that corruption in Denmark is not tolerated. Particular officials stressed strongly that there is utter non-tolerance towards corruption in Denmark. What are the reasons for non-tolerance towards corruption?

**First**, corruption is not tolerated because it is condemned by public opinion on the general level of society: in Denmark corruption is not tolerated. Media was mentioned as an institution expressing public opinion and also as an agent closely overseeing the activities of public officials. Thus media is also described as an agent of effective social control.

*D05. Let me start by painting a picture how corruption is seen in society in general. Then I can go into detail about the public sector in particular. Corruption is non-tolerated, I think. There is zero tolerance almost. There are cases of corruption, of course, some politicians, for example, I think, taking a minor gift. In my personal perception these are minor things. And every time this creates a scandal. I think this is an actual measurement of the level of tolerance in society in general, which is practically zero. I don't think there is a minimal level, say, this is small stuff, I don't think that level exists. I am personally at the point that I think sometimes it is almost too much. I mean, you should not accept corruption, of course. But especially politicians are being watched so closely that it becomes practically difficult for them to live normal lives. I think there has been a change in ethics at least the standards that we hold politicians to, in the past 10-20 years. It is getting stricter and stricter. And*

*politicians have to be extremely vigilant in leading a spotless life, being moral, living up to moral standards.*

*D08 It is intolerable. Public opinion, general cultural policy, it is completely intolerable. And I also think as a matter of personal values, it is intolerable as well. It is looked very bad upon. And every time you have a case, it is blown up in the media, it is a big thing in Denmark. If someone stepped too far. ...But in general, it is looked very badly upon, publicly and also privately.*

*D03 When we do have case of corruption then the reaction is often pretty harsh in the sense that people who are observing what is happening are very upset with what they are seeing.*

*D05 It could be a slough or just a simple mistake, there would be [a complaint] about the politicians.*

**Second**, apart from the societal, broad public opinion, the opinion of a closer social environment was pointed to: the community and the colleagues. It was also mentioned that corruption is not tolerated on the organizational level. Corrupt behaviour would be punished by the employer with firing the official irrespective to prosecution by external law-protecting agencies.

*D06 ... But of course because it is a cultural issue the punishment is also very severe if you enter in any kind of corruption. You will certainly lose job. And you will not have a clean track record and you will not be able to be employed in public institution again. So it is totally no-go and totally unacceptable. So, cultural, but the punishment is also severe.*

*D07 Sometimes people talk – is it good that you are a part of this case? Because you might have an interest in it of your own. Is there something that you can get out of it? So you shouldn't be a part of this case. But people are not using the word 'corruption' I think. Or isn't it a bad idea because you have a bad standing because you know you are involved in a case where your cousin is a part of it. And then people say, I don't do that because I can get in conflict with law.*

**Third**, some respondents referred to the general requirements of the civil service ethics which bans any kind of corrupt behaviour – both formal and less formal rules and norms of conduct in state administration.

*D05 [In] the state administration – we hold each other probably even to even a higher standard than the public opinion in general. The ethics of the civil service is very, very*

*intolerant of any sort of habilitet [footnote: Danish term *habilitet*, here – prohibition to act in the situation of conflict of interests] problem. You should always be your own worst judge, rather on the side of caution, be many steps to the right side of the line rather than being too close to the line that causes a problem. And I think this is what the general ethics, the civil service ethics would tell you. And from the personal point of view I must say this is also very rational, economical decision on my part, because if I was ever too close to the line and accidentally overstepped, it would completely ruin my career. It just is not worth going there. Because the consequences would be severe I think. Not that I am tempted but I think any sane person would refrain from going there.*

**Fourth**, the respondents referred to non-tolerance towards corruption on the personal level. They expressed it in the terms of shame and embarrassment. These are precisely the terms in which Elias describes some of the civilizational mechanisms. He considers that along with the advance of civilization and development of civilizational controls and self-control the threshold of shame and embarrassment is raised. That is, in more civilized societies certain actions arise acute senses of shame and embarrassment whereby in less civilized societies they do not. This is explained with the internalized stricter self-control in more civilized societies. Respondents mentioned also other terms which point to the same phenomenon: ‘shock, rape, horrible, undignified thing’. Some of them explicitly referred to the internalized self-control, pointing to internalized, personalized evaluation of one’s actions from legal and ethical points of view. In several interviews there was also put forward a line of argument stressing a perceived abnormality of corruption, that corruption is alien to the character of Danes and to their norms of behaviour.

*D05 Because corruption is so rare, when it is seen, it is **like a shock, like a rape. It is considered a horrible thing.** And undignified.*

*I don’t think something like anti-corruption, clean hands or whatever [the respondent related about intra-organizational discussion about values]. Because **it is so inherent that no one would even mention that.***

*If there had been a slightest stain of ... corruption is not even a word we usually use **because it is so abhorrent**, - but just irregularities.*

*D10 And as a public officer you have very strong feelings about corruption. A very strong sense that if you start being corrupt then all system will wither away. There is low tolerance towards corruption, as far as corruption within Denmark is concerned. ...And I think you will*

*also be punished quite severely, not only in court but also in your future career. It wouldn't be considered to be ok. **The shame or the embarrassment** would be quite substantial.*

*D06 But still we saw some Danish companies run into problems that could be at the border, when Czech republic was entering EU, were if you a food company and there is a truck and you need to cross the border the border control asks for some extra Euros in order to let the truck across. You could not see that in Denmark. You could see, when I went to the doctor, I was recommended to bring a box of chocolate to make sure that I got into the first line of people entering the doctors. That would be absolutely unacceptable thing in Denmark. You would have a press story right away if a company ran into problems at the border; if you had people going to the doctor....., if you enter the doctor's office and give him some chocolate to have your child first in the queue, you would certainly be put back in line. And you will not be accepted.*

Answering this question, some respondents also mentioned that corruption is more intolerable than breaking of law in the private sphere – ‘it is in wholly different league’. One respondent mentioned as an argument for non-tolerance a complete absence for possible justification of this crime, even comparing to some other criminally prosecuted actions.

*D05 I don't know whether it is common in the other countries, but anyway it is very common and I think survey would show, I am sure you know better than me, I would say, the great deal, if not most Danes, at some point evaded VAT. Logically speaking, both would be equally condemnable. But it is not. Corruption is wholly in the different league, seen in the eyes of society.*

*D11 The worst thing you can do in Denmark as a public official is to act in a corrupt way. There is no justification for corruption. You can kill your wife and there may be some justification for that. But if you act in a corrupt way, that means you are corrupt in your own mind and other people will think about you like that.*

Another point mentioned by respondents was the particular non-tolerance towards corrupt acts by Danes within Denmark. It was mentioned entrepreneurs are less non-tolerant towards corruption when they are operating outside Denmark. It is an indication of a tighter system of social control within the state is a significant factor for prevention of corruption for Danes. The behaviour of Danes outside the context of the institutions in Denmark may be different.

*D03 There is low tolerance towards corruption, as far as corruption within Denmark is concerned. It is perhaps worth noting that the public acceptance of corruption is extremely*

*restrictive as far as corruption within Denmark is concerned. We don't like it, and so on and so forth. But many people do not seem to have the same moral problems with the corrupt behaviour when it is taking place outside our borders. Whether this is good or bad it is in part a political question and in part something one has to debate with oneself and one's moral perceptions....This raises a moral question which has been debated in recent years – Danish companies across the world sometimes engage in behaviour that could be characterized as corruption, in other countries. When they are caught doing so they usually legitimize their behaviour by saying, if we do not do it we do not get certain contracts, certain advantages, we are out of business; if we do not do it, someone else will do it, a company from another country and so on and so forth.*

### **Whether corruption in Denmark is considered a problem**

Before asking the planned question for public officials in all three countries about spread of corruption or the examples of corrupt behaviour, in Denmark, taking into account the external evaluation of Denmark as a country with low level of corruption, I asked public officials, whether they consider corruption a problem. I showed the respondents the TI Corruption Perception Index chart and asked them to comment on it. I considered that important because answer to this question could characterize collective self-image of public officials. This links to particular aspects of the theory of the civilizing processes by Elias, where he connects high collective self-esteem with stricter self-control. Regardless of how close their views correspond to the factual state of affairs, the respondents were unanimous in characterizing corruption as a very rare phenomenon, almost non-existent and not being a problem in Denmark. Most of them referred to their experience of work in the state administration. Some of them in addition mentioned the aspect of collective self-perception. That is, according to their views, Danes do not perceive themselves as being a corrupt society. It was mentioned by several respondents, that corruption is not a word that is actually used in the public discourse, because it is too crude. It does not correspond to Danish self-image, whereas the term 'corruption' can be used to describe other societies: *'But I think it's not the way the Danish people look at society, that it is corrupt. Corruption is somewhere elsewhere.'* ; *'I think in general in Denmark we have a perception that we don't think of it as happening.'* The theme of collective self-image among Danish public officials will be elaborated in more detail further.

D01 *Well, in my opinion it is not a problem. Because corruption is non-existent or there is very small amount of corruption in this country. Seen from my point of view it is not an issue.*

*But of course the newspapers and the watchdogs they report about things. Corruption is so small that it cannot in my opinion be characterized as a problem.*

*D02 I think in general in Denmark we have a perception that we don't think of it as happening.*

*D03 Corruption within the public administration as far as I am concerned is hardly an issue in Denmark and also not in civil society.*

*D06 There are a lot of positive things to say about Denmark: no corruption in Denmark. On the other hand there can be small issues now and then. ...When it comes to the public sector you very very rarely see corruption.*

*D07 Well, I think corruption is not an issue. I think this is not the word we are using in Denmark very much because we do not see ourselves as corrupt country. ... And that is funny because if it were the case in another country we probably would say it's corruption. But I think it's not the way the Danish people look at society, that it is corrupt. Corruption is somewhere elsewhere. I think so.... Sometimes when people are talking about politics, that may say, oh, he is getting something out of this. But it is not about people working in the administration. I don't think this is a big issue. It is not an issue in the place where I work.*

*D08 Then [after the author gave the definition of corruption – bribery or the use/misuse of public office for private gain] I will say that there is none. Not that I know of actually. I have been working for two years in the public administration, so I am not that experienced, but I have not experienced anything in that manner that someone has bribed or... no, not at all.*

*D09 Not at all. We have heard about some cases but if we talk about direct corruption I think it is virtually non-existent. I worked for civil service for almost 10 years and I have not for all that time heard about a single case of direct corruption in the institutions I was connected to. We had a few cases of theft among non-academic employees – one stealing stamps, the petty stuff, but not corruption, that's simple theft. And that picture goes for the most of the civil service in Denmark, I think.*

*D10 I have worked 10 years with the national [controlling agency]. I never came across corruption in the public sector. If with corruption you mean giving public services and then taking something in return, as for example, money, that is very uncommon.*

## **Examples of unethical, corrupt behaviour**

However limited, corruption in Denmark is not totally non-existent. There can be found registered cases of corruption in crime statistics in Denmark. During the interviews I asked the question about the known cases of corrupt or unethical behaviour of public officials related to breaches of integrity. Respondents referred to some cases of *perceived corruption*, when, after investigation, the suspicion for corruption was not confirmed. There were mentioned some 'petty' cases involving gifts to public officials, whereby the officials did not in time report the gifts. There were mentioned cases of maladministration, which might look like corruption, but there was not private gain assured for the public official or other persons. One respondent pointed to a perceived corruption in real estate dealings, but admitted that he had not ground to assume the actual corruption in these dealings.

*D10 I have seen some instances when you can perceive it as some kind of corruption, but that was more or less maladministration, bad administration. You take the money and you put it in your own account because you don't know that you have to put the money in the state institution's account. It has happened in the universities, for example, where you have scientists, almost always very bad at administration, they get the funding and they don't know what to do with the money. They place it in inappropriate bank account. That happens from time to time.*

*D02 There was a private company and a tax department. There was story of some tax department employee who was in a safari trip which was paid by this private company (...). It was investigated and it turned out that there was no case against them. But that was really the closest to whether we have any examples and is indicative of what the perceptions are.*

*D03 When corruption is an issue in civil society and rural society then it is mostly related to cases of corruption that has little relation to the public administration. For instance, the cases of corruption in sport unions, cases of corruption in dealings among private companies. In relation to other countries, the use of bribery in order to gain certain advantages. But it is not an issue in the public administration as far as I am concerned.*

*D05 There has been a few cases inside our (...) business. There was a travelling agency, where the boss booked the tickets for himself using the bonus points, the free miles; he spent them for the holiday himself. And it was a big scandal and he was fired immediately as was his close employee and this happened very swiftly and he probably will not work in the public sector again, I think. If he can get another job at all. This is an embezzlement. He took money from his employer. It is not corruption as such...I don't know how you define corruption, I*

*leave that to you. It is not a bribe. He was not doing anything in return. He just took the money. It was an equivalent of money, he used it on personal gains, so he spent the points on buying the airline tickets.*

*D06 We have had a company right now, has been a lot in the press. We have had IT company where there were a lot of contracts that didn't exist, and we have had a mayor of a city, a government elected civil servant in a municipality where he thought he did something good but he got a lot of gifts and stuff like that. But it is very, very seldom. So for an (...) agency and also as a person living in Denmark I think there is very limited corruption in the public sector. Sometimes what we see are more mistakes, actually gifts or payments going on. And we had a recent example with ministers receiving a watch in the Middle East when he had to return it and that was a public opinion that made him return it. In this ministry if we receive gifts from a company we have to report it and if it is over 2 bottles of wine, we can't keep it ourselves.*

*D08 There is also another case in the ministry of health where... as I said before it is demanded that all computers are open to public scrutiny. But some central documents disappeared when people called for them. Is that corruption? No, because no one had anything personally to gain from. But it was surely done to cover the minister so to speak. It was a question about private hospitals. Which is a very hotly debated questions in Danish politics.*

*D09 People talk about corruption in some real estate deals. When big government properties are sold. Some people talk about it but nobody has ever seen ... it just looks a little bit like evidence. I think more it was a problem of monopoly. Because if you have only one qualified bidder, ... but nobody got rich because of that. Somebody got very rich, but not by corruption. And it is not very widespread. (...) Most of the exceptions are in the areas I told before, when people tend to twist their knowledge production and their arguments a little bit in favour of a certain political point of view. Which may not necessarily be the most efficient or best thing for the country but the best thing for some people in the country.*

One respondent, in line with the classical theories of bureaucracy, argued that a state official, a public servant realized his authority through knowledge he possesses. Some public officials, typically on the higher hierarchical level, in exercising this authority, possess considerable discretion. The professional ethical standards of the civil servants demand from them to be, in the expression of Weber, 'detached experts', politically neutral in giving their advice. The respondent in question referred to some cases, where in his opinion civil servants tend to



‘twist their knowledge production’, so that the arguments they produce would serve a more narrow political interest of the minister. He referred to cases where presumably some civil servants used incomplete information for grounding certain proposals. As other cases, he mentioned the possibility of using different values of indices in calculations of future flow of income, where the choice of the values was dependent on the official. Therefore, there was a room for manipulation with calculations or knowledge, and that can be used by civil servants for ‘earning’ extra favours from the minister or the boss, in the form of promotion. This example comes close to the pattern of unethical behaviour. It is an example of a situation, when the loyalty to the minister tends to replace the loyalty to the office.

### **What matters most: external control, internal control or self-control?**

Posing the question of the relative role of external and internal controls in preventing corruption is a straightforward application of Elias’ theory of civilizational processes. Most public servants as the most significant factor of prevention of corruption in the state administration in Denmark mentioned self-control. Several of them referred to ‘tradition’ as explanation of the existence of efficient and reliable self-control, for because of the tradition certain ways of conduct ‘become virtually natural’. Other keywords mentioned in connection with the question were ‘ethics’, ‘culture’, ‘values’.

*D01 I think the last point – the ethics and the values of the public servants and tradition. Tradition in the public sector. Of course, we have control mechanisms, but I think the most important thing is the ethics and the values of public servants.*

*D09 I think it is mostly self-control. Not necessarily on the individual level. In the public organization it is very hard to make big decisions in the dark. It may not be known to the public but it will be known to at least 10 employees within the organization, or 5 or 3. And that’s simply too high a risk. On that level of thinking. Because most people do not think like that. So it is institutionalized somewhere here that you do not even go there. (...)And if I was doing dirty stuff, most would say simply no, and that would be intolerable risk. If someone would blow a whistle, it would be taken very seriously. No, you just do not go there.(...) I think it makes a difference because if you have a strong tradition of a certain way of doing things it gets under your skin. It becomes virtually natural. And this makes a difference. (...) When you get into **bureaucracy you enter into an institution with a lot of... stories, a lot of norms, a lot of attitudes** towards various problems and these things are both ethical and practical. And of course you are shaped by where you end up sitting basically.*

D10 *I think it is mostly the self-control of public officials, the sense that being corrupt is very wrong. And not at all compatible with being a public servant. And you don't need it as a public servant as well. Your salary is fine. Which is also of course important. And you do not have any excuse for misusing your position. Your salary will be quite enough to live a fine life in Denmark. And I think you also work to have an efficient control, which is your second option. I think the fear of police or the respect of the institutions or the fear of being caught by the agencies is not very important. But mostly in the government office you will have sensible internal controls which limit the possibilities of corruption and you have quite strong sense that that is not right.*

One respondent was informed about the study made by a Danish historian Mette Frisk Jensen about corruption and prevention of corruption in Denmark (see the full reference in the list of literature). Referring to this study, she presumed that the reforms introduced by Danish kings in early modern period laid foundations for low level of corruption in the country, which continues until the present. The reference to the study followed her answer pointing to the importance of tradition.

D02 *I think tradition plays a great role. I just read a review of a historical study that was made on corruption in Denmark, why it is so small. I think it is a historian, a woman, who did this study. I read only a review, I do not know the details, but I think the point was that in maybe 16 hundred and something or 17 hundred and something there were certain procedures that the king within the administration or maybe there was someone in the administration who a kind of set up certain procedures to prevent corruption to develop and to spread. I do not remember the details and this is a bit annoying right now, but somehow it became a norm that corruption was not an option or was not easy. They were probably properly paid by the king, so they were not easy to tempt. I suppose that was the point. And I think that is an important factor that tradition is that we don't do corruption. And that is a kind of ingrained and carried on in an organization.... I think all factors are important, but I am not in a position to judge which of these factors is the more important, for I do not know about the details of what is done.*

One experienced public official provided an argumentation, using the term of internalization of norms in line with the argument presented in this thesis: *'...the internalization of norms. To me that's very central. It is the key element in the understanding the behaviours of the civil servants...'*

D04 *If you ask someone also in this office they would say well of course that is the outside control mechanisms. But I do not believe in that. But I think it is a mixture.... But I think that one of the elements that has been neglected so far is the individual, what I try to describe with the Freudian term, you know, the internalization of norms. To me that's very central. It is the key element in the understanding the behaviours of the civil servants.... And it is always developing. And you should always, especially in the institution like this, but also of course at the political level you should be aware of the negative aspects of any development in the society, if it is reflected in the minds of the civil servants.*

Most respondents have been reflective answering this question and tried to link the presence of self-control to other factors limiting corruption. Among these factors was mentioned the control in the working environment which strengthens self-control. So, one respondent mentioned the factor of transparency and collective decision making. Activities of public servants are overlooked by other colleagues or superiors, 'someone is always looking over your shoulder'. Another factor mentioned was a high risk involved in any potential corrupt act.

D07 *Definitely two last things in Denmark. We are a little country, there is a lot of control, there are always people who are looking over your shoulder and checking whether everything is all right. And it is possible to do it. It is possible to be transparent. And we are doing that because we are a small country, we have cpr register, we can register everything. If in Denmark you are doing something, in some time they will find out. If you do something wrong, it is just a matter of time before people find out. Maybe they will not find all of it, but a little bit. And then there is people's self-control, that is, you have to be aware of this. And it is worth having this. Some people may say, didn't you do something wrong about that, didn't you give a certain kind of service and not to another? It is very important that we treat people equally in a way. It is not like, oh, he is nice, we will give him some extra service. It is an ethics thing, but people are not cheated. It is a part of the Danish habitus or it is just a way we think in a way. (...)*

D08 *You cannot really answer either or, is it cultural or sanctions. I think it is both. Also because both are very high. We have a severe overview by state audit, so everything that involves taxpayers money is completely transparent and examined quite often.*

Again, it is possible to discern in the argumentation of a respondent the factor of a heightened self-image. Answering the question, the civil servant said: "And then last but not least of course we as Danes like to say, we have very high moral standards". It can be noticed in this

quotation that the respondent did not say – „we Danes abide to high moral standards”. The respondent described the *image* which the Danes have about themselves.

D03 *I cannot point to one factor. I think it is a combination of factors. You need to have some institutions in place which fight corruption, you need laws for that matter, you need police, the public institutions that embattle corruption, you need to have courts. So you need these hard institutions. And of course this is also a matter of the moral in the society. **And then last but not least of course we as Danes like to say, we have very high moral standards.** And we have very well institutions to battle corruption. But of course corruption is very much related to the state of the society, including the wealth of the society. I not know the statistics, but if you look into the statistics I am sure you are an expert on that, but there will probably a high degree of correlation between how rich the country is and the level of corruption. And the high correlation between equality in the country and the level of corruption. Denmark is relatively rich country and Denmark is a country which is known for the universal welfare state which is redistributing good so that we have few people who are very rich but also few people who are very poor. So if you have a society which is pretty rich and a society, where the wealth in the society is distributed fairly among citizens the I think the potential for corruption is lower.*

Some public officials answered that it is a combination of factors which prevents corruption from taking place. No one of the respondents, however, considered that external control is the most important factor for prevention of corruption in Denmark. Some of the respondents were clear at saying that external control by the law enforcement agencies is the least important factor: „*I think the fear of police or the fear of being caught by the agencies is not very important.*”

D06 *I do not think that it is control that keeps it out. I think it is a cultural issue. It is very much a cultural issue. I think I can't remember if it was 20 years ago if you had to deduct if you entered the other market if you could actually... if you used corruption, you could actually return some of this money. And still Danish companies could not figure out how to use that. So that means that this is very much a cultural issue. Now that it is not legal to do it any more but it is not because it was a control, not because of the punishment, but because it is a cultural issue I think.(...) So giving an answer to your question, is it control, is it public self-regulated and self-justice... I think it is the last.(...) But of course because it is a cultural issue the punishment is also very severe if you enter in any kind of corruption.*

### **Main value orientations in state administration**

The answers summarized in this section are mainly those received from the respondents when they were asked the question: „Do you think there are values of the state that are constant and independent from the changing ideas, agendas or programmes of politicians? What are these values?“ I received a rich textual material from the respondents. One of the interesting features of the interviews in Denmark was that quite often the first answer to this question was confirmation – yes, there are such values. This is seen from the fragments quoted below.

The answers were quite various, though certain typical lines of argumentation are clearly discernible. In my view the best way of ordering these answers is to put them into the context of a systemic analysis of public administration, that is, if one situates the office and the official in the state administration within relationships to the political system (political leadership), society, the particular field of administration and the relationships between the officials within the department. The received answers related to all these aspects of the professional activity of a public official.

**Loyalty** Almost all interviewed public officials mentioned loyalty as a principle value orientation of the public servant. One civil servant, answering the question, quoted the values of the state administration which are contained in the code of ethics. This code of ethics contains the section on loyalty. Other civil servants mentioned loyalty without reference to the code of ethics. The principle of loyalty informs the relationships between the civil servants and the employer. Employer in most of the cases is characterized as the government of the day, whatever political ideology or programme it professes. The civil servant is described as being ready to serve any government, within the limits of law. As the government is legitimated by the will of the electorate, it is in effect the state and the society which the civil servant serves. Very explicitly such argumentation is expressed in the following concise quotation: *„And in Denmark we have a tradition of depoliticized public administration so that if we have a change of government I will not lose my job. On the contrary. I will be expected to serve any government objectively and for the well-being of the broader public.“* It comes from the interviews that the ethical principles mentioned by the civil servants operate not independently but in a complimentary way. One senior civil servant, for example, pointed to the link between loyalty and integrity: *„This is how we describe the civil service in Denmark. He is independent, he is obedient, he is effective for the purpose which politicians want to use him, but with his integrity and the set of values kept intact.(...)Or loyalty. All these issues that you can list up as part of the generally recognized moral attitude of the Danish civil servant.“* One former public official emphasized the importance of loyalty and pointed to

the self-interest of the civil servant to be loyal to the political leader: „*And my impression is that civil service quite loyally tries to carry out the politics of the minister. (...)They do what the political master wants them to do and they do it quite cynically to further their career.*”

**Professionalism** The value of professionalism is connected with the fact that public services are specialized and departmentalized. The systemic and historical origins of departmentalization and specialization were discussed in the Chapter 2 and 3. The consequence of specialization is that the civil servant becomes an expert with a particular competence in a certain policy area. Several official referred to professionalism as a principle value orientation of public servants: „*First and foremost I think professionalism is the main norm. That is what we all strive towards and what we judge each other on the basis of.*”; „*Certain ideology in the civil service? Yes, definitely. Yeah, yeah. It is a commitment to being professional with your knowledge which is used for political purposes.*” One civil servant connected professionalism with the political neutrality of the civil servant as another significant value-orientation: „*Another factor that might be important is that we have a de-politicised public administration in Denmark. A de-politicized, and, what should I say, very professionalized public administration in Denmark.*”

**Neutrality, impartiality** The principle of neutrality and impartiality can be seen as defining the relationships correspondingly, to the political leadership and the actors in the civil society. The professional attitude of being politically neutral was mentioned by several respondents. In the following quotation the civil servant relates this principle in a particularly graphic way:

D03 *Yeah, most definitely so [answering to the question, whether there is an autonomous ethics of civil service - author]. And I think probably Denmark is an extreme case in that regard. That we do not change any civil servants when we change our government. So there is a strong ethics code in the civil service. Extremely strong. Neutrality, being the first word that comes to mind. We will serve any government that comes to power and we will do that from day one in a changing political environment. And that is a part of our professional norm as civil servants. (...) Apolitical, neutral.*

**Integrity** The principle of integrity appears in the interviews as an opposition to corruption and as a resistance to temptations or influences which might jeopardize the dutiful exercise of authority.

D04 *That is what we would like to be the fact. This is how we describe the civil service in Denmark. [as having an autonomous ethics – author] **He is independent, he is obedient, he is***

*effective for the purpose which politicians want to use him, but with his integrity and the set of values kept intact. (...) If you ask the association of lawyers today, they of course are interested in this debate as well. If you look upon the cases coming up in the papers, you will see this association mingling into the debate and talking about the integrity of the civil servants. How to avoid to jeopardize the integrity of the civil servants. So that is a quite clear element I think of that in our discussions and our debate in Denmark. And also in our history.*

In this quotation integrity appears as a synthetic value, which has the relationships to the principles of independence (neutrality), obedience, professionalism and effectiveness and which serves as a guarantor for the autonomous operation of the civil service. In the following quotation the civil servant describes a possible situation, when the integrity is challenged:

D03 *Very simple example. If someone would offer me: [listen], you and your wife, wouldn't you like to have a weekend in a five star hotel? Everything is paid. This is unproblematic. We do not expect anything from you. And if you want you can also offer your boss to join. I would never think of accepting the offer myself and it would be completely out of line if I brought the offer to my boss.*

**Documentation and trust** As a specific and in a sense unexpected value orientation there was mentioned *documentation*. This feature of state administration was referred to explicitly in three interviews, and in two of them particularly emphasized and described at length. In the argumentation put forward by the respondents this feature of state administration is related to the principle of trust. Every phone talk should be documented and put into archive to allow for the future reference.

D06 *„...you document things in Denmark. (...) You document things. And this is very much a value in Denmark. That means if people call me, I have to make a note on what we spoke about and put it into archives. (...) This is definitely a value, something you learn the first day you enter the ministry, the first day you enter municipality.”*

D04 *This is a parameter or element [the notion of “habilitet” – capacity to make a decision] which is applied not only to conflict of interest regulation, but to a lot of elements in the administrative act. Taking notes from phone calls or meetings – the obligation to take notes – the same. So this specific element goes back even to the 30s and probably behind that. Whereby the idea is that the administration in order to perform the duties they should have the trust of the citizens. And if they don't have the trust of the citizens, everything starts to go wrong.*

In a slightly blurred form the connection between documentation and trust appears in the following quotation from the interview with a civil servant:

D07 *People have to trust me. If a person contacts us, he has to have confidence in us. (...) In my work it is very necessary that we have this trust, so a lot of my work is – how to get this trust. That is the thing in my job. But I don't think it is common, maybe people have to learn something else in a way. I think other places in public sector... you have to write all things down so we can take the case to another. You have to do things in the same way.*

**Membership in the community, welfare state values** In the interviews there were expressed a set of value orientations which can be described as related to the *embeddedness* of the state administration within society (for the discussion of embeddedness of civil service see Chapter 2). According to Michael Mann, state administration in Western European democracies is *both* autonomous and embedded. Civil servants while ideally being independent from special interests and politically neutral, share common societal values of the particular nation-state. In several interviews it was clearly expressed by the respondents that a civil servant feel being a part of the society. In two interviews it was also related to the fact that Denmark is a small and relatively homogeneous country. In other interviews the embeddedness was pointed to by referring to the egalitarian moral in Denmark.

D03 *Egalitarian moral is related to anti-corruption. **You shouldn't try to make special benefits for yourself because we all are parts of the team**, where we see to it, that everyone gets a fair share of the cake.*

D10 (...) ***we have a strong sense of "commonhood"**. We have built a welfare state as well. I think we have a sense of being a group, a homogeneous group, where we take care of our weak and we pay very high taxes. (...) **we have a sense that we have a community that we take care of.***

In several interviews the value of the welfare state was mentioned as an overarching societal value.

D07 *In Denmark the welfare state is the big thing. The values of the welfare state about having equal opportunities for education, you have to treat citizens equally, it is built on a particular view of society, and how the state should be like. The politicians cannot change it very easily.*



D04 *We are living in a welfare state in many ways. A civil servant in a welfare state, a welfare state civil servant – what that implies, of attitudes, standards.*

In a slightly different aspect the idea of embeddedness appears in mentioning the concern for the continuity of the institutions of the welfare state.

D08 *Generally there is a drive for say ensuring or securing the continuity of the institutions; the institution itself and the institutions of society, particular institutions governed. I think there is large concern for that, for ensuring continuity.*

### **External influences and integrity**

This section summarizes answers to the question of lobbying and other attempts to externally influence the decision-making within state administration. This theme addresses the issue of the autonomy of the state and state apparatus in a greater detail. I asked public officials whether there are formal ways of dealing with the external influences and whether these ways are considered sufficient, efficient and legitimate. The general picture which comes out from the answers is that in Denmark there are well developed and well functioning formal channels of communication with the civil society and businesses as a way of ensuring non-parliamentary participation of groups of society in official decision-making.

D09 *This country is so organized in this respect. Most companies who would try to influence you would go through the organizations. Of course I talk to individual businesses and they complain a lot. They always demand lower taxes. But they never try to influence decisions directly. In all cases, in my case, they went through the organizations.*

They admitted that there is active participation or attempts at participation in the decision-making at the level of state administration. There was underlined the legitimacy of the mechanisms and forms of participation. These forms are well-known and acknowledged among pressure groups and the wider society.

D10 *You know in the ministry who do you need to hear. It is NGOs that you would normally hear. Or interest organization. I mean organized views on organized lobby groups. And they have a history of working with this and they are the actors in this field. If you do something on the environment protection you need to hear these and these and these. They are always in the debate and they are the ones we work with in this field or government. So these are the parties that we hear. Some of them we always disagree with, some of them we always agree with. But we hear them all, they are part of the environment of this administration area. And we know that if we don't hear them, don't take their views into account they will cry in the*

*press. It is more easy for us to say, you are the part of the whole process, you are heard from the beginning, we have considered your views and that's how it works.*

The ground for the legitimacy of lobbying is seen in transparency and tradition of democratic consensual decision-making.

*D02 If you ask me if it is considered a problem within the administration – no. In democracy you are not supposed not to like civil society. But of course there has been a feeling that it is annoying. Some citizens and citizen groups, they make a request, or ask critical question or whatever, but it is never considered illegal.(...) However even if you have a system like in Denmark with transparency – either way politics is about redistribution of resources you have in the society and of course some groups will be favoured and other disfavoured and you will always have a lack of support or even outspoken dissatisfaction of groups that feel that they were unfavoured. But I supposed this is kept on the different level – on the level of debate, of public debate and by this the trust is not fundamentally taken away.*

*D07 We have a big tradition of lobbying related to labour movement. The trade unions. They are deciding about payment and how the rules in the labour market have to be.*

On the other hand, some respondents mentioned the consensual character of politics and policy-making in Denmark and flexibility in reaching the decision. Even when consultations with the representatives of civil society groups are not strictly formalized, this does not give rise to distrust for politics, institutions and officials.

*D08 But I think that sometimes there are more flexible ways. And with that problem as corruption – no, but it is a distinct way to get things done. What do I mean by flexible? That sometimes you talk and get things done. It is also because Denmark is consensual, governed by consensus making politics. Generally it tends to both in parliamentary politics but also in politics that takes place in the bureaucratic level to have an approach generally when you want to hear an opinion of all parties.(...) Obviously it is a kind of lobbying. But it is fairly acknowledged or recognized by all parties that this is a part of the game. Everybody knows, that at some issues, the things are settled also with societal parties, representing society, various societal interests. And I think everybody knows that and this is how the things are done.(...) So, yeah, lobbying is widespread but it is also recognized a part of the game. Everyone abides by the formal rules but everyone also makes it work.*

In one interview a respondent related the problem of lobbying and external pressure to the issue of integrity and independence. He expressed an opinion that among civil servants in

Denmark it is a common attitude of listening to the opinions of the representatives of civil society while maintaining a distance from them and preserving the impartiality and integrity. On the theoretical level this can be described as a balance between autonomy and embeddedness of the state.

*D03 Then there are cases where the distribution of money is the matter and where there can be a question – I help you and you help me another time – one should be careful not to get too close with the interest groups. But it is my impression that public officials here are very much aware about that and try to listen to what they are presented but also say that we are carefully listening to you, we might take into account what you say, but you should not expect that we accept deals with return payments. And this applies to big issues but also applies to things that you would elsewhere consider petty.*

### **Collective self-image**

Answers grouped in this section are mostly those received from the respondents to the questions about their understanding of the idea of the common good and the influence of history or historical image of the state on the self-image of civil servants and their work. In this section one comes across several themes related to collective self-image. As has been noted above with the references to the work by Elias, the collective self-image has an effect on the durability and stability of individual self-control. Therefore I considered pertinent to ask the civil servants questions related to their ideas about the state which they serve.

**The positive image of Denmark** First, in several interviews respondents quite spontaneously expressed and affirmed a positive collective self-image of Denmark. Denmark is described as a modern state with a developed system of social services which function in an orderly and efficient way. It is a form of society which one can be proud of. An additional current of argumentation was a comparison of the more developed state of Denmark with less developed societies. This line of reasoning came out in several interviews spontaneously. In the context of the Eliasian concepts and theory of the civilizing processes this is a characteristic situation: groups with a higher social status ('established' groups) take a proud about themselves for their higher position in relation to the groups with a lower status and this serves as an additional stimulus for strengthening self-control within these 'established' groups. They value their higher status and are vary of not losing it. A thorough monitoring of one's behaviour and 'possession' over oneself increase the chances of continuous maintaining of the higher social position.

D05 *We had a high equality modern social democratic state and staff like that. For many people it was **one of the most advanced state forms in the world**. I think that was our self-perception. A bit too much I think. That was our self-perception. Now there are many changes. We have to re-evaluate our self-perception. But I think part of this picture of the modern state definitely no tolerance towards corruption. Non-existence of corruption. Not even non-tolerance but the abolishment of corruption. **Because it is a thing for the lesser developed countries, that being a perception.** (...) **It would cause the corrupt person to be seen as low, base person, and not a moral character.***

D07 *I think **Denmark has this big thing, that we are the best**. And sometimes this intervenes also in the work of the public sector. (...) **And we can make Denmark the best country in the world. This notion competes over everything else. This plays a great role in Denmark. We are glad when we are on the top of the list.** (...) **And this core is also in the public sector.** They see it as a task to make a difference. I think if you are working in the ministry, then people think that they can make a difference for the state. And therefore for the Danish society. (...) **It is not a bad thing to have a big public sector. People who work in the public sector try to show that we do not have to have a small [public] sector. Because in the long way that would not be a good thing for Denmark. We have to have strong state. Those, who are making the policy, they want to make a difference. I think this is a common call for many people who are working with that.***

D06 *I think Danes in general are very proud of Denmark sometimes to the extent that is a little bit too much.*

It is interesting to observe that closely along the line with Eliasian theory there appeared a theme of a moral superiority of the 'established' group. Again, this theme intervened quite spontaneously in several interviews. The groups with the higher status tend to develop a self-image about their more or less inherent moral superiority over other groups.

D03 *Sometimes we hear that **Danes are particularly moral**. That of course would be nice and I hope that this is also to some extent the case... (the respondent continues: but other factors are more important).*

**Continuity of development** Second, there was a theme of continuity of developments in Denmark, particularly of the continuity of the state. In one instance the respondent expressed the view that the historical developments have shaped the behaviour of Danes nowadays. Particularly he referred to the feature of Danish history as absence of major political conflicts

and relative peace through a long period of time. One can readily relate this argument to the Elias's theory that continuity and peacefulness for a long stretch of time contributes to the stability of self-control of individuals. The respondent himself does not make the statement on the theoretical level though one can recognize in his spoken text the idea and intuition of a connection between peaceful history and a certain mode of conduct.

D03 *We are specific in the sense that Denmark is... **long-term historical developments are very much shaping how we behave today.** We have a culture in Denmark that has not been... you haven't had the same level of political conflict that you have had in many other countries. Political conflicts over the distributions of money, distributions of benefits, of risk opportunities. We have had a very consensual political climate for decades. And that is something that has given birth to our welfare state. And I also think that that has given birth to anti-corruption behaviour...*

In other interview history is mentioned as a factor which gives the sense of stability to certain patterns of behaviour. The perception that behind the valued state institutions is a long historical development gives rise to a concern to preserve these institutions. Which in turn gives rise to such a mode of behaviour that is conducive to the preservation of institutions. In particular, the respondent has mentioned, that concern for preservation, continuity and stability prevent corrupt behaviour.

D06 *I definitely think history plays an important part here. I think Danes in general are very proud of Denmark sometimes to the extent that is a little bit too much. But what is important to say is that **when you are proud of what you have ... you look at issues in a way that you do not shake the boat too much. Because then you make problems. And that will be a problem for all of us. So we have seen things work in a certain way and if people challenge that then you will shake the boat and the welfare system we put in place will be pulled behind by that. So I think that history plays definitely a very important part in that. (...)** And then I think that history and stability are very important for keeping the respect for the past but it is also means that it is very stable and a difficult area where you can actually rock the boat. And also, and this is also why it is difficult to corrupt sometimes, that it is a joint effort not to change the system. (...)*we have a joint interest of keeping the things as they are(...)

Another way of argumentation about history concerned a tradition which transmits certain ideas about norms, values and attitudes in state administration. One experienced and highly positioned civil servant referred to the importance of storytelling in transmitting and forming patterns of attitudes, norms and values. Along with a less formal ways in which historical

heritage influences contemporary public officials, there were mentioned documents which have long history, for example, Danish constitution.

*D01 The role of history: I think it has. Storytelling about what happened in the history I think is part of the forming of the values and the ethics of the ministries. I am looking for an example to explain. I will come back to that. But I think that history has an influence on the values of public servants.*

*The Danish constitution dates back to 1848. A lot of public servants were the members of the commission at the assembly that made the constitution. And therefore the constitution contains certain sections describing the role of public servants.*

*Storytelling during the war. The role of public administration during the war is also part of the ethics and self-understanding of public servants.*

Danish civil servants in general were reluctant to describe the ideology of state administration by invoking the concept of nation. In a particular case, in an interesting manner, nation was opposed with the concept of history as a more inclusive category.

[To the question whether nation constitutes a value for public officials] *It is a difficult question. I think, not. Not nation, but history. And you may say that nation is also part of the history but I think that public servants today are not influenced by the concept of nation. I think, not.*

Another experienced Danish public official referred to the norms significant for state administration in a synthetic way: „specific rules or moral rules or ethic rules that we have in the Danish society developed throughout 800 years”. Here is a fuller quotation from the interview:

*D04 To some – yes, to others – no. To some civil servants, surely, at a specific level maybe, as well. They are quite aware of Danish history, society and administrative context. (...) When you generally meet people at various levels – at state level, regional and local levels, which I do, you have all aspects. At one end of it – maybe is a person, working at, typically maybe, at local level, or a state level, and who is only in it for the money. And no wide perspective or ideas about – ‘I am a civil servant, I have to carry out my duties and perform them according to this specific rules or moral rules or ethic rules that we have in the Danish society developed throughout 800 years.’ No way, some of them, no.(...) But a lot of them, I would stress that – a lot of them, I have met a lot of them, they share all these values. (...)*

*So I stress, I really stress, to my mind and to my experience, we are talking about very few people not sharing these core values, at the end of the day, still. But whether or not, still, and to what extent we will see the development, this is what I am not sure about.*

**Welfare state and solidarity** Third, the notion of a welfare state can be discerned as a part of collective self-image. The shared welfare state in some interviews appears in a close interrelation with the collective solidarity which together reinforce an ethically correct, non-corrupt mode of behaviour.

D10 *I don't know whether this answers your question but I think it is important that Denmark is a small state. A very homogeneous state. It is a nation-state. So we have a strong sense of commonhood. We have built a welfare state as well. I think we have a sense of being a group, a homogeneous group, where we take care of our weak and we pay very high taxes.(...) And probably this will not stay this way forever, but if you have this sense of community, it is a good starting point for having not very corrupt civil sector. (...) They way our society works relies on a well functioning, non-corrupt public sector. If we didn't have that we would have very many problems. Our way of life, our quality of life would be lower. We would waste a lot of money in the private sector in getting the public sector to work. Which would make us a less efficient society, with a lesser total income as a consequence. (...) **And that the whole government system, the public administration relies on the public servants not being corrupt. And you sense that very strongly.***

D08 *It is more like saying ensuring the stability of the growth of the nation, or say prosperity and wealth. It is like saying a stability and ensuring that the basic framework of well-functioning state, welfare state is present. I think that is a sort of continuity praised as being important. We may change direction, but the overall goal of stability of the everyday life condition of the citizens and to that aim the continuity of the institutions is thought of as a good means.*

**Legitimacy** Fourth, in close connection with the themes outlined above there was a discourse of the legitimacy of the political system. The political system, including the state administration, is seen as basically just and effective. The belief in the legitimacy of the system strengthens the belief in the legitimacy of certain patterns of behaviour, which contributes to the stability of norms and expectations. In this quotation the discourse of the legitimacy in a peculiar way was linked to the discourse of the continuity of certain patterns of behaviour.

*D09 But in general most people tend to believe that the system is the best you can get. If you tend to believe in the system, the integrated part of it is that you simply do not do that kind of stuff. As long as the system is considered legitimate, you ... no, you can't do that.(...) And people tend to believe, that we can have individual crooks, but the system in general is very well functioning. And this tends to strengthen the perception of...relatively well functioning civil service. (...) We just had one case here again with refugees. And I think it was quite clearly a wrongly... But there are no suspicions of personal gains. It was a maladministration and neglect of what they should have done. But it is not considered that a whole class of politicians or whole class of civil servants err basically. And we never had this for the last 150 years.*

### **Prestige and honour**

The question about prestige and honour were asked to the respondents in accordance with the theories applied in the thesis, especially those by N.Elias on the civilizing processes and by P.Dobel on public integrity. According to Elias, both higher prestige and a sense of honour are related to stricter self-control. According to Dobel, possession of self-control is necessary to upkeep public integrity. The relation between the sense of honour and integrity is discussed in Chapter 1.

In their comments on prestige of the work of public servants in Denmark and a sense of honour in their work the respondent were mostly moderate in their evaluations. Some of the public servants described prestige and honour in stronger and more positive terms. No one however considered that the work of the public servant is a low prestige work. On average and in sum one could see from the interviews that the work of public servant is regarded as medium prestige work but it is considered fairly prestigious to work closer to the nodes of the decision-making and political power.

Still there is discernible a line of argumentation that prestige of the work in state administration is one of the motivating factors which keeps employees in the workplaces. This is seen in the quotation below. The similar line of thinking was expressed in other interviews as well.

*D02 To some extent yes, because you are not paid very well. If it is worth, otherwise all would be in the privates sector. So I think it does have that flare to it. And I think there too the ideologies, values or whatever. Some people get personal kick out of being personal to the minister or the highest, the most powerful people in the administration.*



In three interviews there was expressed an opinion that the work in state administration used to be more prestigious than nowadays.

D01 *It was. But I think it is less prestigious that 10 or 20 years back. Not because the work in the public sector is considered... I think to a certain extent the public sector or state sector is considered to be old-fashioned, a bit dusty. It is not, but I think it is a part of the image.*

D08 [*Prestige:*] *Not any more. Prestige in Denmark is in the private sector. To some it is in the private sector, ... no, it is not really, that is my impression. If you are a counterpart of the minister in the ministry, the head of the institution, then it is prestigious. But still not compared to be a CEO of some major Danish company. It is far more prestigious to be in the private sector.*

There was a differentiating but positive discourse on prestige of the work in the civil service. It is prestigious to work in certain governmental agencies and with certain issues or carry out certain tasks, for example, to manage a project. Along with this discourse there appeared a theme of the connection between prestige, honour and integrity, because, in the words of a civil servant: *„it is prestigious because people view the state as doing things professionally and not being able to be influenced by special interests.”*

D06 *...when I came back to my home town in Jutland, there was a respect for people working in the ministry. Because they thought of us not as of career people but as people who have done a lot of studies to get where we got, and there was respect. And coming back to the question before, also the reputation of the government, the public servants, trying to keep the state, having a good image...(...)But I definitely think it is prestigious to work in many of the government institutions. (...) **But still I think it is prestigious because people view the state as doing things professionally and not being able to be influenced by special interests.**(...)They take pride in their work. (...) And what is very important, they do as much as they can. (...)I really think they take pride in their work. Yeah, proud to work with it [particular issue in the ministry].*

D07 *It depends on which kind of task you are making. If you are just controlling, then this is not a good thing. But if you say, I am doing this project about this and this, then this is a good thing. (...) I think that, of course not everybody, but people say, that people who work in the state, is considered a good job in a way.*

In the context of Eliasian theory of civilizing processes the concepts of honour and prestige are relational. In some interviews this relational aspect of these concepts is recognizable. But

in contrast to the notion of prestige and honour of, for example, 19th century Germany – the case which Elias studied, these notions in the interviews with officials in Denmark do not function to mark a distinction from other social groups. As one respondent emphasized, Denmark is egalitarian society; egalitarian, social democratic ethos therefore marks the notions of prestige and honour. Possession of honour is counterposed not to social groups devoid of honour, but to the **dishonourable behaviour**. Corrupt, criminal behaviour clearly falls in this category according to this respondent.

D05 *I think compared to other countries we are not a very honour based society. Honour does not take very significant place in our private life or public life for that matter. I don't know if many Danish people would use term honour as such. Anyway, there is such a thing as a dishonourable action. **Criminal activity as such is seen as dishonourable. Taking a bribe is definitely in that category. Dishonourable behaviour, shameful, you risk social exclusion. In your private life I would guess too but definitely in your professional life. But I think also in your private life.** And that's probably is some sort of honour I think that is diminished although we wouldn't call it that ourselves. (...) I would say being a civil servant is a sort of mid-level prestige, mid to high level.*

Discourse on prestige and honour in the case of another respondent is embedded in the legitimacy of the state and its apparatus. It is also grounded in the egalitarian notions and ethos. What one can see is that the notion of honour and prestige in this discourse, again, reflects the double nature of the state in Denmark – its autonomy from civil society but at the same time its embeddedness within societal values.

D10 *We don't do it in honour and pride and thing like that in Denmark. My impression is that as a civil servant you do your job and you have an ethic that is important that you are not corrupt, we do it together that we have a community. But you are not very proud or it is not considered very honourable. We are not in Sothern Europe or Middle East where honour and pride and values like these are very important. This is a social democratic welfare society where women decide so we have another culture, we do not have much this honour and pride.(...) Even though it is not considered an honour , it is not considered shame either. It is not considered that you are employed as a civil servant because you can't find job in the private sector. But it is not considered a special honour to be a civil servant. But I think you have a strong sense of being part of a community and being part of a necessary machine that gets society moving.*

Another civil servant has linked the notions of integrity (non-corrupt behaviour), self-esteem of the corps (honour) and the salary of the officials, particularly the police officers. If the salary is sufficient, there is no need to be corrupt; in addition, corrupt behaviour would damage self-esteem of the corps. Salary and honour appear in this text as complimentary reinforcing factors which prevent corruption from taking place. Perhaps it is worth noting as well that the respondent in the quotation below mentioned comparison with other countries. This can be seen as an additional aspect of the relational character of the notions of prestige and honour (because it is more prestigious to be a civil servant in Denmark than in other countries).

*D03 It is more prestigious than I have experienced in other countries. (...)In Denmark you have better paid police force and it is relatively prestigious to be part of it. And it makes for them more difficult to legitimize corruption because they have a fair salary. Why to be corrupt? It would also be problematic for their self-esteem and the esteem of the corps. Of course if suddenly allegations will come up and it would be effecting their prestige very badly. I think it is very important to look into prestige of the public official and the prestige goes hand in hand with the salary and also with the esteem of the corps.*

### **Employment conditions**

N.Elias in his works makes a point that security in a wide meaning of the term is a necessary precondition for development of a stable and reliable self-control. A sufficient salary can be seen as an aspect of this condition. In the interviews officials brought up this subject by themselves. They considered the sufficient salary as important condition for keeping the civil servants from engaging in corrupt behaviour. The salary which a public servant in Denmark receives is sufficient 'to live a good life'. In addition to that in one interview as a factor reinforcing the factor of a relatively good salary, was mentioned an even distribution of wealth in society, that is, a relative equal level of incomes within society. Material stability guaranteed by the adequate salary is complemented, as a factor preventing corruption from happening, by the absence of stark differences in income level. There are consequently fewer temptations and fewer individuals who can tempt the officials by offering extra income in return for illegal services.

*D10 And you don't need it [to behave in a corrupt way – author] as a public servant as well. Your salary is fine. Which is also of course important. And you do not have any excuse for misusing your position. To get something in return if you hand out a permission to build on a site, you don't need the payback from a constructor as a supplement for your salary. Your*

*salary will be quite enough to live a fine life in Denmark. (...) Wages of the public servants are quite ok. They are a little better in the private sector but when you compare to the risk of getting sacked in the private sector, you can easily compare salaries in the public sector.*

*D03 (...) of course we all would like to have a better salary but in the international comparison salary among public officials is relatively good. I have a decent salary and can support my family and can have a very good life. And if you are a public official, which is the case of very many countries, where the country might be rich but public officials are badly paid then the likelihood of being corrupt is of course higher...*

## **Chapter 8. Ethos of public officials: interviews in Finland**

### **Introduction**

In Finland I conducted interviews with 10 public officials. In April 2011 I conducted 7 interviews and in September 2011 three interviews, all of them in Helsinki. In interviews with two officials the responses were put down in writing, because it was felt that recording the talk with the electronic voice recorder would not be welcome. Longest interview lasted for over one hour, the shortest for about half an hour. In two interviews with public officials two respondents were present at once. Such setting for an interview was an arrangement determined by the institutions where officials were interviewed. The interviewed officials represented two ministries and two state institutions. In the comments on the interviews I use information obtained from the visit to state administration in Finland in April 2008, when I met with six public officials (from two ministries and two state institutions) and a university researcher and discussed the issues of ethics and corruption in the public sector in Finland. During the study visit in April 2011 I met with the scholars from the Political Science Department of the University of Helsinki and discussions with them helped me to acquire additional information on the subject.

### **Corruption as a problem and tolerance towards corruption**

According to international rankings, Finland is one of the cleanest countries in the world in terms of corruption. Nevertheless, according to the data of the Finnish police, there are about 10 reported cases of bribery per year. Among them there are about 1-3 of revealed cases of corruption. According to 2009 Transparency International's Global Corruption Barometer two per cent of Finns said they had paid bribes in the previous year, which is about the average level within the western countries. According to perception by the population, the areas most vulnerable to corruption, were public domestic purchases, granting building permits and political activities (Juslen, Muttillainen 2009:91).

There is no special agency fighting corruption in Finland, but on the level of state administration it is considered that there is a need to introduce certain measures preventing corruption. For example, recently there were issued by the Ministry of Finance a code of ethics for public administration and guidelines on hospitality benefits and gifts to civil servants and secondary occupations; there is being introduced more comprehensive training for civil servants, including the courses on ethics; under the auspices of the Ministry of Justice there is an active inter-institutional working group with the task of monitoring of corruption in

public sector. At the University of Vaasa there is a research group specializing in the study of public sector ethics and the problems of corruption. There is no special anti-corruption program in Finland, but anti-corruption measures are included in economic crime program and security program. The interviewed officers of a law-protecting institution admitted that there is a strongly felt pressure for fighting with corruption, especially from European Council organization GRECO and OECD. The interviewed officer from law-protecting institution considered, that in the 60s and 70s there might have been higher level of corruption, but later Finland succeeded in improving administration. This respondent considered that the current risks of corruption are also connected with the growing intensification of international economic transactions, with globalization. For that means that economic actors from abroad might try to use corruption to enter the market and solve other issues of their business by offering bribes.

Respondents were mostly quite affirmative about the low level of corruption in Finland in the state administration. They were aware of the high ranking of Finland in the CPI chart, and also of some changes and fluctuations over the past several years. Most of the respondents still considered that there were some 'grey areas' in Finland with respect to corruption. Some respondents mentioned a case with political party financing before parliamentary elections in 2007, and certain branches of economy and administration where, as they admitted, there is a greater risk and possibility of corruption – construction and restaurant businesses and local governments. The term often mentioned in interviews – 'old boys' network' – was used to describe non-formal relationships between business elite and officials, which might not be transparent. The police report on corruption argues in the same vein: „„Old boy networks” are considered to be problematic in the Finnish society, because it is believed that they typically favour the network members in inadequate grounds. Such acts can be deemed unethical or corrupt, depending on the definition of corruption” (Juslen, Muttilainen 2009:94). In another publication it was stated: „Administrative corruption is controlled, even though the „old-boy” networks distort ethical administration” (Salminen, Ikola-Norrbacka 2009:vii).

What comes out from the interviews, is that state administration is perceived to be practically clean from corruption. It is not considered a major problem or problem at all. There is also high level of intolerance towards corruption.

*F02 I think the tolerance in Finland is very strict. It is zero tolerance. It is a criminal act and it is policed very strictly if it occurs.*

F06 *My personal theory is that Finnish people do not accept it. Especially when it comes to street level corruption. They do not accept it and it is a very long tradition I suppose. Even from the Swedish era maybe. I am not an expert but this is my perception of the situation that culture is such among normal people in Finland that if some civil servant would say give me some money and I will give you some service they will call the police.*

By the public officials working in the state administration corruption is perceived to be somewhere 'out there' – maybe in party financing and maybe on the local level. In Finland, though, there was no such a strong affirmation of absence of corruption from the public sector as in Denmark. One public servant was quite certain in opposing a possibly spread view of complete lack of corruption in Finland:

F05 *But of course there is corruption in Finland. I don't know, how much in state administration, but my feeling, my personal perception, is that we have slightly more corruption in local government, in municipalities.*

F09 *There are about 1-3 cases of bribery every year. Corruption may be a part of a grey economy, for example, in construction business.*

Other respondents after describing a generally corruption-free picture of state administration in Finland pointed to some areas where it might exist, as discussed above:

F02 *I think it is not considered a problem among public officers or civil servants. It is very little problem. But during last four years there were discussions about the corruption element in politics. It was quite big issue and the discussion about some businessmen who gave money to the politicians for the elections. But not in civil service. For example, in [our agency] we have not had a single case in 10-15 years. I do not remember any case at all. What we discuss are very small cases when for example, when you meet with companies, can you accept a lunch or who can pay and for what. And the regulations concerning that are very strict. And I think in general in the government organizations in Finland it is not considered a big problem or problem at all.*

F04 *I think that in general normal civil servants are not corrupt and people do not think that they are corrupt. But when you go upper, Finland is so small country that almost everyone knows everyone, so when you are in a big leading position you know other leaders and then you behave friendly to your friends and then you may organize some benefits for enterprises or for other peoples. And then it is also a part of daily politics that those in the [higher]*

*position are doing their best for their party and they have special goals and always someone is winning and someone is losing. But this is not so visible.*

*F03 I don't think we have... usually... in the state administration you would have very seldom cases of misuse of funds. (...) The other point is that we had a bit of laxity. But we don't have the so-called street corruption. That is non-existent, I think. Then in the political field there are favours and counter-favours. That's another issue. On the municipal level [as well].*

### **Examples of corrupt behaviour and ethical issues**

The respondents in general expressed the view that the level of corruption in Finland is low and corrupt behaviour is very uncommon especially on the level of ministries and agencies subordinated to ministries. Corrupt behaviour is more likely to occur in connection with party-politics and in local governments. In particular, the respondents have mentioned issues in connection with the financing of political parties before parliamentary elections in 2007.

#### **Political party financing**

*F01 There were some problems which came up during Parliamentary election campaign. That good brother network, you know, among politicians, how they delivered money for ... through several organizations and that was to election campaign few years ago. Certainly it harmed the positions of the prime minister's party. It helped the [the party] to win the elections [in 2011]. These kinds of phenomena which have some negative side in our image.*

*F06 But we have had problems or disputes in the political sites. That is why our TI ranking is lower in anti-corruption, because, was it in 2007? There was much discussion in Finland that lobbying organizations influenced candidates and the political parties. Supported political parties and then those paid back when came into power. And there is a new regulation.*

*F08 There are some signs of political corruption, which is in the structures. For example, in 1980s, cases when civil servants, no, mostly parties were receiving money from local construction companies. It was one way of financing parties, when there were some big construction firms. And these firms had connections to parties. Local level municipal governments have power to divide the lands, the rights to build new houses for firms. And when they were giving permission for firm to build houses there they received money.*



F10 *There was a change of law on political party financing, but it is not certain, whether there has been a change of the attitude.*

### **Misuse of public power and official position**

The respondents have mentioned several cases of corrupt or unethical behaviour of public officials; these show that issues with corrupt behaviour exist on the level of administration, some of them being small, some more serious, in which the officials could gain more or less considerable advantages. The last case quoted in this section refers to the issue of politically motivated appointments on the high civil service positions, which can raise questions from ethical point of view.

F06 *There are some cases, of course, that we can hear in the court. One I think typical case was this year [with] a member of a parliament. He was a former policeman. He was driving his car too fast somewhere in Finland and the police took him and said you had driven too fast. And then this Member of Parliament knew this policeman, they were colleagues. And then he said come to me and I will give you a cup of coffee. And the prosecutor said that this case should go to court and it went to court. And I think it is funny that someone could think that this was corruption.*

F06 *The case of [a town] was quite recent. There is a mayor in [a town]. And after he was elected they noticed that he was living quite comfortably in an apartment with a low rent owned by a company which is giving services to the city of [...]. And this case is under the process, they are investigating. But that does not sound good. So we are not a totally clean country [laughs].*

F08 *Perhaps the [city] metro construction was. The civil servant who was leading the project was fired because he received from the firm which was participating in the bid and received money.*

F06 *Of course, the appointments to the top civil servant is made by the government. And we have had times when the appointments were political. People were nominated because they were from the 'right' political party. And then it was less political in my view for many years and decades and now it is again a little more political. The previous government which started 2007 perhaps it made some appointments... some could imagine. They are capable people and competent people of course but to my surprise they often have to be from the same party, which the minister represents. So I think this is a bit of a problem.*

## **New Public Management-related issues**

Two respondents, experienced civil servants, expressed the view that the introduction of the methods of new public management has caused problems in the sense of raising the risks of corruption and conflicts of interest. Although the impact of new public management on the ethics of civil servants was not a special topic of research and interviews, it appears from the interviews that new public management methods may provoke the clash of conflicting expectations towards the conduct of public official, for example, those of efficiency, effectiveness and entrepreneurship and the expectations of equity, fairness and due procedure. In the view of one civil servant, the 'marketization' of the public administration has provoked more cases of corruption and conflicts of interest, which is 'quite clear'. It follows from the interview of another civil servant that the effects of the methods of new public management have been discussed in the public space and that there has been critical evaluations of some aspects of new public management by the public.

*F08 We have marketized public administration in the 1980s and this brought new features in the administrative culture. That means that these companies and enterprises which we are having today, the bosses, the chief executives, quite many... there are more corruption cases today than it was until 1980s. Because these enterprises and companies, they are not functioning according to administrative law. They are using company laws and the highest executives they have a kind of civil service background. So corruption has been increasing in the public functions, in marketized units. This is quite clear.*

*Director of a local museum has been fired because he has used his own company as a constructor. Agency for roads and bridges, now it is a state-owned company and the director is in charge for favouring his friend in the construction projects. This case was old, it was not handled in the court, but they did not deny. These are quite typical cases. They are executives, not civil servants. They are so far away from the administrative law.*

*F06 Those cases that we have had recently they are not from the civil service, they are from public companies or state companies. So there the risks increase when the public offices are made into companies under private law and go to market and start to sell. For example, for me it is very difficult to understand this state-owned company, [x], which makes and sells guns for other countries.*

*F06 We have been criticized by the media to some extent that we are pushing too far some reforms concerning, let us say, the pay system of top civil servants and some other issues.*

*For example, when we introduced the result bonus for top civil servants some years ago. It was a pilot project and now it concerns everyone. Helsinki Sanomaat [newspaper] was very critical towards the concept of result bonus in agencies and ministries. For they are there not to make money, they are for the common good. And I was quite angry at that time and responded to them. But nowadays I started to think that they have a point. It makes the image of the civil service a bit diffuse when we are using the same concepts as in the private companies. (...) I think we should give up that concept [calling the governments a 'concern'] and go back to a bit more old-fashioned. Which means that the government is not there to make money or to make profit. This is a very important principle and message for those working for the government.*

### **What matters most: external control, internal control or self-control?**

When asked about the relative importance about factors which prevent corruption, all respondents located the greater weight among the factors in self-control, personal behavior of public officials. One can distinguish among various lines of argumentation, why the respondents considered so.

**First**, one can identify the argumentation strategy based on historical explanation. An experienced civil servant, working in a ministry, considered, that the role of history of Finland is important to explain the relatively high level of integrity in the public sector in Finland. This civil servant described long-term developments in Finland in the sphere of administration and culture, which contributed to formation of self-control and values of trust and honesty in the relationships in the public sphere. He particularly referred to rather strict social control on the local level, as well as early development of literacy among population.

*F03 This question is very relevant. But as I have mentioned to you earlier, in Finland we haven't had very strong agencies or separate agencies for anti-corruption. (...) The most important is values and also self-control. Because you see, if you lost this trust, locally or whatever, you were done. So this built the civil servants or municipal servants. You couldn't even think because you would lose your job or your integrity. So this got people on their toes, I mean, in the right way. Or acted at least in the anti-corrupt way.*

In greater detail this historical discourse is described in the section „Image of the state, civil service and the impact of historical developments”.

**Second**, one can distinguish a discourse in which self-control and behaviour are explained with ‘**culture**’. The Finnish culture of behaviour is such that people are simply by norm are obedient to law and ponder over, what is legal and what is not. There is no further explanation on the origin of the norm, but the respondent compares Finland, where non-corruption is norm, with other countries, where corruption ‘has a different meaning’.

F02 *What is more relevant, I think it is more cultural. It is about values and behaviour. Of course, legislation is very strict but it is more inside the organization, it is the culture and behaviour. If you compare to other countries... the corruption is not ‘corruption’, it is a way of doing business. It is not legalized, but it is a way of doing things in society. More or less so. In some countries the corruption has the different meaning. It is inside society and occurs in every sector. It is more or less a way of doing business. So it is cultural also. It is a culture of the country and the culture of the civil service. I think we have had very few cases. Of course, we have criminals and so forth. But this has prevented the ordinary civil servant from what we normally consider corruption, or trying to do for your personal benefit or your relatives or other’s benefit.*

F04 *I think this is a matter of behaviour and culture. Finnish people are... they almost always are thinking, what is according to law and what is forbidden and what is not. So I think that this is something in behaviour, this is something that is inside of everyone. Personal behaviour and ethic. (...) For example, in those guidelines [Ministry’s of Finance guidelines „Civil servants’ employment issues. Gifts. Benefits.], it is written, that if you have to think that is this right, then you might think that this may not be so. Sometimes you are wondering, shall I do like this? And if you are wondering, whether it is right, this is already a sign that ok, I shouldn’t do this. So it is a question of your own thinking and behaviour. If you know that this is not good or doesn’t seem good or transparent, then, don’t do it.*

F01 *The basic culture, then the civil service conditions then the control body, how to manage this. I don’t know. I am hesitant here. Maybe we have managed to do without any strict control or conscious control over civil service ethics. We just execute the legal procedures. We have legislation. But as far as I know it is not very detailed legislation. So it is more or less a question of learned behaviour than control.*

F07 *I think that Finnish people are very honest. That is in our culture, because of this honesty, corruption is not accepted.*

**Third**, one can discern an argumentation strategy whereby the respondent tried to describe systemic relationships in the field of politics and state administration, which constrain or compel a public official in such a way that he does not act in a corrupt way. It is difficult to misuse the state administration for the politicians, because of the authority and power of the civil service and because of good collaboration and mutual understanding between politicians and the civil servants. The recognized role of the civil servants as experts also prevents corruption.

F01 *It is difficult to misuse the system I would say. There is no room for deception at the structural level. Unlike in Greece, where they mishandled statistics and so on. In Finland it would not be the case. There would be a discussion among economists, what is right and what is wrong. Debate about facts that we know. So it is difficult to misuse the system like that.*

F01 *And since civil servants are servants for their political masters... There is pretty much continuity, I would say. It prevents, it prevents [corruption]. Pretty much continuity, you know. If you are a minister, you can't just change, implement your own policy from your narrow interests if you don't discuss...*

**Fourth**, while self-control is prominent as a factor limiting corruption, one respondent tried to describe the relationships among the factors in the dynamic way. The relationships between the factors (external-internal controls) are changing. Also these depend on the field of state administration. When civil servants perform specific roles, for example, regulation of economic activity, external control element may become more important. Processes related to globalization also may change the situation, but it is uncertain, in what way. The role of external control is greater in the fields of administration related to national security.

F01 *But maybe the control element will become more important. Because there are more and more grey areas. The ways how the punishment functions is changing and changing dramatically. Especially in the field of economics. We have to separate the role of the civil servant as a regulator, the role of the civil servant as a promoter, client and so on. Who provides the services, who commits those services, who regulates the system itself. And here we are in a situation, where we are re-designing. Everything is moving. Not everything I would say. We have done pretty well in some possible scenarios where we will meet some problems, if we don't handle with care, is grey areas. Civil servants is not just... the work of the senior civil servants is not just among civil servants. They are interacting with other instances of society, like private companies. And one thing... I am not sure how this globalization now. EU harmonization, which is taking place and will take place in several*

*fields in civil service, also will affect the civil service ethics. I don't know. I would like to think about it a little bit.*

*F01 We are facing some problems with the borderline with Russia. I am thinking, how does this affect civil service ethics? Because for the sake of the general security of the people, of the national security, we need to have efficient control system and maybe it has to do with the civil service ethics too.*

*F10 The international pressure (OECD, GRECO) on fighting corruption is very strong. Finland has international obligations to fight corruption. GRECO evaluations are also a source of information on corruption, which replaces the lack of studies on corruption in Finland.*

**Fifth**, the respondent looked upon the process of behavioural learning and internalization in a dynamic way. Apart from the environment of socialization in the civil service (long career patterns facilitated the process of socialization) there is a need for focused training, communication of values, to assist the process of internalization of norms and values in a changing environment of public administration.

*F01 I see ethics in a wider context. It is a question of a legislation, so whether the legislation is right or wrong. It is not just how to control this and how to guide... maybe besides the function of control ... when I say control, I think we should have some body, not just control, we have some legislation, procedures for decent behaviour and so on. But we should have more communication of values... maybe training. This is important. To change newcomers.*

### **Main value orientations**

In this section I summarize the answers mainly received from the respondents to the question about values specific to state administration.

#### **Coherence of the civil service (esprit de corps)**

One of the themes which can be discerned in this regard is coherence of the civil service, in general and in particular institutions. Factor, contributing to the general coherence of the civil service is trade unions, which most of the civil servants are members of, and which creates more or less universal terms of employment for the civil servants. This is a factor, to which one respondent referred to briefly. The ideological coherence was a theme on which respondents expanded. One respondent mentioned that there is a common identity in the civil

service, which is built upon a more or less homogeneous cultural background and education of employees and the shared values of the welfare state. In addition, the state administration shares a sense of legitimacy, for in Finland state is considered beneficial to society and economy. Another factor contributing to the coherence in the civil service is a shared set of values. Life-long career pattern contributes to internalization of these values in the working environment of state administration.

F01 *The other thing I would like to describe is the coherence of the civil service. The social background, the cultural background, everything you know, and the identity is build up on these issues. And the society, we have this welfare society, there are no big, open contradictions. Civil service functions really as a mediator. Unlike some countries, where, I think the USA, where they think that the state intervention is bad, you know, socialism. We do not have this. Government has its functions and is good for the people, welfare state is good for people, good for economy, good for business also. The high standard of education. I would say, the Finnish system of education is very good. If you take a civil servant in Greece or Italy, there would be big differences. The average. Of course, there are different people.*

F01 *What else? The identity of the civil service... civil service has been a traditionally long career. And in terms of identity and in terms of values, ethics, it has been a good thing. **So, it is a question, how to learn, how to... internalize these values, internalize these habits and so on. It has been one, I would say, one of the key issues.** Of course, now we are facing a new situation, when people are retiring, newcomers, young people have different ideas of good working life and life in general, you know. Different values concerning work and personal life. So I would say this has become more important now. It is not just traditional civil service values and good ways of behaving. They don't transfer or don't renew themselves [these values] just like that. It is a question of how to change people, how to create that kind of conditions that people [learn] this ethics. **It is always a question of learning, of culture, I would say.***

Another respondent gave an example of creation of a common set of values and the spirit of organization through some organizational and managerial methods. The respondent from the particular state organization in the general discussion about the sources of ethical standards considered that reliability is an important value in Finnish society in general. He linked the origin of the values of reliability and trustworthiness to Finnish religious tradition – Lutheranism. Reliability and trustworthiness in the context of the state administration mean also non-corruptibility. The respondent described a certain managerial process in the

institution, whereby the core values of the organization were defined and made part of the work of employees. In his argumentation about the need for common values he said: „Why values? Because values are uniform ties between different persons. If there are no values, there is no stability or continuity of operation. ‘Who cares’ mentality sets in and becomes prevalent”. Below there are longer quotations from the interview. There he also describes how the values of organization are implemented in the working routine of employees:

*F02 We have four values: trustworthy; we have to be customer orientated and service orientated. That is one. The other one is the respect of the individual. In the organization and everywhere. You have to respect the individual. And we have to do everything in a professional way. These are four values. And they are discussed every year. If you are a superior, you have to discuss the values with your team, how they work, are there some problems, how to do better. In the satisfaction survey we ask about values and how you score them, from one to five. It is very important, that the people know what the values of the organization are and that they are acting according to values. If something is happening and not going according to values and if someone is destructive and active badly, then it should be discussed and done something. And this value management, value based leadership is quite hard. Heads of the units at every level. And it is measured for how all organization has scored. Let us say, there might be problems with customer orientation, behaviour and attitudes and so on: what to improve in that sector. But with trustworthiness and corruption there is no problem.*

*F02 Say 10 years ago we had a big value process. So we defined the values of our organization and all personnel was involved. We discussed about values in small groups and we decided what are the values of our organization. It took two days. A similar process was strategy process. We discussed and communicated the strategy and what those strategies mean for everyone’s work. Of course, we had the training in the [...] school. Nowadays it takes about two years. They learn about the legislation and the public organizations. And every second year we do job satisfaction surveys and we ask all the personnel how the things are, what the values are in the organization. And there are discussions with the trade unions. It is not every day but it is very common. And those discussion are very open and also informal. Formal and informal. Almost everyone is a member of a trade union.*

## **Neutrality**

Discussing neutrality one of the respondents mentioned the historical context in which it emerged and became significant for state formation in Finland, that is, the legal disputes and



confrontation between Russia and Finland in the end of the 19th century. The fuller quotation is mentioned further in this chapter. Here neutrality is connected to strict legalism of bureaucracy in Finland in the 19th century.

*F01 I would say that the Max Weberian idea of a neutral class here is very important to understand.*

Another context in which neutrality was discussed was the relationships between civil servants and political leaders of the institutions. The respondent considered, that civil servants are politically neutral, serving the government of the day.

*F05 My image is that things are not so bad in Finland in this regard. For example, I haven't heard about illegitimate dismissals or thing like that which happen in some countries. If you don't like some people you can sack them and send them away. So this is not the case in Finland. This case of political appointments, of course, one of the principles of civil service ethics is that civil servants have to maintain political neutrality. Because they have to serve the government of the day. And we have coalition governments, so... But of course, people have their own political opinions and... but as regards the state administration, ministries, my image is that things are not so bad. That civil servants know their role very well and politicians have their own role.*

F07 I think it means also the relationships with politicians but I think it is general.

F06 You cannot make any distinction between any groups. All are equal, have to be treated alike. But I think that this neutrality towards political decisions it has been tested in last years. Due to savings, due to cuts. Of course, agencies are angry when their budgets are cut and for example, when they are transferred from Helsinki to very far from Helsinki. They in principle should not make any comments in public. The heads of agencies, which are transferred to Rovaniemi, should they say, ok we do what you decide.

## **Transparency**

The concept of transparency had prominent place in the interviews and it was mentioned as an important factor preventing corruption in Finland by all respondent. Transparency was mentioned as related to the availability of officials documents and decisions and also as transparency of the process of decision making as such. Transparency was mentioned as a general characteristic of Finnish society and culture. There was mentioned a kind of 'proactive' transparency, when in the process of preparation of decision various stakeholders

are consulted. And finally transparency was mentioned as a general attitude or value orientation of public officials.

F04 *And also that our society is transparent. As I said, almost every decision is public and transparent. So if you want to find information it is very easy you just ask it and receive it, it is not hidden.*

F01 *Openness is one thing in civil service. In culture and society in general this transparency. Openness is important.*

F05 *Some people ask, if Finland's CPI index is so high, what do you do, why is that the case? If I should answer, I would say that we have some structural things, this openness, act on openness of the activities of public officials. But I think this is very important structural thing. Because it means that all decisions have to be published and trace this decision making protocol, that someone has prepared the matter and presented it to another person or a group of persons who will make a decision. So it is also one factor. And of course we have a penal code and basic legal requirements but I would say that this openness is a key factor in Finland. And it leads to administrative culture and the fact is that we have a very active media, because everything, at least in theory, is transparent.*

F05 *But I think the Nordic countries in general are more transparent than most of the countries in Europe. And especially comparing to the European Union and its institutions. And this law on the openness of the government activities it also requires that you let the public know about the matters that are under preparation. And that is usually absolutely forbidden in many other countries. ... But of course this culture is important. There is a tradition in Finnish decision-making that when you prepare the matter you ask the stakeholders, how they see it. You ask for comments, you send the draft to many, many organizations. Depending on the matter of course. So I would say this is a good thing in the Finnish administration.*

## **Loyalty**

Loyalty to the employer – the state, was mentioned as a value orientation of civil servants in Finland. The respondent was sure about the strength of loyalty by the older generation of civil servants, but also considered, that this attitude is internalized among younger generation. Loyalty is mentioned in the context of personal attachment to the service to the state, which precludes corruption.

F07 *There is a long tradition of strong loyalty in Finland.*

F03 *If I understand your question correctly,... I think this...when I talked about values and history and so forth...so for instance, as the civil servants, I think it is so inbuilt that you can't sort of... you can misuse your power etc, that happens everywhere, but usually what is meant by corruption, is that you would really try to do something, I mean, benefit directly, financially or moneywise or assets or something. **I think this is very much internalized that this does not work.** This does not exclude that you can try to use your power and maybe even, for some good cause, **but I think the loyalty is pretty high towards the employer so to say.***

Another context in which loyalty was mentioned was the employment of younger generation in state administration. There is much interest to work in the state administration, especially in particular institutions, among young people. Here loyalty is mentioned as an interest to stay in the work in state institution.

F03 *I belong to the older generation. I am not sure of what the younger generation thinks, but I think they also have adopted and internalized in this respect. Although they might have otherwise not the same loyalty, what I mean to say loyalty here is... they are thinking differently, or some of them at least. But I can't claim that I can speak fully for the younger generation in terms of the loyalty to the employer. (...) Our young people who are still selected, although our salaries are not very high at all, but there is still a lot of interest to come in and serve. And they are sort of excellent. (...) We have educated people, academic people also who have degree, which is maybe another problem, their employment. What I can observe, is that they are very committed to the work. They might think, the younger generation, in the private sector, that ok, I will go there, get some experience and then change for another field. Which is also fine. But many of those who come here seem to stay.*

I would like here to quote a passage from a text on the character of the public sector in Finland, in which similar points are made:

Finns are as people very loyal to the state, who see change as a governmental process rather than a grass root level reform of the society. The radically anti-state attitudes that are common in the USA are rare in the Nordic countries. Senior officials are aware of the dangers of loss of legitimacy and some of them believe that administrative modernization, including improvements in the quality of services, openness to greater citizen participation, and visible efficiency will help contribute to sustaining political stability and trust (Pollitt, Bouckaert 2004:240).

F07 *Yes, they can try to influence the decision before the decision is made but after it has been made they have to promote the process. (...) I see this as an obligation of the civil servant to the minister what he thinks if something goes wrong. He must say it and tell the risks so that the minister is aware of what kind of consequences this decision can cause.*

F06 *And they should not go to public before the decision is taken. I think they can criticize to the minister and his political assistants, but should not go to public and say that this decision is not wise.*

### **Welfare state**

If the value orientations discussed above are related to the *autonomy* of the state, the value orientations in the last part of the section are more related to the *embeddedness* of the state. Welfare state is a general societal value which is shared in Finland. It is a value broadly shared in society, among various political parties and the civil service. Welfare state presupposes high level of commitments on the part of the citizens in the form of higher taxes and correspondingly loyalty to the state. In the interview quoted below welfare state appear clearly, closely along the line with the argument by R.Bendix, as providing the 'common understanding'.

F05 *Of course, in Finland the values of the welfare state are traditionally important. Social solidarity and these kind of things. Also individual liberties are important. And of course, these things can be found in the Finnish constitution. (...) But the idea of the welfare state is still very important and if you watched the last election debates [parliamentary elections of 2011 – author], nobody in Finland is against the idea of the welfare state. It is not possible to oppose it.*

F01 *What I think is important in the Finnish situation, I would refer to my brief lesson about Finnish culture. Sometimes consensus society and not big clashes, no class differences... We value the egalitarian element, although we have certain problems, although there problems with unemployment and so on. But basically this common understanding that the social welfare state is back there.*

### **Egalitarian orientation**

In a number of interviews equality was mentioned as significant value and equality between the sexes as specifically Finnish value and achievement. Egalitarian orientation appear in the interview as a feature of state administration. Similarly to the interviews in Denmark, it was

stated, that there is no big distance in statuses among civil servants of different levels and also between civil servants and the minister. In the discourse on the gender equality the respondent puts forward an argument that greater equality contributes to greater transparency and – to stretch the argument further – creates less possibilities for particularism. Though the responded does not pursue the argument further, he makes a point, that it is related to ethics. The argument is similar to that put forward in the interview with a Danish official, who considered that greater equality is associated with less possibilities for special benefits, including illegal or unethical, like bribes or gifts.

F04 *At least in Finland we do not have that much hierarchy as in Russia. I can make decisions and I do not need my boss to say what to do. Usually I do something and then I say to my boss, I have decided like that. That my boss knows what I am doing but I do not have to ask anything.*

F01 *One thing, also is participation of women in the working life. It goes for the civil service too, more and more. Maybe with the exception of the senior civil service. Gender equality is important here. **My idea, the more you have factions, the more you have contradictions, and this is reflected in other fields of life.** If there are big differences between men and women in working life, it would be difficult to create egalitarian system in general. It would reflect to other fields of life. Yes, of course this is very important, because some decades ago I analysed the culture... The decisions were taken behind closed doors, you know, the labour market culture... if it is male.. you know, the employee organizations. It was totally different, than it is nowadays. It is changed. It was male, chauvinistic, you, girls, go away, this is male's business. Drinking a lot, in those days, a few decades ago. And of course, it causes problems in terms of ethics, too.*

### **Code of ethics**

F07 *All other values that we have. Independence, impartiality, openness, reliability, responsibility. The service principle is more and more important. It is difficult to say, which is most important. Each of them is important and reflects our culture.*

F07 *I think that the interest [about ethics and codes of ethics] is quite strong. Many agencies ask for example me to come and speak about ethics and values, the basic ethics things. But at the same time it seems to me that our message is not spread widely enough. I would like to see that in every agency value-based culture would be stronger than nowadays. But I would say that our projects, like values as part of daily job, it was very well welcome. I have not heard*

*any criticism about it. Every agency defines its values nowadays. So how to make them part of the daily life? That is the main question. Perhaps we are not strong enough in that process.*

### **Image of the state, civil service and the impact of historical developments**

Historical developments, the evolvement of process-structures, the past states of the contemporary figuration have impact on patterns of behaviour, according to N.Elias, in two significant ways. First, past developments shape the habitus, the patterns of self-control of individuals and groups. Second, they provide the material for collective self-images of groups, which are linked to the patterns of self-steering and self-control. During the interviews with respondents in Finland, two officials put forward discourses on the impact of historical developments on the formation of ethos of public servants in Finland. Their texts were not a response to a direct question about the influence of political history of Finland. These discourses were part of the responses to the question about factors preventing corruption in contemporary Finland.

### **Influence of historical developments**

An experienced civil servant offered a detailed account on the influence of various social conditions on the development of ethics and particularly integrity in state administration. This is an example of the depth of perception of historical processes among civil servants. Some of the points mentioned by the civil servant have been outlined in Chapter 4. Still, the account offered by the civil servant complements my 'top-down' outline of state formation processes in Finland by focusing more on processes on the level of community and development and functioning of social control there.

*F03 If you ask me, I would say that this is very much related to the history of our nation, country and state. Later on it was a state. There are few factors which I think determine: it is, you see, how people have learned to live in the communities, in the villages, in the municipalities etc. So it goes back to those rules and values which were sort of developed earlier. I would start from teaching... it is hundreds of years, I would even link to the societal development, which was in the 15th, 16th century. Everybody learned to read and write. This was closely related to religion, I mean Protestantism. Everybody learned at least to read and write. And it was tested, in the community, but it was closely related to the congregation. Then there was this other education. You had to be a 'confirmed' person as a youngster. Which was a qualification even for marriage. And you should indicate in this small community that you are a decent person, you can read, you can write, you can behave, you*

are socially ok, then you can marry and establish a family. **So I would say that the values were very much you see – honesty, openness, helping each other.** All these values which were taught by... I think in the past it was the church, the congregations. I would start from there. Then of course, we introduced, I mean, pretty early, even we then were not independent, very strong local government. Which were given in the 19th century also local independence. It had also the taxation right, but it had also the responsibility to organize the education which became compulsory. You had in the municipalities provided the social services, health services etc. And it was managed by the local municipality. They had also the taxation right. But in the small community it was not a funding which came from the state. So the resources were also collected locally. And as it was their responsibility, it was easier for them to control, where the money went. That kept this honesty, certain kind of transparency and accountability intact already. And these values, also the free farmer and so on... honesty was a sort of great value that you can trust etc. Then another aspect, we were relatively early... that all girls also were educated. And these were duties, rights and obligations for all. And we had the first parliament in the world which was for women. So I would say that this gender aspect has brought also... honesty... and that the things should be done properly and for the benefit of all. So in my view this is also one of these general aspects and values. **And then, yes, this educational level, equality, the strong local government and then developing these values which emphasized social cohesion, honesty and responsibility. These I would consider as a sort of building blocks for this relatively good integrity, which I think we have enjoyed.** And then of course from our independence we had difficulties, but then also from the political side, we have tried, through hard lessons, bitter lessons, that you cannot divide people. But especially after the second world war. Whether you are rightist politically or leftist, communist, we build this country together. And also these bitter experiences with wars with our neighbours a sort of united. So what I mean to say again... whether you were rich or poor, the class if you like, or category, this united and get us together and led to the consensus thinking type of the society. I think this also has contributed into this equality and that administration has to be trusted and then of course the clear introduction from the very early days, that there is the executive, the legislator, and then the strong independent judiciary. And people have always appreciated this strong independent judiciary. And for instance today, and also in the past, people very much trust our police. There is a popular trust for authorities in general. Then as to the legislation, I also sort of emphasized ... over the decades there have been cases, but they have been taken seriously... if there was some suspicion... So I would say that there were these three. **The most important is values and also self-control.** Because you see, if you lose this trust, locally or whatever, you were done. So

*this built the civil servants or municipal servants. You couldn't even think because you would lose your job or your integrity. So this got people on their toes, I mean, in the right way. Or acted at least in the anti-corrupt way. I do not mean that there has been a lot of misbehaviour, there are always crimes and etc, but the overall picture... And I do not want to ... Earlier, before we had the farmers, that you could own your land and etc. Of course you were on the mercy of the owner. Hundreds of years ago. But I think that throughout our independence which is relatively young – 1917, the full independence, but from Sweden, from 1809. But we developed all our institutions – parliament, government, judiciary, legislation was the western.*

There were two respondents who related the generally non-corrupt condition of state institutions in Finland to the influence of Swedish administrative tradition. One of the respondents expressed the opinion on the influence of the time when Finland was part of Swedish kingdom; another respondent referred to the study of the history of state administration in Finland that he did as a civil servant.

*F06 My personal theory is that Finnish people do not accept it, when it comes to street level corruption. And this is a very long tradition, I suppose. Maybe even from the Swedish era already. I haven't made any research, but this is my perception of the situation, that the culture is such among normal people that if some civil servant would say, give me some money, they would go to the authorities. And culture among civil servants is also important, that they behave correctly. So I think old tradition of old administration.*

*F08 Finland belongs to those Scandinavian countries which applied very strictly the stipulations of law. Regulations coming from the central government defined in very precise way what will follow from wrongdoings in central agencies, countries and local administration. People have followed those rules. When I studied administrative culture, I had been reading those very old regulations from the 17th century. They are very detailed. And regulations concerning how administration is organized and what are the responsibilities of civil servants, their duties and their rights. There are very detailed regulations concerning wrongdoings and how they are punished. And that Swedish tradition was adapted in 1809, when Finland was separated from Sweden. Swedish administrative system was moved from Sweden in detailed way. There were new agencies, new departments and the Senate and other things but these regulations were not changed. So old regulations were continued here in Finland from 17th century to early 19th century.*



The theme of continuity of administrative developments came out in the discourse by the aforementioned civil servant, who had studied developments of state administration in Finland. Continuity was emphasized and an important feature of administrative developments in Finland.

*F08 When we studied, how the administration was working, it is a quite straight move from the 18th century to 19th century. **Not any changes.** And civil servants who were having posts before 1809 they continued in their offices in 1809, 1810 and they brought with them these old traditions. **We are emphasizing very strongly that continuation.** Even if there was a political break-up and change from Sweden to Russia. And Russian administrative culture was not introduced in Finland. Russian administrative practices and law books and regulations were not adapted here.*

Continuity of legalistic administrative culture was put forward by this respondent as an explanation for low level of corruption in Finland and Scandinavian countries.

*F08 So when we are looking for the rules, they are coming from Sweden and from the 17th century. And if you study Sweden you have quite the same structure. **Finland and Sweden are very high at present in Transparency International indices. Low corruption countries.** And that is all Scandinavian countries.*

Another civil servant gave his version of the origins of the strong collective identity of the civil servants in Finland. According to his view, the formative period of the identity of the civil service in Finland was the 19th century and it was confirmed and reinforced during the period of ‘oppression’ – when the administration in Finland strived to withstand the pressure from Russian to introduce certain reforms. Outline of the historical processes referred to in this interview is given in the Chapter 4. The discourse by this respondent contains assertion of the solid foundation for self-consciousness and autonomous ethic of civil servants, which allows them to defend their position over against politicians.

*F01 So our civil service is not just, you know, just a tool for the politicians. Their identity goes back to those days 100 years ago or 150 years ago when the Finnish administration fought against Russian oppression. And the good example about more passive or more active fight against Russianization of society, this goes back to those days. It was Alexander II 1860s, there was time of freedom and prosperity for Finland too. Because economy was booming, we got some liberties, the Finnish language, taxation. But in the early 20th century*

*there was something like ... Nicolas I, there was the time of oppression. Different phases, but the civil service remained, their identity. **That's why the legality was very strong. It is the core of our civil service. We have our rights... nobody can challenge them, even the emperor... this goes back to those days. Even now, the laws and rules are the core of the civil service ethics.** I think our system was built up on those things. Plus the consensus society.*

*F01 If we look at the civil service I would say that the basic conditions are important here. First of all, the identity. The identity of the neutral civil service was created during several decades. It goes back to those days when Finland was born actually. There was this legalism, legal movement against oppression from Russia. Civil service was a key element in this fight against foreign... it was not foreign in those days... against Russian invasion in our culture here. It goes back to those days. I would say that the Max Weberian idea of a neutral class here is very important to understand.*

### **General image of the state**

In the interviews with public officials it came out that they valued the positive image of the state. One public official, for example, considered, that a good image of the state as being trustworthy is important in the competition in the labour market with the private sector over qualified workforce. The good image of the state is confirmed in the surveys. State is considered a good employer. It is interesting to note, that, as is seen in the next fragment of the interview, this positive image is transformed into an 'awareness, that we are doing well', which is characterized as an advantage. As is mentioned in other places above, according to N.Elias, stable positive collective self-image is a factor which makes self-control more reliable. The mechanism involved here is related to the desire to sustain the prestige associated with higher social position, the fear to lose them and consequently a more steady monitoring and control of one's behaviour.

*F02 I think it [image of the state] plays quite a big role. Ministry of foreign affairs does the survey, what is the image of state as an employer. And it is very good always. Also in the last survey. State is a very good employer. It has been for some 20 years. There is no problem with the general image. Some agencies are better than the others and some branches are better than the others but generally it is good. It is contemporary state. But of course it has to do with culture and values, cultural things and tradition. It is also that. But it is really a*

*survey, about which direction state is going and so on. And it is quite large for different groups of employees.*

*F01 So this uniform culture I described, with our background, it will open up in any respects. Foreign people are coming in, we are in EU family. We have some advantages and some disadvantages in this field. Our major advantage is the awareness that we are doing well, you know.*

The further quotations picture other characteristics of the general image of the Finnish state: it is comparatively new state; it has been mostly peaceful internally and peacefulness is still a feature of social life in Finland nowadays; the geographic position of Finland renders to some degree vulnerability to the Finnish state: it is a neighbour to powerful Russia to the east and a member of western power alliance Sweden to the west. Finland has felt fluctuations in the international power politics. Despite of external pressures, Finland has strived to preserve its sovereignty.

*F05...Finnish political history, this long-term development. Finland was for several centuries a province of Sweden and in 1809 Russia took over and then the independence in 1917. This idea of national state was finally realized. And there are still those famous proverbs, how to construct the Finnish identity, namely, we are not Swedes, we do not want to be Russians, let us be Finns.*

*F01 Finns are quite obedient. You do not see riots around here. You do not see much organized violence.*

*F01 In the past decades we were in the different international politics. Close to Russia, between East and West. Helsinki was a good place for spies, for instance. There were relatively more spies in Helsinki than in other countries. We had a communist party. It was independent from Russian, although there was a small faction. Ethics was in that sense a question of a political neutrality. Now there have been some discussions in media who had contacts to East Germany or maybe Russia. It was a hot issue a few years ago. And still is because there is some kind of list of former security police. People, who are in the positions here. I see it as a part of corruption. We don't have that problem any more in that sense. So here we come to question of political culture.*

## **Image of the civil service**

In the interviews one can see the continuity between the positive image of the state and a positive image of civil service. In an interview with a Finnish police officer, this respondent affirmed that society generally trusts police. (According to a survey in 2005 92% of population trusted police.) This public officer affirmed also that police knows that public trusts the police. And that there is much professional pride in the work of the police. This picture goes to the most of the civil service, according to the interviewed respondents. The quoted respondent considered that civil service generally enjoys good image, that the Finnish system of state administration can be an example to other societies. It is interesting to note, that the respondent readily connected the positive image of the civil service with the prevention of corruption. In my view, there can be applied the same mechanism to connect these phenomena as mentioned in the section above.

*F01 What prevents from corruption? The other side of the coin is that **our civil service, at least some parts of it, enjoys good image among people.***

*F01 But I think Finland is very strong in this field because ... **well, we can say that we are proud of our own system. Our civil service reforms can be taken as an example or benchmark in other countries.** We are aware of the difficulties to compare our system or one system to another system in general to EU context. Because there are always these special features, special background and it is difficult for instance to adapt certain management ideologies and solutions just like that without re-thinking them in our context. I mean, awareness of this Finnish style helps us to be critical as to what adopt, be at least aware of these things. We don't values or civil service ideas from other countries. Just like that.*

*F07 **Finnish people are proud that the civil servants are not corrupt.***

The respondent also affirmed the specific identity, or difference, of Finnish civil service. Respondents also mentioned equality as a general trait of public administration in Finland. This goes to the participation of women in state administration and also to lesser distance between officials of different levels in the hierarchy. Also, civil service in Finland is said to not to be constituting a separate 'class' of people, as in France. In terms of the theoretical framework used in the thesis, this points to the 'embeddedness' of public administration. Greater social (status) difference between officials of different ranks is said (by the respondent) to be connected to the risk of corruption. Although the respondent was hesitant to explain this connection, in terms of the theories used in the thesis (N.Elias particularly) one

could argue that greater social distance leads to a less tight social control which in turn can lead to corruption.

F01 *I will have to say that we are unique but we are not that unique in all respects. But generally speaking. Our politically administrative system and our history are different. This balance between political elite and senior civil service elite. **Our civil service enjoys a status in the civil society, it is relatively high.** Although it is different from those countries, where they have really high civil service status, like in France, they are other class people. They are not other class people. You see...if you see a head of agency, you know that guy and you can go there and say hello, yeah. I would say egalitarian nature of our culture causes this, you know. (...) It was a habit in this business. Big hierarchies in the ministries, formal decisions, the importance of things. But this has changed. More openness. And the role of women changed. And it has changed dramatically the role of the state employer's office. But it is a sign of a general trend in society.*

F04 *Our minister is a normal person. He doesn't want to be above others. [In Russia] there is a big hierarchy and this is somehow related to corruption.*

Timeliness was yet another feature mentioned as a difference from work of state administration in other countries.

F04 *Another feature concerning timing and schedules is that Finns usually do thing in advance. For instance, in Russia, they do everything in the last moment. And that is difficult for us, when we are organizing something together. And then the last week we have to work 24 hours, the last day Russians say, ok, now we are ready to do this and this. And we would like to ask, why didn't you say this three months ago? There are differences.*

### **External influences**

Coping with external influences is an indicator of the autonomy of the state and its apparatus. On the other hand, it is also an indicator of 'embeddedness' of the state. Ability to manage external influences is an indicator of how the state is able to *communicate* with the society and at the same time be *autonomous* in its 'deliberations', to use the term by E. Durkheim.

In the interviews the general picture portrayed by the respondents was that there is lobbying and attempts to influence the decisions by the state officials. It is considered a normal process of participation of the civil society in the governance of the country. Generally, the process of communication with the representatives of civil society is formalized and transparent. The

respondents could invoke cases where influence of the external lobbying might not have been fully transparent and might have been in the interest of particular groups. These cases however have not been in their interpretation characterized as unequivocally undue influence or corruption. All in all, in their opinion, the undue influence did not present a major problem.

F02 *Of course, there is influence. We have a tradition that we have advisory boards and it is very common that [agency] and customers discuss all kind of matters. I think this is a normal process but in order to have influence, there should be something else, and that is not common at all, I think. It is very formalized. We have ten or 15 advisory boards and they are segmented with the [agency] groups so it is a way to develop your work, to have good interface with customers.*

F04 *I don't remember any particular scandal. But there was a discussion about the law on renewable forest. Our minister of economy, he is from the central party, who represent the owners of forests. So, there was discussion that he was doing for the benefit of the owners of forests. It was like the were about to pass the law on how to use forests, but not any particular cases. But I do not remember now any cases of enterprises.*

F04 *There are different kinds of systems, but I think that those systems are transparent. And those decisions everyone can see. Only those things that are... not everyone can see the detail of the enterprise but everyone can see the details of decisions. **And I think that those are transparent.** And then... **I would like to say that they are not corrupt but some relations may influence on those decisions. At least those decisions are transparent.** You can always prove that they are legal.*

F05 *If you think about this problem of external lobbying... There have been some cases in some ministries that there were has been strong lobbying and that texts were written by lobbyists have been directly copied to some decisions. So I think we are no stranger to this phenomena but still I would tend to say that this kind of improper lobbying is... I wouldn't think that this is a major problem in Finland.*

F07 *I have been following this issue [lobbying] . I realized that there can be problems. We haven't institutionalized lobbying totally. So I think that there is lobbying that we don't know how it happens. And which is not transparent. But of course there are official ways of lobbying. For example, when we are talking about preparing of legislation, formal procedures. They include this hearing of different kind of actors. But I think that well this is*

*not a problem in Finland. It hasn't been raised as a problem and that's why I think perhaps there is no much to do to prevent incorrect lobbying. But I don't know, that is my feeling.*

It was admitted in one interview that there was a problem of aforementioned 'old boys' network'. It manifests itself especially on the level of local governments. Territorial planning was an area which was mentioned as being possibly exposed to the influence of 'old boys' network'. At the same time the respondent mentioned limitations put on non-formal external influences set by free media environment.

*F03 But especially in the state administration, when we come to the issue of using power for the political benefit... because they are very close. Everybody knows everybody and the decisions can be open and democratic but they can be manipulated in such a way that they can benefit... Now I am talking about city plan or the planning or the influence of the big markets on the decision makers. It doesn't mean that they can have direct benefits. But if you know, you are a member of the same golf club or hunting club, **so these 'old boys' networks, which might work on the decision making.** But coming back to the normal state administration, more difficult question is how you use your political power. Lobbying... Of course, there have been rules for lobbying, there should be rules for certain communication etc. In this democratic and free media environment, I think everybody is very careful, unless you have a criminal mind.*

### **Prestige, honour and power position of civil service**

In Elias's perspective, prestige, honour and stronger position in the power balance are interlinked. They are also related to individuals' self-control. I asked the respondents about their views on the prestige and honour of the civil servants in the country. But in some cases they spontaneously associated these notions with higher power position and with stronger integrity. Here are examples of the texts from these interviews. There also term 'proud' used to express the notion of honour. Proud in that particular discourse was applied to the public officials but also to the general society, meaning, that people are proud to be considered non-corrupt country.

*F01 **People respect civil servants.** Those instances like police, they enjoy, you know, ... they have a good image. Also other functions that use public power they have legitimate power position in Finland, I would say. Nobody denies, you know, I put it bluntly now. Of course, we have discussion, what we should do, what is right or wrong. But I would say that **the image and the role of civil service and public institutions is very stable.***

F03 *Why I am saying that there was not felt need for a specific agency in the past to look into the corruption? Because if there were cases they were dealt with according to general assessment. And the judiciary dealt with them. Of course there have been feelings that those on top... are not fully treated equally. Of course there are always these suspicions and maybe also true cases, but still very big majority **very highly respected judiciary, the police, authorities.***

F03 *(But coming back to the state administration...) **I think people are proud** and I think **people think we deserve to be the first ...** I think we used to be the first in the transparency perception index.*

Another theme that respondents brought in was the legitimacy of state administration, associated with prestige, trust and honour. As the respondent put it, there is a stable image of the role of the civil service in Finland, which is stable. This issue is linked to a broader issue of the positive view of the welfare state in Finland, which was discussed above.

F02 *And the general attitude of people is that the state is quite good... If you see some rankings, you see always that the police is number one – rankings of professions. The state sector is very highly appreciated.*

Generally the respondents developed an argument that officials working in state administration enjoy good image, the work is prestigious. The arguments put forward to back the statement, besides the mentioned assertion concerning belief in legitimacy and trust, were that the work in state administration required high qualifications, there are demanded competences which are not demanded in the private sector, for example, knowledge of Swedish, as well as specialized knowledge in the field of administration. In some agencies work in the civil service has become a family tradition. Work in state administration is generally considered a good job.

F02 *Yes, I think in [the agency] we have some officers, who's fathers were in [this agency] and **they are proud of their work.** They are not ashamed of what they are doing. I think in many cases they are proud of working in the public sector. If we compare civil service and business, the personnel in civil service they are more educated than in the business side. We have more educated persons than in business in general. And it is also a requirement for the civil servant. For certain positions you need a university degree, you have to prove your ability to speak Swedish and so on. The requirements are quite high for many positions. There are requirements which do not exist in business.*



F04 *Yes, it is. It considered a bureaucrat, but not in a bad way. Yes, it is considered a good job.*

As mentioned earlier, the concepts of prestige and honour are related to power position in the figuration. Civil servants were depicted as possessing power. They exercise power towards the political leadership and in relation to the civil society, according to the texts of the interviews. In relation to the politicians, civil servants are powerful because of their expert knowledge, their experience, their legitimate position in the political system and their important role in the welfare state system. The role of civil servants is also described as proactive, because they can influence setting the political agenda. Political leadership and civil servants exist in continuity as mutually complementing functions. The ministers, as one respondent said, trust the expertise of the civil servants. Another respondent describes also some tensions in the system, because, as he explains, politicians considered that there was a need for the political leadership to strengthen its power position. The office of state minister was introduced, who is a politically appointed official. Still, according to the interviewed official, there is a dynamic balance between the political and civil service elites. Another aspect of the power of the civil servants is related to their role of being mediators for negotiations between the collective actors. This is what M.Mann calls the infrastructural power of the state. The role of the civil servants was described in the interview as being important in preparation of decisions.

F01 *[Is it true that the role of the civil service in Finland of setting up the political agenda is strong?] Yes, in many senses. If we take continuity. We have been able to build up the Finnish society in many respects and it means some continuity. Whether this or that party is in power that does not change the setup. One thing we have coalition governments, you know. It is a question of coalition governments. That's why civil service has been very strong. The other thing, I would say, the legality of our system, it is impossible for the ministers just like that [the respondent makes a whistle].*

Significant political role of the civil service in the ministries was emphasised by the respondent, a top civil servant, by referring to the ministries as 'law-making and policy-making institutions'. As it follows also from the evidences from other interviews,

F06 *We have a tradition of independent civil servants. Especially when we talk about agencies. **Ministries are a bit different because they are law-making and policy-making organizations.** But in the agencies I do not think that politicians can undo decisions made by independent agencies. That relation is correct I think.*

F01 *The other reason is that of course we value expertise. These decisions have to be prepared by the civil service. (...) There is a **general understanding that these decisions should be properly prepared** and that is why the role of the civil service is important.*

F01 *As a minister or politician you cannot just say that we do like that or that. Being a politician you can't just like that change the system. We have an old tradition of parliamentary committees. And their tripartite system, where there are government, the labour unions negotiate especially in the field of social affairs – incomes, taxes and so on. Employers' organizations also take part. It is not just political parties, it is also other groups in society taking part in the preparation of decisions. **And the role of the civil service is important here.***

F01 *What we are facing is the problem, a new set of problems of the relationships between the senior civil servants and the politicians. Where is the balance? When I analyze the balance, my idea was that there is balance between civil service elites and political elites. This is in the Finnish political system. (...) And there is a balance between political group and civil service group. (...) There is a professional type of recruitment. This is very important. There is a professional type of selection and management. So different development have taken place. This tendency that political parties will want to strengthen their capacity to steer administration. (...) So this tendency to strengthen political steering probably will create some clashes here. But still, if my analysis is true, there is a balance between this political elite and civil service elite. And this is important to understand.*

F04 *And some are saying they are ruling society. **And actually civil servants have quite much power in our society.** An example from my work. When my minister is meeting with a Russian colleague, I write reports for him and also so-called 'speakers'. It is not so that I can decide what he will say, but it is almost like that. I write sentences and then the minister will consider whether he will say those or not. And usually he uses those sentences that I have written. So I can rule the discussions with [foreign representatives] quite much. I think this is power.*

F04 *[Is there trust?] - Yes, the minister or other in the leading position, they trust in civil servants and specialists who are responsible for those things. They trust their expertise.*

## **Employment conditions**

In the interviews with public officials responsible for elaboration and implementation of employment policy in the public sector, the government (in the wide sense of the term) was described as being placed in the competition with the private sector for qualified employees. Even if it is admitted that the salaries in the state sector are lower than in the private sector, the public sector is said to be more competitive with flexible working hours, possibilities to combine working life and the private life, holidays, pensions, benefits, possibilities for further training, general good working conditions. A respondent has mentioned, that in some instances the salaries are even higher than in the private sector. The advantage in the state sector is a stability of the position. Higher salaries are considered an important factor in preventing the public officials from getting into a temptation to obtain extra money in an illegal way. In connection with the level of salary there was mentioned a theme of general equality of the income level in society. That was considered a positive achievement, also from the ethical point of view. Though the respondent observed a phenomenon that in past years in some sectors the salaries are getting higher, which he considered a risk for the described positive framework. The sum positive factors make employment in the state sector attractive and, as one respondent remarked, people are striving to get positions in the civil service.

*F02 You get an average salary, working conditions are good, and state is a good employer. In many cases it is better than business. It depends on the place but there are many advantages to work in the state compare to business. In some cases the salaries are better in the state than in business. It depends on what level you compare. The lower the level the better the salaries are compared to business.*

*F01 On the other hand, there are working conditions. Including employment, payment and so on. Of course, it prevents corruption among civil servants. Maybe they are not well off but still they manage with their salary. And if we take a look at some phenomenon in the working life, there are people who earn more and more... and maybe age structure is widening ... it might harm this basic setup. But I would say that the basics of the system is doing well.*

*F01 Well, salary is one thing, which is very important. If we compare to those countries, where corruption numbers are high. If a civil servant can't afford his or her living with the salary, it is a big temptation to get extra money. And it is a common way how to pay in the society. I would say that this is a big thing.*

F01 *Maybe we have been able to develop our working life, we should be proud of it, Finland in general. We do not have big differences. This could be seen as a strength in ethics point of view. Of course, there is a discussion, that managers should be paid more and so on, more incentives and so on. But there are no big differences in society in general, when it comes to social hierarchies, the pay. We have good working conditions in terms of holidays, in terms of pensions.*

F04 *I think that people want to be civil servants because these are stable positions. If you once get the post, it never ends, if it is permanent. Even if governments change, civil servants keep their positions.*

## **Chapter 9. Ethos of public officials: interviews in Latvia**

### **Introduction**

In Latvia I conducted ten interviews. There was one interview with a former public official, who has worked in a ministry for several years but now has switched to another field. One interview was with an official, who previously held a position in a ministry, but at the time of the interview was employed in an agency subordinated to a ministry. Two interviews were made with respondents holding positions as public officials in a local administration. In two interviews the responses were put down in writing, rather than recorded with the voice recording device. Names of ministries and agencies in most cases have been omitted. Shortest interview was about half hour, the longest interview exceeded two hours.

### **Corruption as a problem and tolerance towards corruption**

Tolerance towards corruption in the context of the present thesis first of all is interpreted as an indication for the pressure of social control. The pressure of social control is translated into self-control of individuals, external constraints into internal constraints – that is a general theoretical position of Norbert Elias in his „The Civilizing Process”, but also a proposition which can be found in conventional present-day sociological literature. If one looks at the development of social control in a long-term perspective, as Elias did, the character, the strength of social control is seen in the context of the civilizing process, a salient part of it is the *state formation process*. For the case of Latvia the general outline of state formation and administrative developments was given in the Chapter 5. Tolerance towards corruption can be taken as an indication of the internalized constraints formed in the context of state formation process, and in particular, in behaviour oriented towards the state, because corruption is an attack on sovereignty and autonomy of the state. One can sense that on the example of Denmark in particular, which shows how the long and uninterrupted state formation process has produced an attitude of repulsion and utter non-acceptance towards corruption (see Chapter 3 and Chapter 6). The state formation in Latvia has been less continuous. Even if one assumes that the history Latvia as a survival unit, to use the term by Elias, can be traced into a distant past (going several centuries back), the actual independent state of Latvia is comparatively young (birth of the state in 1918 and restoration of independence in 1991). These long-term processes should have left the mark on how the external constraints by the

state are formed and internalized, which has implications on how corruption is being perceived and tolerated.

The respondents interviewed in Latvia generally characterized the attitude towards corruption as moderately tolerant. That is, there was no respondent who would argue that corruption in Latvia is not tolerated. One can discern several types of discourses on the theme of tolerance towards corruption.

**In one type of discourse**, corruption is described as being a part of *habitus* of people in Latvia. Here are several examples of such kind of discourse.

L03 *I don't know about public officials. It is hard to separate from society. It is a part of society. I think that society... maybe even does not perceive it as corruption. The interested behaviour on a small scale, society perceives that comparatively normally. The first thing – road police. I think this is a common perception of corruption.<sup>11</sup> I think this question has not been explained actually; the same with the health care. It seems self-evident to everybody to give a gratitude to the doctors with the hope that the staff will treat you in a better way. This is your and your relatives' health which you are concerned about. When it comes to larger issues then society understands that yes, there are dishonest people.*

L02 *Unfortunately, the tolerance is pretty high. For some time intolerance increased, but now, with the worsening of the economic situation, I am afraid, there is a steep fall down. I am afraid, that society can be even more intolerant, than the public officials. I have such impression, that public officials perceive it as a kind of the rules of the game. That is my guess.*

L07 *According to my feelings as a citizen and a public official – quite tolerant attitude. This became a part of a corporate culture in the commercial companies, a part of the everyday life of common citizens in their dealings with the representatives of [state] power and in interpersonal communication. So if we take a gradation from 1 to 10, when 1 is absolute non-tolerant, unacceptable, un 10 - yes, a matter of course, then I think somewhere 6-7.*

**In another type of discourse**, while conceding, that the level of tolerance towards corruption is relatively high, the respondents have tried to provide arguments for the tolerance from the point of view of an individual having such an attitude. The respondents, based on their experience of communication with state officials, describe a hypothetical line of

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<sup>11</sup> According to a survey conducted in 2007 17% of respondents paid unofficially 5 LVL or more in a health care institution and 17% to representatives of a road police within past 2 years (SKDS 2007).

argumentation and general mindset of the person, who justifies or tolerates corruption. In this description corruption is not tolerated when the corrupt person is alien and maybe also well-off. Then the person is blamed for corrupt activities. When the situation is close to the person, for example, when a gift, which is prohibited, is offered to a person, then the restrictions against corruption themselves are seen as illegitimate. One of the respondents hypothesized that such double attitude towards corruption is a consequence of insufficient internalization of norms, principles and values of good governance. In a way, interesting from the point of view of the theory of civilizing processes, the respondent, quoted first in the quotations below, continued the discourse with the argument about the ‘general moral situation in state administration’. She considered that officials in state administration were made guilty for the economic crisis by (admittedly) the politicians and the mass media. Here is the quotation which in a more complete form is inserted in the section „Is there an autonomous civil service ethic?": *“... not directly towards corruption but the moral situation in the state administration has changed in general as a consequence of crisis. And our politicians are partly to be blamed for that. Because bureaucracy and the state administration was made a scapegoat in a very unfair way. In the mass discourse, in the media discourse civil servants were made the main cause for what happened. Which is, first, unfair, second, offending.”*

In my interpretation the closeness of these themes in the text of the respondent points to the link between a positive self-image and a stronger self-control and, on the contrary, the negative self-image and a weaker self-control, as is argued by Elias in „The Germans” and his other works (Elias 1996).

L04 *First, society. I will not say anything new. How did that saying go – if a thief but shares with others and still is ours, then it is ok. This shows the society’s general [attitude]... apparently, if it sounds so good [that it is being quoted]. Society’s wrath and sharp reaction after my feeling is less against embezzlement but against wealth. That is, a socialist reaction towards wealthy people, millionaires. Of course, one can imagine what is behind that, that this wealth has not been acquired by honest means, but society judges in general quite superficially and how far they are able to see the reasons, this is... At the same time there is a big distance between what people consider what is permissible, what is not, which would be defined as a norm, then the norm is a quite strict requirement for punishment of these actions, inadmissibility; but when it has to be related to one’s self, to one’s friends, colleagues and so on, then the tolerance is much greater. I don’t know how to explain that from the point of view of the values. But this value does not really function. It is named abstractly but it has not been internalized as a personal choice, doesn’t function. More or less so. I think that in*

*the state administration it is beer by one degree, but not much. I think, it is approximately the same.*

L05 *I think that unfortunately the tolerance towards corruption is fairly high. Besides, as I have noticed in the seminars, there is a tendency to explain one's behaviour with the system's problems, that one cannot otherwise, what is five lats, what is the point to chase a judge for 50 lats, it is better to chase after those, who [misappropriate] millions. So that it is not considered that the judge is being paid, that it is a crisis of the rule of law. What about me, I [a] just a little, chase those who take much, those are really bad. As it is in society, so it is among state officials, for two parties are required, one which wants to give, another which wants to take. If you tell... [a judge] got some 50 lats or the land's register's judge. And there are comments, why spend time on that? But we can't tolerate something small and be angry about the big ones, for it is most likely that if a person in his position can sell his decision for 2 or 50 lats will sell it where it costs a million. That there is not price or some level, below which it is not corruption and then one santims more and then it is bad. It should be that the attitude is bad in general. Also towards the gifts. All people think that it is only bad what is shown on the tv-show "De facto".*

**In the third group of responses**, along with the presumption, that the level of tolerance towards corruption is relatively high, there was also a discourse about non-corruption in state administration and increasing awareness about corruption. In one interview the respondent asserted that most public officials are not corrupt and have never had any encounter with corruption. In the first fragment of the interview quoted below, again, the respondent resented the creation of an image of the civil servant in the media as being all-round corrupt and that corruption is everywhere.

L01 *You know, I will tell you so, I have worked in state administration for many years, I worked already before the Awakening [social movement at the end of 1980s] and during all years from the time Latvia got independence. **I would like to say that the level of tolerance is fairly high.** And in the state administration there are very many people, who have never had any relation to corruption but the perception in the society is the opposite. That almost all those who work in the state administration are corrupt and corruption is one of such basic element in the work of the employees of state administration and local government. (...) so the conviction is such that almost all civil servants are corrupt.*

Another respondent likewise surmised that among the public officials there are more those who do not accept corruption and who have a motivation to work for the state as a common



good. At the same time she admitted that there is a minority among public officials who are pliable towards bribery. The attitude of society towards corruption she characterized in a paradoxical, contradictory way: there is no tolerance towards corruption ‘in principle’ which in many cases still does not stop the citizens from offering a bribe.

*L09 I think that society is not tolerant towards corruption. Of course, that does not impede from giving the bribes, but in principle, society definitely is not tolerant towards bribe-givers and bribe-takers. There are two kinds of public officials. There are those who work for the state and those who work in order to get the salary. The second group is that which is tolerant towards the bribes. Fortunately, the first group is more numerous. Otherwise the state would fall apart long ago.*

In another interview the respondent considered that generally in past years intolerance towards corruption in society has increased. Though further in the text he gives a correction or qualification that at present it is difficult to differentiate between society’s intolerant attitude towards corruption and intolerance towards the wealthy. Referring to his academic studies, he presumed, that ‘normalization’ of the attitude is a long process which may take several generations. Furthermore, the respondent made an observation that people „cannot relate corruption with the living standard”. From the point of view of the theory of the civilizing process, this hypothesis can be interpreted in terms of development of *foresight*, in course of the civilizing process. According to Elias, development of foresight, that is, taking into account of longer chains of interdependencies of humans, brings about changes in steering of one’s behaviour and fosters stricter self-control (Elias 2001).

*L06 Often people cannot relate corruption and the living standard. But generally the understanding of corruption has increased. But it is difficult to separate hate or intolerance towards the wealthy and those, who take the bribes. This line is very thin. (...)But surely a large part connect these and the dominant, I think, is probably the first, that is, if a person is wealthy then perhaps he has acquired that illegally. (...) It is difficult to separate but the attitude towards the wealthy is dominant. There should change several generations, there should be a middle class so that this could change.*

### **What matters most: external control, internal control or self-control?**

The received answers to the question about relative importance of the factors preventing corruption were mixed. There were several respondents, who emphasized the importance of the official’s self-control.

## Personal conscience

The way of argumentation, however, differed from those respondents in Finland and Denmark, who chose this answer. In Denmark and Finland argumentation was based mostly on the reference to tradition, culture and administrative values, as well as social control in the broader societal context and more narrow institutional setting. The respondents, who chose self-control in Latvia, referred to personal values – ‘spiritual values’ and ‘inner world of the man’, that is – to the *personal conscience*. The *state as a moral institution*, to use the expression by Paul du Gay, was not noticeably present in their discourses, in contrast to the interviews made in Denmark and Finland. Even after mentioning this answer, there followed a discourse on the tendencies which threaten self-control of individuals, portraying a context, in which it is difficult to sustain a stable self-control. The environment is characterized by a problematic inheritance from the recent past, when the norms in the working environment were opposing the integrity; they were strongly influenced by informal behaviour. The discourse in the first quotation below can be designated in terms of N.Elias’s theory as describing the *informalization process*. The inheritance of the recent past (of membership in the Soviet Union) according to this respondent is still felt today. Another respondent is describing a contemporary environment which is filled by an aggressive discourse towards state bureaucracy, officials and politics in general. The mass media is portraying the officials as corrupt, unethical and useless. In such an environment it is difficult to maintain a steady self-control, because it affects the self-image of state administration. This ‘complain’ about media and public opinion was present in most of the interviews.

*L01 Only and solely self-control. And in fact the value system which the person, who occupies the office, has. Only and solely. For, excuse me, not any control can affect, pardon me, the former soviet man. Former soviet man is a master. He will pull out the devil himself from the hell and will circumvent anyone. And the next generations are learning this skill. Several generations should change for that to disappear. One day I was talking to someone, what was the main characteristic, for I also have lived in the Soviet time. Excuse me, everybody stole. Only those did not steal who had nothing to steal. Everybody else was stealing. Anything was stolen. Even in a factory, if one could steal nails. It was almost a law. And at the same time they found a way out from unimaginable situations – how to lie, how to circumvent.*

*I recently remembered one story. One relative told me that in Jelgava meat factory two people bet with others that they will take out pork through the security and the gate. And they took*

*that out. They put on a coat on it, put on big glasses, one took one paw, the other another paw, and going by the guard they said to him, look at this, he is again drunk like a pig. Therefore, there was nothing that could not be figured out. And he transmitted this experience to his children and grandchildren and in result, I remember, as one my acquaintance, when the independence of Latvia was established... he lived in the rural area. He did not like this new order, although he was nationally oriented. He said – from whom will I steal now? From the neighbours I can't steal, right, neither from kolkhoz. The only unwanted thing was to meet with a neighbour, who also was stealing. There should change several generations.*

*But at the same time I would like to say that in Latvia there are quite many people, who are in the high positions, who have strong self-control, who had good breeding, who have strong internal values. I tell my friends, I will never be able to do this, because I do not want to go to hell after death. Also religion is significant. And you see, you can agree or not, but a person, who has been bred on the spiritual values, he will think that over – to lie, to steal. He has been bred in this way in the family. Life disfigures a lot, that is true also, but there are quite many people who possess high self-control. **And only self-control can keep away from this. Only and solely. The values, which are inside the person, I would say, integrity, respect for the work one is doing; if he was entrusted to decide over the destinies, the people have entrusted him this work.***

*L07 I think, all three mechanisms together. Simply for some people they are placed differently. The third is on the first place, the first on the second and the last – the internal systems. First – the internal world of the man, and then... I think, the more we talk about corruption, the less there are left internal impediments not to commit it, because we turning the thing which is unacceptable into a matter of course. We, I mean all society in general, the mass media. The more you say KNAB, bribes, detentions, corruption, the more you induce in a man a thought that this is an everyday practice, everyone is doing that and the stream of the negative information is starting to press and play a role in the consciousness of a man. Initially it can be a crystal clear man, but if he constantly is seeing, that all around are thieves, embezzlers and crooks, then it is difficult to stay like this under the influence of the environment. A common citizen gets an impression, that everyone is doing that.*

### **Ethical work environment**

It some interviews respondents considered that the working environment in the institution is conducive for maintaining personal integrity. One respondent referred to a positive experience in two state institutions in which she had worked. She has added, that in some institutions it

may be different, that it depends on the leadership in the institution, which sometimes is not competent enough (see more on that topic below). Talking about possible state of affairs in other state institutions she alluded that self-control may not be efficient because some people may not be able to draw a distinction between ethical (non-corrupt) and unethical (corrupt) actions. This addition to her answer is clearly related to the discourse on tolerance/intolerance towards corruption. Concomitant to the answers was the expression of scepticism towards the ability of controlling institutions to prevent corruption. The argument here was the incapacity of the controlling institutions to oversee the activities of public officials and developed skills of individuals to evade law and commit breaches of law unnoticed (which is characterized as being part of their habitus).

*L05 I think internal... I have experience in two prestigious institutions of state administration, in which the image was important and also it was important for the employees. I don't know how it is in the agencies. But I think it depends on the internal atmosphere of an organization, how the leader relates to his employees. Whether or not the employees uphold each other's integrity, so that it would be a shame to go astray. But maybe this is because I have worked in these two institutions. I think that there is no fear from the controlling institutions. Maybe when there appears something loud, someone is caught and for a moment someone takes a thought. And I think purely rationally it is clear what is the ratio of the employees of the Bureau to the number of public officials, and that State revenue service cannot get through all the declarations. And the small corruption often is not seen as corruption. For example, if it is not the money which is handed over, but the tickets to a concert. They think this is normal. They even do not think that this may not be correct. And therefore they don't think that the Bureau has something to do with that. Although...maybe in time when the Bureau worked more with its image, there was more fear.*

A young civil servant at an agency characterized positively the ethical environment at her work, in her unit. She considered those people who worked in her unit were highly motivated to work for the state and that was one of the criteria, when she selected the employees in unit she headed. She had experience of work in other agencies and a ministry, and considered that there were many motivated people in Latvia working in state administration. One can conclude that in a certain part of the public officials the normative orientation of the work for the common good has been internalized.

*L09 I cannot say on behalf of all. But around me are people who are 'burning' for the state, who perform their work qualitatively, promptly, for they understand that this is for the state.*

*They understand that this is not their private business, but work for the state. Those who work only for the salary, they do not have enough motivation. They come to work as if with pain in teeth, in a formal way, so that they would not be thrown out. But those who are interested in doing a good job, they go deeply in details, they make extra inquiry, and there are many people like that. I build my unit from people like that. Those, who are not like that, are fired.*

### **External intimidation**

Another group of answers emphasized the importance of external control. It was only in Latvia that several respondents pointed to external control as the first in significance. The external control works through intimidating of those who can potentially commit crime. It was also mentioned that in some institutions the internal control is functioning fairly well and prevents corruption from taking place there.

L02 *For now external. It depends on the institution. There are institutions, where there are very good internal controls, as a secondary expression of the external control, when the corresponding internal units are headed by former employees of law protecting organs, which are fighting for an idea. For example, CSDD. There it is well functioning. **But if one evaluates in general, then the external, of course, is playing the decisive role. Through intimidation.***

L06 *I think that surely the first one. (...) I think... **one should not overestimate the role of KNAB, but it will always be so that it will be scary, when someone can come and detain you.** The management of the institution was bad and some 500 million is lacking... that someone can come and can catch you, it will always be the frightening factor, so I think for sure the first one. It makes at least think to some extent those who are accomplishing the unlawful deeds.*

L08 *When they see the handcuffs, the factor of fear works instructively. The activity of the law-protecting agencies can work out. **First, the force structures, then the internal control, then self-control.** But they all should work together.*

In one interview, as is seen in the fragment below, a respondent referred to her experience of leading an institution of state administration. As follows from her discourse, reliable self-control is necessary for effective steering of a large institution, because it is necessary to delegate the implementation of tasks, the responsibility and authority, whereby the internal control cannot be total and all-encompassing. She pointed in fact to the problem mentioned in the beginning sections of the thesis. She referred to the experience of disappointment, when

there was a breach of trust and the self-control of the subordinate insufficient. She pointed to the lack of capability of the internal audit in contemporary situation following the cuts in the budgets of the institutions of state administration. At the same time the national audit was pictured as being 'far away' and not entirely effective. What was new in this discourse (both in relation to interviews in Denmark and Finland, but also in Latvia) was an expression of a critical attitude towards some of the formal rules which were introduced with the aim of prevention of corruption. Some of the regulation is so complicated and rigid that it makes a public official act contrary to common sense and 'person's values'. For example, the inflexibility of some rules can be admittedly found in the regulation on procurement, which requires to abstain completely from communication with the bidders, whereby it would be both in the interests of the state and the interests of the private sector to have some communication (for example, to answer the inquiries for additional information), without harming public interests. These remarks point to some issues of perception of the legitimacy of some rules regulating the public sector. If one summarizes the arguments mentioned in the discourse by this respondent, one can conclude the following. The respondent if fact is pointing to problems in all three forms of control. Generally speaking, the self-control is described as not being sufficiently reliable. Again, the self-control was described in her account as '*person's values*', which is different from the accounts in Denmark, where values and principles mostly were described in the context of state administration.

The internal institutional control exists, but in a truncated form which makes it problematic for it to cope with its tasks. The external control through intimidation works for prevention of corruption, but its reach naturally is limited as well. On the other hand, all three factors are present and are functional to some degree, especially if compared to other countries (in the interview the respondent has made a comparison with other post-Soviet countries, for example, Ukraine; having referred to her experience of work as a consultant in that country, she made a remark that corruption there is present to much higher degree, that anti-corruption measures have mostly been ineffective there and that the anti-corruption policy in Latvia starting with the beginning of 2000s can be in general characterized as successful).

The passage quoted below is interesting also from that point of view that this high level civil servant with much experience of work in leading positions in state administration discusses the problem of delegation of authority in connection with ethics. This is a problem which has been pointed to in the introduction to this thesis with the reference to works by Simon and Luhmann. The respondent here clearly points to the idea that a well functioning institution can exist when the leader can rely on the ethical self-control of the subordinates.

L04 *I think that everything is there. But not cherishing great illusions, I think that the handcuffs most of all. All these factors, but I think that the most important is the fear. With the internal control systems, one should analyse that in-depth, but my experience in [a ministry] shows that you cannot manage an institution, if you do not trust the stuff altogether. You cannot control in details everything in a big institution. If you have five subordinates, then it is different, but if you have 200, then... And then of course you have to delegate and you have to trust. How far you as a leader can understand, what is in every single contract... And control not always works sufficiently, often it is not qualified. In order to understand in the juridical agreements, that something is not right there... And in those cases, when there is something wrong, it appears post factum. Then, recalling that, you understand, that the trust was there, until the point when you see that that person... This function depends on professionalism. Where is this function – the internal audit – it has been cut now, these are a couple of people in the ministry, they cannot do anything. [In the ministry] there was a department of control and revision. It was more like finance control. The control over public expenditure. They went to the higher education institutions and everywhere. And it was much more effective than the State audit office, which comes rarely, sits for a long time, learns at the spot, spends the resources unproductively, and the conclusion is fairly blurred... For those internal controllers, they worked for years, they knew. This function is not sufficient. The State audit office is far away. (...) But if a person has it inside himself, one can rely on that a lot, that is better than on the formal restrictions. The thing is that one cannot create that. Whether it is there or not. There are completely different conditions which determine that.*

### **Dysfunction of controls**

Another variant of answering, quite unique in comparison to Finland and Denmark, was the denial of functionality of any of the three factors of prevention of corruption. The argument was that the salaries of some categories of public officials are insufficient to prevent them from involvement in corruption. In such situation the outside control mechanisms are not effective, they cannot prevent officers from trying to obtain additional benefits using their official position. But it should be noted that such a discourse was an isolated case among the interviews in Latvia.

L03 *I think no-one of these. If the level of salary is such that it makes people search for a job in other countries, in international organizations, then this is the first, which has to be solved. This is obvious. How can a customs officer support his family? And they live and support the families. Then what do they do? That is the question. If he received 3-4 times more and*

*objectively could support the family and live, maybe this question would not have to be posed. I think there is the economic situation to a much extent. Under conditions of such an economic situation, the controlling mechanisms have no meaning.*

### **Is there an autonomous civil service ethic?**

The peculiarity of the interviews with public officials in Latvia about ethics in the state administration was that the respondents very rarely referred to generally recognized norms or principles of public sectors ethics: loyalty, neutrality, integrity, professionalism, justice, responsibility, efficiency. They did not refer specifically to these principles, with some exceptions, and did not discuss them at length. There was no discourse of any consistent state ideology or a normative image of the state, for example, welfare state or a liberal state. The state in the interviews is not described *as an ethical institution* (to use the term by du Gay), as a specific *domain of ethically charged conduct*. The respondents characterized certain knots of issues which are related to ethics in the public sector. Some respondents also alluded to a condition of flux, pointed to a process of formation taking place in the field of state administration and also conceded that there are institutions of central state administration and groups of public officials striving to follow high ethical and professional standards.

### **Materialist, short-term orientation**

In several interviews the respondents were describing the low importance, if not irrelevance, of ethical principles for those employed in state administration, if one is taking into account the low level of salaries. Even if the low remuneration in most cases does not lead to corruption, employees do not feel motivated to get a better understanding of ethical principles of state administration and be active in making them part of work. This can be seen from the meeting with employees of state administration, where public sector values are talked about. Such a topic of discussions is not perceived as serious; it is perceived as less relevant than the care for necessities of life. It is interesting to observe that in several discourses the talk about ethics in state administration is counterposed and contrasted with the care for ‘making out the living’: *„it is good to talk all these clever things but we have to take care of our families”*. One can recall from the Chapter 2 that the origins of ‘statist’ ethics in early modern Europe was a situation of social crisis – in particular, during the wars in the Netherlands – when the establishment of ethically strong state which would be taken charge of by disciplined state officials was an existential issue. In that context introduction of ethics and discipline in the state administration was a question of life and death, not a question of decoration of behaviour. In that way it was perceived by the Dutch scholar J.Lipsius, who was an author of



books on statist ethics, and many of his contemporaries (see Chapter 2). One can also make a comparison with the interview with Danish respondent. He made a point that as a state official in Denmark one has a perception that the functioning of government and welfare state wholly depends on the state official not being corrupt (see Chapter 5). That induces in the state official the sense of responsibility and strengthens his self-control. In this context it is interesting to observe that one respondent quoted below mentions that as soon as the person switches from thinking about the interest of the state to caring about meeting his daily needs, he/she turns to a short-term vision. It is one of the fundamental conclusions made by N.Elias that with the advance of the civilizing processes individuals develop more extended, more far-reaching *foresight*. Such ability, according to Elias, is an effect of the growth of actual *interdependence* among groups and individuals. Life-chances of the individuals increased when they started to take into account longer chains of interdependencies with other people, which they gradually were becoming aware of. A blocked perspective on a wider context of interdependencies and a short-term vision is a theme which appeared also in connection with other topics in the interviews (see further).

L05 *I think that the codes of ethics mostly have remained on the paper. (...) That person, who made it up for the institution, maybe has read it, but the rest... I don't think there are anywhere seminars, instructions, as it was [in the institution]. **But also, in the meetings with public officials, as they say, it nice to speak so clever, but we have to earn money, we have to take care of our children. Everything is so down to earth, for such a code of ethics... because people in Latvia like to be the servants of the letter, if one may say so. What will be the consequences, if I do not do that? Nothing? Then I will do not do anything. At the same time, if it is not written, then nothing makes us do it.***

L06 *The first thing is, if not just to get food and clothes, but if you look at the state in general... the civil servants, of course, have money for living, but they are not sufficiently and decently paid, I mean the lower level. (...) and of course in that situation a person thinks less about the state interests, but thinks, how he will get the work done and changes to the short-term outlook. (...) Ethics is a good thing, but these materialist values, according to Inglehart, are so much dominant, that there is little space for anything else. Of course, ethics is pretty 'material', it should be... but it retreats to I don't know somewhere to the background. Very roughly, for some people it is just survival, for some it is accumulation of wealth. Everything else is subordinate.*

L03 *The state doesn't have, what of the civil servants. There isn't and won't be there for some time. Everyone is just doing one's job and it trying to survive, that's all. I think there isn't. It is also a question, at what level of civil servants we are looking at. If we are looking at the whole stock of 10 000, then there isn't. Is there a need for that? How would that help them? The salary would not be higher because of that.*

L06 *I think... the attitude toward the common good and society is somehow diminishing. The attitude has become somewhat non-serious. Yes, I think this is the right word, non-serious. It is not valued too highly. Civil servants more are concerned about how I, Jānis or Ilze, can feed my family and in what way my work will help to get out of the crisis, or how to carry out the project, which will pay off in the future, I think, that this view of the state has retreated to the second or third plane.*

### **The ethical core – work for the public good**

Several respondents made an observation that in Latvia, particularly in central administration, there is a sizeable number of officials who are not cynical, who have a motivation to work for the public good and who possess ethical and technical competencies. Some respondents (three of them in particular) referred to positive experience of communicating or co-working with such officials. They are presumably high level officials in the ministries, or those who have worked there for a relatively long period of time. The respondents have pointed out that these officials have motivation to work for the common good, but did not continue this discourse by specifying other ethical principles. The main meaning discernible here was an assertion of existence of a group of people who take the state business seriously and are not there only for narrow personal interests.

L05 *Probably not, but in the ministries there is a bunch of people, who are thinking in the terms of the state, if one can say so. Who want to do better, maybe better, than it is expected from them, so that the result is better. Ideologically, I doubt. And at the lower level, I doubt, for especially in the last few years the places and salaries are cut, so they perceive their work more like a survival, rather than as a service to society. And although I don't like to explain everything with money, but yes, **if you look generally only at the level of the ministries, then you see that there is formed a bunch of fairly creative, clever and broadly thinking people.** Below, I don't think so.*

L04 *The employees of the central state administration are with a certain sense of mission, with a higher task, and they have an interest to work for the common good. The main*

*motivating factors are neither the salary, nor the material goods. One of the main motivating factors, probably like in Scandinavia, is interesting work and possibility to work for the good of society. And it works. There, where there is policy development, it is hardly possible to work well without this value. I think it is there. Now there is much bitterness. But the same people work and that is why they have come and have chosen this profession.*

In the passage quoted below a civil servant from a state agency, a mid-level manager characterized the difference between the work in the private sector and the state administration. There are more rules to be followed in the state administration but she perceived that as an advantage, as a positive feature of this particular milieu. The presence of rules and hierarchy ensures order, transparency and predictability of action. It also safeguards from sudden changes and limit the arbitrariness of those in the leading positions.

*L09 In the state administration the discretion is not so wide, law is limiting everything, at the same time if you don't want to do anything unlawful, then everything is ok, it doesn't disturb. I like that everything is in order, that the hierarchy works, that the procedure is set out and it is the same in all state administration. Beginning with the guidelines, how to draw a document to the procedure rule in the Cabinet of Ministers. Everything is transparent, understandable. In the private sector, as the boss says, so it will be. It is hard for the people from the private sector to work in state administration. They think that it is all a huge bureaucracy. But I think that it is good that it is clear, how everything should be. One cannot just come up with his initiative and turn everything upside down. In course of time everything is improving, is getting better, simpler, faster. At the same time the order is maintained.*

### **Lack of independent position**

Another theme which respondents developed in answering the question about autonomous ethics in the civil service was weakness and passivity with regards to formulation of a defensible positions on policy issues. It was mentioned as a general picture, not asserting that it is total. Again, some respondents admitted that there are opposite cases. Still, there was a clear discourse depicting a lack of a more or less clear ideological orientation (say, in the question of the role of the state in the economy) and ability to ground and defend their intellectual position in the interaction with politicians. That is seen in the following quotation in most clear form: *“I admit that we lack some skills and sometimes the bureaucratic wisdom. (...) Sometimes you cannot cope with them [politicians], of course. You lose because you cannot convince... this is what you lose. This is very complicated. There, on the top,... where there is no issue of licences or calculation of pensions – of course, this is a technical job and*

*it should be simply in order. There, on the top, where there are relationships with the politicians, it is very complicated.”*

The respondent in the aforementioned quotation is explaining the lack of ability to formulate and defend the position with the lack of a long tradition and intellectual capital. In the interview she added that she sees state administration and its capabilities in the process of formation and made a remark that it is in a way an interesting and intellectually challenging situation.

*L04 Ideologically, I don't know. Ideological orientation about the common good...well, say, - big state and high taxes or small state and low taxes – say, Thatcherism or social democracy, then you would not be able to say. People really think differently. But I think that in bureaucracy and in all society in general there is a lack of independent and critical thinking with deliberate choices, in what direction and what is to be done, what is not to be done and why. These analytical capacities are not that big. And because of that from the people in state administration there come different mythologies. The choice in favour of the big state and high taxes and social democracy has not been articulate. It is based on the fed myths, depending on what consultants one had, then these are repeated. But if you started to ask methodically, why that, why this, then these people would not be able to answer. For they have accepted something and consider that to be good, because someone has done so. Besides, in Latvia, as in province, that happens with some delay. For example, to the question, how much the state should interfere into economy, it is very hard to get an articulate, rational discussion. Rather, you would get the myths of Thatcherism that everything should be privatized and the state cannot be a good manager. Although it is possible to collect facts for completely opposite argumentation. Then, there should be an analysis, then there should be a decision. It is very hard to get there. There is a kind of mainstream, commonly accepted opinion. I think that there is a lack of independent thinking and analytical, critical approach.*

Besides the lack of the stock of the intellectual capital and – in some cases – not yet clearly mutually understood or accepted relationships between the roles of the politician and the higher state official – other respondents mentioned other factors which inhibit the formation of stable value orientations in the state administration. One official considered that often changes of governments is a factor of instability also in the state administration. This factor was mentioned in several other interviews as well. As the government changes, the top officials feel in an indeterminate situation and sometimes the work of the ministry is impaired

and, according to the interview with a high standing official in the ministry, after the change of the political leadership the department works with a lower speed for about half a year. In some cases still the change of the political leadership brings about changes in the staff of the ministry. That inhibits the development a civil service identity and the civil servants, in the view of the respondent quoted below, tend to see themselves as merely hired workforce. Yet another influence is fluctuations in economic situation, cuts in salaries and firings, the resulted speeded turnover of the state officials.

L02 *[is there an autonomous public sector ethic?] I doubt that. Because we do not have a developed bureaucracy as a group, as, for example, in the French model, which exists independently from the political power. Yes, they implement political decisions, but, as they say, politicians go, but civil servants stay. **What we have is that the change of the political leadership brings about a shaking of the civil servants and therefore the civil servants perceive themselves, I think, simply as hired employees.** I think, that strong and professional civil service would be better. Which is able to defend its point of view, which implements political decisions, but to some extent softening some extremes, which follow from the political decisions. I would like to see a professional civil service, in the good sense. But I admit, that in some ministries there are **civil servants, who are able to defend their point of view.** Maybe such a model works in the Ministry of Defence. On the one hand, the bureaucrats, on the other hand, the military service gives an internal core.*

L07 *[is there an autonomous public sector ethic?]Yes. 20 years is long enough period for it to get formed. But here this corporate culture is exposed to external influences. First – the economic crisis. (...) The main trend is the below there are inert people and without a position. They are ready to work from the morning till the evening and if not necessary, not to work at all. The main mass is just like that. Here the factor of timing is very important. Everything in here with us is going on very slowly. It is not important, which deadline the higher standing official will designate. As a rule, it will be changed. It is not common here to implement things in time. If a term is designated, in my practice in 9 out of 10 cases it will be changed.*

### **De-motivating environment**

There was named and discussed other group of factors which do not hinder the formation of professional value orientations within state administration. This factor is unfavourable influence of leadership on the employees in state administration. In the first quotation below the respondent puts forward a discourse of an unethical politician – the leader of a ministry,

who by his unethical behaviour sets wrong example and in some cases makes the officials implement incorrect, unethical or unlawful decisions. The discourse pursues the following line of argument – if those on the top of the political system, persons possessing more power, act unethically, how one can expect that the subordinates will act ethically? This line of reasoning can be often heard and the author has encountered it in communication with state officials in Latvia. The politician here is described as powerful and unethical, unscrupulous and without necessary ethical self-restraints. This is exemplified by the instances when the politicians do not resign after big mistakes and even in the face of the pressure from the civil society continue to fill the post. The respondent contrasts this situation with examples from the countries with longer tradition of democracy. Unwillingness to resign is interpreted as a sign of insufficiently developed conscience – in such cases ‘one cannot talk about ethics at all’. The ethical climate and situation in state administration is seen as a consequence of the activities of the *political elite*.

*L01 Why do ministers abroad know themselves, when they should step aside? They should not be told – leave the office. One careless action, one rash sentence and the politician steps aside. Here, you can't drive him out with the stick, a person who roughly overstepped the ethical norms. Roughly violated the values. He even does not think about it. He thinks no, everything is all right. And so, society sees that. He overstepped and everything is all right. The young people learn that. And until we start to follow the ethical principles from the 'bold' ones, until a minister, who has lied, or prime minister who has lied, will not come and sit before society and say, sorry, I lied, and because of that I step out – and all people in Latvia will be stroked down and will start to think: something is changing, therefore, probably in my place, where a I am and fulfil certain function, something will change... Maybe, my child should be shown this example – look, he has done so, and he retreated. I tell you, I do not believe that in Latvia something like that will happen in a foreseeable future. I don't hope. All that begins with the political elite. And then it comes down to the state administration, which is an executive [branch]. Then it comes down to the civil servants, who carry out the tasks of higher civil service. They understand, that this is not correct, but they come over themselves and still do that. It is hard to overstep an ethical norm only one time. Then it becomes a routine, it becomes a norm, and nothing special happens. Well, I did something wrong, so what? Look, this one has done that before, that one has done that before. The only one among ministers whom I remember was Turlais, who stepped aside. When the tragedy in Talsi happened. Others I even do not remember. In some cases, when they were pushed and pushed and pushed. And if there were much negative information, then, yes. And there maybe only*

*some cases like that. Others – no. Neither politicians, nor ministers, nor higher public officials. Each will hold until the last. Although one cannot speak about ethics for a long time.*

*L04 One should make a comparison before the crisis and after the crisis. Because maybe not directly in relation towards corruption but the moral situation in the public administration has changes in general as a result of crisis. And our politicians are guilty of that. Because the bureaucracy, the state administration was made a scapegoat in a very unfair way. In the mass discourse, in media discourse the civil servant have been made the main causers of what happened. Which is, first, not fair, and second, is offending. And if you are doing a sociology of what the civil servants are thinking today about their work, about the state administration, about the relationships, about the values and so on, then the picture would be sad, at least my intuition is saying that, so much as I spoken to various audiences. Because the repetition all the time for two years that you are useless, you are too many, you all should be fired and not only from uneducated persons but also from politicians, from the leaders of opinion – that has played a very negative role. I think that in 2007 the moral situation in the state administration was more normal, respectable, more corresponding to the standards of the Western Europe, than now. I don't know how to express philosophically carelessness... apathy has come.*

In another interview the respondent chose the similar argument but in a more generalized form: the whole environment is not motivating the employees in state administration to be active in following the principles of public sector ethics, in particular, he was talking about the attitude towards the principle of the service to the common good. He mentioned the factor of internal environment in the institutions and the weak leadership in the institutions. As the argument goes, it is difficult to work meaningfully for the common good if there is a lack of long-term goals and visions. The respondent adds a small salary as another factor, also in comparison to those on the higher levels of hierarchy and those working in the private sector. The effect is that there develops a 'negative attitude' towards work and the duties are carried out superficially. In addition, there has been much negative information in the media about state administration, painting it in a negative way. As a consequence, a negative image of state administration has been formed, which also is a de-motivating factor. The result of these processes is that employees tend to leave the civil service, and seek the jobs in the private sector or abroad. The theme of leaving the state institutions has been picked up by several respondents and also is touched upon in the interview quoted below.

*L06 The question is a topical one. Because in the time of crisis and after crisis, when the society gets off the road, the long-term vision disappears, the belief in the state, in the future,*

*then, of course, the state officials should be those who bring this belief back . And if the civil servants themselves lose this belief, then it is hard to work for one good, that is the state, Latvia in this case. And second, it is hard for themselves to make an effort to perform their duty. Very superficially perform. That is the worst of all in fact. For, looking form my perspective, if you work in state administration, then you of course cannot come to work undressed and the state should supply the livelihood and good working conditions. And that you feel satisfied for what you have done. But I think that in connection with the crisis at the end of 2008 this attitude of the civil servants towards the common good has become such that... the civil servant less evaluate the common good. Something like that: I have this work, if there is a better job, I will change it, because the salary which I receive in the ministry is ridiculous, this is not human. (...) And the financial aspect influences this outlook. And mass media also influences the way how this picture is made, that there are many wealthy people, and politicians and civil servants... one should see the difference. The civil servants are the executives. The ministers are much more the beneficiaries of the decision-making than the civil servants. (...) And I have heard that the companies which work with both public and private sector and train the leaders, they say that in the public sector a big minus is the management of the staff. The managers do not know how to motivate the staff. Not only the salary, but there should be an atmosphere. And if the environment is not stimulating, then...the goals disappear, vision disappear and the whole home breaks down. And it ends up that the work is not liked, the work is stressful, there are negations, and negative attitude towards the work. And finally one breaks down and leaves. There are people who stay but they feel unhappy all their life. Many people say that. I have friends, who work in state institutions, they do not look happy. Which means that something is wrong. One thing is the salary; the other is the goal and everything else, which should be there, in order to work...*

*L05 There are advanced people at the level of ministries, who are present on the conciliation meetings. Then cooperation and communication are oriented towards result and is positive. But at the same time, when a letter comes in from another institution and they request something then it is derided and replied formally, just to get free of it. The real cooperation between institutions is rare and it would be advisable to expand it. (...) In working groups between institutions or coordination meetings, when there are questions about the functioning of institutions in general, there one can often come to a conclusion that the qualification of the leader does not correspond to the leader's position. Purely from the point of view of management, the leaders lack the skills to unite the collective, to create organizational values.*



## **Relationship between politics and administration**

### **Differentiating and positive discourse**

There was no one common pattern in describing the relationships between politicians and administration. Some respondents characterized the relationships between the minister and the higher state officials as „*normal, collegial relationships. There are questions, where the minister gives his political vision about the subsequent development and then we have to prepare the policy documents and solutions*”(L08). The high level civil servant considered that there are no absurd political decisions with which the civil servants have to deal. Closely in connection with the issue of collaboration between the political leaders and the civil servants was the question of life-span of the government. There are instances in Latvia when with the change of government a minister keeps his position and in a particular case a minister has remained in the office uninterruptedly for eight years and has also enjoyed positive evaluation of his work by the society. One respondent has pointed to the existence of different kinds of patterns of relationships between ministers and civil servants.

L03 *I think that these cannot be characterized in a definite way. These may change from one parliament to another, from one cabinet to another, from one party to another and then there are individual cases in each institution. (...) It may be the case that the state secretary is very strong and he is taken into account, he may work for a long time. And there are cases when the state secretaries change with the ministers. Maybe a separate case is a state owned corporation. And unfortunately in most cases the change of management there depends on political changes. Such is situation in Latvia.*

L03 *Probably there is [trust between civil servants and politicians]. That is topical when the political power changes. Then it is evaluated, what has been done before. Taking into account that the average life of the government is a bit longer than a year in Latvia, it is clear that situation is not stable. You can't compare with Finland. There the government works 4 or 8 years. It is a sufficient stability, then one can see, what the cooperation between politicians and civil servants is like. One can judge after rotations of the higher level civil servants. Probably there have been cases. But I don't think this is systematic. One should ask, why do they go. Whether another job has been found or there is strife or there are other reasons.*

## Critical discourse

There was also another discourse about the relationships between politicians and civil servants by two experienced officials, who have had direct interaction with the political leaders of the state institutions. After having made a comment that the relationships between politicians and administrators can be different and there are cases of productive and positive cooperation and mutual understanding, she went on to characterize the general picture as ‘complicated’ and ‘very critical’. She made a brief systemic overview of the political system in general and put forward a view that the most problematic element in it is the political power. The political power, or, to put it differently – the political elite – is characterized as corrupt, oligarchic and amenable to external influences. The political activity of such elite leads to mistakes and problems in governing the country for which the civil servants are made unjustly responsible. It is interesting to note that in course of this talk the respondent makes a point very close to one made by V. Ganev about interaction of ‘predatory’ political elite and the state administration (see Chapter 5). The respondent considers that having in place ‘deformed political constructions’ much of the work of the civil servants is made *useless*. The respondent has mentioned a specific example from the recent past, which was not included in the quotation, for the sake of discreetness. The respondent sees the biggest problem in the political system of Latvia is the ineffective system of political representation, which in turn is related to problems in party finances and questionable elections law.

*L04 Relationships between the state administration and politics are complicated. In my opinion, they are critical. In the first place, I think that one of the most important problems of the development of state of Latvia and the state administration is unreformed and non-analysed and of dangerously low quality political system. And if we look how the political system is built, there is political power, for it determines goals and priorities, political power which represents the interests of the society; then there are civil servants, then there are institutions and then procedures. Out of all four elements the most critical is the political power; which does not represent, which represents other interests, which is can be influenced, which is corrupt, oligarchic and indeed there is a fusion with the media, which is incorrectly financed with the corrupt elements inside. Everything else are consequences. What I have said in the first question, that the state administration is blamed... this is miserable and it is very easy for the politicians... **that ethical level that we have got is very low and the political circles lie without any restraint. And precisely the politicians are those for whom it is easy to make the civil servants the scapegoats, the culprits of all things. Under such situation the relationships cannot be very good. And the second side is that the political constructions here***

*are so deformed that in reality because of those the result of the work of state officials in many cases is simply needless and is thrown away into the dustbin. And this is the most demoralizing. What can I think about our political leadership, which all there recommendations about the reforms (...) After that it follows that no decisions are taken (...). **Under such conditions the talk about constructive relationships is meaningless, this is not possible.** The truth is that when the protest was ripe, the in the Dome square one could see more than one civil servant. These are the relationships. The reason is disorganized political system, disorganized financing of parties, bad election law, which creates every time even worse representation. Knowing this entire kitchen, I can say that the best parliament was the higher council elected according to the Soviet laws. It was the most qualitative.*

In another version of the critical discourse on the relationships between politicians and civil servants the respondent described an experience of illegitimate pressure from the minister. The event the respondent was referring to happened a number of years ago (the respondent did not specify when it took place but it was understandable from the context that she was relating the experience of maybe ten years back in the past). The theme of illegitimate pressure from the political leadership was prominent in her discourse. She described in detail methods of pressure, and these details are not included in the quotation. Her remarks concerning her perception of the present situation were related to the problem of changes of personnel of the state institutions with the change of the political leadership. She considered it one of the major problems in state administration in Latvia. In her argumentation the change of the civil servants with the change of the political leadership cause a situation, when the civil servant ceases to be an independent professional (to which one could add – with the appropriate professional ethics), but merely an instrument in the hands of the politician. She has asserted that it is ‘quite widespread’ that the politicians tend to change their subordinates choosing the new ones according to political or personal connections.

*L01 Everything that you have said is correct. In the civil service, there are of course various levels. Politicians usually meet with the higher level civil servants. They practically do not meet with the executives. They meet with the higher level civil servants, these are the managers of institutions, directors of departments and so on. And here I would like to say one thing – one should have a very strong position, big courage, in order to oppose in some cases the political leader. For example, from that position, which I had, I was a state secretary and I had a minister of [...]. **The minister wants to take a decision, which is absolutely unlawful. And I have only two options: to take an unlawful decision, to sign this unlawful decision, because a politician will not sign it, it should be signed by a state secretary, or to refuse to***

*do that. There are only two these options. And I know what will follow if I refuse to sign. That means that I will be fired from the job. They will find a reason and will fire me. I chose not to sign that and left the ministry. It was clear for me that I cannot work with that minister any more. After several years there was a court. I was a witness there. If I had signed, I would have been the accused.*

*That the political leaders try to put in the offices their party comrades, that is a fact. That is a fact. The greater part is doing that. One should be of unusual honesty in state politics in order to put in the responsible offices representatives of other parties only because they are good professionals. **That that is happening unfortunately quite widely, that in offices there are put own [related] people, is Latvia's weak point, one of the weak points. That makes the state administration weak and politicized.** That means that if one puts ones' party comrades in the offices, they fulfil certain political order. He is not a dangerous professional any more, I am sorry. He is an instrument in the hands of a politician. That is our weak point. It is even worse, when the second stage sets in, when this leader starts to change the employees in his institution, by putting people close to the corresponding political power. They are not always the best professionals, but an obedient instrument. This in Latvia, I would say, is quite widely spread. And this is one of our greatest disasters.*

The respondent in the next quotation expresses the same view about the turnover of civil servants and other public officials with the changes of government. He relates these phenomena to the reason of financing of political parties: the political appointees in his view help to supplement the budget of the respective political party through donations paid from the income in the designated office.

*L02 The politicization itself... first of all it is difficult to judge, how extensive it is, the politicization of the state apparatus. But even if one imagines, that it is fairly politicized, I think not the politicization itself, but more the tie to the financing of the parties – again, my guess. Not to the ideological influences. Besides, the financing I would put on the second or third places. First of all – the distribution of offices to related people, then there is some part just to put the connected people in place, but a part goes as a source of financing of parties. Through the members of parties or appointees, who are outside of the party, but who were placed by a certain political force.*

The last quotation in this section is a discourse opposite to one in the beginning, namely, that in general the level of cooperation in the administrative field is low, and that pertains also to the interaction and communication between the politicians and the civil servants.

L06 *I think that generally the cooperation... non-cooperation is one of the key-words. Between politicians and the civil servants, the civil servants live their own life, taking into account the size...maybe the number of civil servants has been inflated, often they are overloaded with work. Between the ministries is a weak cooperation, according to the rules something has to be done, then they come together and reluctantly, well, what will he say again, what job will he give again. I think this non-cooperation... and how it was written in one research paper, how to improve the quality of the diplomacy and it was there that each ministry lives its own life. Of course, there is [cooperation], when state secretaries or their deputies come together, but altogether this level of cooperation in the state is very, very low. This is an impeding factor.*

## **External influences**

### **Problem of distinguishing between lobbying and corruption**

When talking about the external influences and lobbying, several respondents put forward an opinion that society has difficulties in differentiating between lobbying, which is a legitimate activity in democratic societies, and corruption. Some respondents expressed an opinion that lobbying in general is seen as being very close to corruption or is corruption itself. There is present a suspicion towards lobbyists that they are trying to influence public officials in an unduly way. Some respondents made comments that the officials themselves are not sure how to relate to lobbyists and interact with them and have 'reservations' towards lobbyists. Another respondent considered that the lobbyists themselves have not sufficiently mastered the methods of proper lobbying and 'often cross the border'.

L02 *In our country society people still cannot distinguish well enough between lobbying and corrupt influence. Lobbying in the proper sense of the term is entirely normal phenomenon. Here society still, maybe in last year began to distinguish better, but still closely associate with corruption.*

L03 *If a person represents certain branch and is fighting for an idea, that is all right. Rather there is unhealthy attitude towards that from the society. And because of such unhealthy attitude, the civil servants are reserved towards the lobbyists. I think there is no enough education about these questions.*

L06 *The question is about understanding of this process and I think that in the case of Latvia... if the society gets to know that you represent a certain group, entrepreneurs, for instance, the attitude would be sceptical. For the lobbyists are those who will offer bribes to*

*the state officials. In the world this is a normal practice, but in Latvia the understanding of the concept of lobbying... not only in society, but also among public officials. In the American or European understanding, lobbying is a normal way to achieve the interests. You represent a certain social group. The problem in Latvia is that often the border is crossed in relation to the decision-making, the right solution. It doesn't sound very well in Latvia. And these specialists are not very well prepared as in Brussels, where they attend special courses, collect the experience for years, so that it would be a legitimate way. I think that in Latvia this school has not been gone through and if they cannot make it out through the democratic methods, they take up maybe not so correct ways and break the law. That is the big problem.*

### **Critique of the present normative regulation**

Most of the interviewed officials were well aware about the measures undertaken by the Cabinet of Ministers and the anti-corruption bureau to provide legal regulation of lobbying. Those, who expressed their opinion about these measures (the concept and a number of rules) were critical towards them. The critique was targeted at its too formalistic approach, which causes confusion in relationships between the officials and representatives of civil society. One respondent in her answer implied that the regulation presupposes that a state official does not have an internal ethical regulation; that leads to excessive regulation, which in effect may not work as it is supposed to. She considered that in order to have 'normal' relationships with the private sector, the internal self-regulation of state officials should be present.

L03 *There was a conception. But the way it was implemented in the ministries – that there was a journal, that one should register, with whom you have met, then it is better not to write than to write, so that unwanted questions would not arise. I think in the ministries the implementation was formal, just to tick it out.*

L04 *I don't think that it works. For example, that one should publish all the people who had come to talk to you. This requirement is in conflict with fairly trivial norms of behaviour in society, what is considered an acceptable way to behave. That is impolite. You cannot do that to a person. And in order to perform your duties, you need a professional network. Many things go through the procurement. You need a network of contacts also in the private sector. You need to be in good relationships with them. **That relates to the question, that we have an awful distrust, attempts to turn everything into formal regulation, which makes it all meaningless and tough.** The internal ethic should be inside everyone. That he meets with someone and talks, doesn't mean that he will take a favourable decision towards him. But he has a duty as a public official to communicate. To hear all interests and needs. The decision*

*is yours, it should be for the common good of the society. But you cannot behave as a dinosaur. The needless formalism is harmful. That results in the end that it is not followed.*

### **Examples of external influences**

Interviewed respondents mentioned examples of lobbying in the state administration which is in their opinion informal or incorrect. The theme of lobbying, its formal regulation and behaviour of the actors involved in it is significant in the context of the problem of *autonomy* of the state and its administrative apparatus and civilizing of the relationships between politics, administration and society. Uncontrolled external influence, informalized lobbying can diminish the autonomy of the state. The respondents quoted below admitted there is informal and non-transparent lobbying in state administration. According to one respondent, it is mostly informal, when the agents from the civil society represent business. The formal mechanisms of communication between state and society on the level of administration work, not all influence is channelled through them. One respondent admitted that the influence on the officials is exerted on the highest levels of administration in a way which is not transparent to the lower civil servants.

*L02 I think, mostly informal. Formal channels work, when the interests are defending those, who according to the definition are defending the interests of a certain group of society – the labour unions or economic branch organization. What pertains to business, I think mostly informal contacts, with the exception of [a major lobbying organization]. They are considered to be the formal lobbyists of the employers, but in reality they represent quite narrow interests of big employers.*

*L03 Rather the influence takes place at the highest political level, that agreement, and then the civil servants are given concrete tasks to do that or another way. I think that is more widespread. Clearly, the ministers disclose to the most trusted civil servants the essence of the thing in the full context, and then this particular civil servant turns all that in particular actions, probably without showing all the context, why that should be done.*

According to general definition of lobbying, the process involves interaction between a state official and a representative of civil society. When another state official is exerting influence on the decision making, generally this is not considered ‘lobbyism’. Respondents quoted below mentioned examples of influences of narrow, particularistic interests, which could not then be termed lobbyism in the technical sense. Some of the examples can be termed ‘patronage’, especially when the respondent described the flows of finances from the centre to

the local governments. In another quotation the respondent is alluding to what can be termed 'state capture' (see Chapter 5 for the discussion about state capture in post-communist state-building). This respondent is expressing that in a clear form, commenting that in her view there is no lobbying involved, because 'there is nothing to lobby, they are themselves in power'. What one can conclude from the passages in this section is that the discourse of non-transparent and not wholly legitimate influence on authority is present in the interviews with the respondents.

L01 *Of course, that this is mutually connected [trust and lobbying]. And what I have said before – placing to an office and say promotion of particular projects, distribution of the money of structural funds, - I can continue the list. All that is very often related to lobbyism. That also is lobbyism. And if society sees that, that decreases the trust. These are closely related things. That is clear enough. But what is clear, I go back to the point above, about which we were talking, only a small portion of employees of state administration can be involved in lobbyism. Probably 5-6 per cent, 10 maybe. Others honestly fulfil their duties. And often do that with resentment, for although they see lobbyism they cannot influence anything because they are executants. But in the society there is a perception that almost everyone who is working in state administration is involved in lobbyism – that is by no means so. But it affects many things. For example, we have seen for years how certain territories develop. That is a typical example of lobbyism. For example, a certain coalition holds power, I will not mention any particular party for each of them sinned; so there is a certain party which holds power and money is granted to that local government, where the public officials are that party's members. That pertains to everything. That pertains to education institutions, renovation of institutions, cultural questions; I do not mention roads, infrastructure, economic development and so on. (...) And if a political decision is made, then the lobbyism is clearly seen; one can clearly see narrow interests or interests of small circle of the society, or interests which are directed towards oligarchism, a certain group of people, who are receiving personal gains, not the common good, that civil servant as an executants very often is forced to execute what has been taken by the politicians in the normative acts with reluctance. At the same time they understand very well, what is the common good, in the talks between themselves they talk with anger, with intolerance, with pain, that this is so.*

L04 *The most typical is the question about taxes. It is worth to analyze that. (...) At that time there was formed a council for fiscal politics with all commercial banks and so on. Nothing got out of it. Before the crisis. What was created during the crisis, also very strange. And there is a question, why the deals with the real estate were not taxed. You can speculate as*



*much as you want. These deals were not taxed. But this is the ground for the bubble and everything else. And I think that it is certain that there was an influence, it does not happen simply like that, not because of foolishness. And during the crisis what was passed, maybe imposition of dividends with the profit tax – but for how long time it was not there. And in general, the income policy, which is directed to robbing a small man. Absolutely wild capitalism and in fact serves the interests of the wealthy. In addition I think that even there is not a lobbyism mechanism, it is the election mechanism, which has assured that. You do not need to lobby anything, they are all in power. They have the power, they have got the media...*

## **Prestige of the work in state administration**

### **Work in public administration as fairly prestigious**

In discussion of prestige of the work in state administration two types of discourses can be discerned. The first type credited the work in state administration with reasonable prestige. There were named 'obvious' reasons for considering work in a state institution as prestigious: employees are necessarily educated, possess expertise in a certain field of governance, it is a stable work and a state official partakes in governing of society. Higher salaries can add to the prestige of the civil servants. To the question about society's evaluation of the work in state administration the respondent quoted below replied that the blame of the work of the political system, if such is there, is not directed particularly towards the civil servants or at least not the lower or mid-level state officials. It is the higher state officials which are blamed and therefore civil servants do not need feel the critique as directed to themselves.

*L07 I think, yes. Any work in state administration implies that you are educated. Any person, a drop-out cannot be accepted to the work in state administration. With that you prove that you have achieved a certain level, that you are a specialist in a certain sphere. (...) Second, it is stability. (...) Having come to a state service you can be sure that if you don't want it yourself, you can go from there only to a pension. (...) so this is safe and again, prestigious. Third, there is a sense of being a part of the state mechanism. This is an additional stimulus, which any civil servant has, no matter what rank. I stand here, I govern, I am a part of the process, we, civil servants govern you, society. Some time ago there was higher salary than in business, now it became even.*

*L02 Fairly prestigious. But it will be really prestigious, when remuneration will be made more even. We have created a unified system, but it depends on the financial situation of a*

*particular institution. There are big differences between salaries. And the outcome is such that a head of a unit in one institutions receive salary which is smaller than a beginning employee in another institution. This does not work for prestige. (...) when it will be clear that a head of a unit or a state secretary in the ministry receives a serious salary, then it will work for prestige.*

### **Work in public administration as non-prestigious**

Another type of discourse evolved along the argument that the work of a state official in public administration is not prestigious because of the negative evaluation of mass media and society. It was mentioned in several interviews that even in the circles of acquaintances a person is hesitant to say that he or she work in the state in public administration. The example of the argument is seen in the quotation below. The general public opinion is critical towards the central state institutions (the parliament and the government) and the lack of trust towards these institutions casts a shadow of distrust to the state administration as well. Respondents stressed the negative image of the civil servant created by mass media. Some of them remarked that the media often makes unjustified generalizations from cases of maladministration or misbehaviour. The severe critique from the mass media by several respondents was evaluated as incorrect. Some respondents considered it as a sign of generally incorrect blame discourse with regard to publicly known people, especially if they can exercise state authority. Some respondent, considering the general public opinion as being distorted unqualified, expressed their independence from the public opinion. In their view, the work in state administration has its value and if one fulfils the tasks of the office with integrity, one can be proud of doing this work. From the point of view of the Elias's theory of the civilizing process (and his later more specific studies about self-image and habitus) it can be inferred that the consciousness of prestige helps to maintain a stable self-control. It can be seen from the interviews that some respondents do not feel the background of the positive evaluation of their work. It comes out from the interviews that they seek the support for their self-control in a more personalized and individualized sense of integrity.

**L01** *The prestige of a public official in Latvia has been destroyed. It is considered almost a shame to say that one works in state administration. That was accomplished successfully, first of all, by the media. Which have turned the word 'civil servant' to be a swearword after all. At least into very bad word. A civil servant is something very bad. My god-daughter finished a faculty of law and was offered a job in a ministry. She started to work there and she says, god-mother, when I am among youngsters, I do not confess that I work in the ministry.*

*Because that has been made to be everything that we have been talking about – that you are corrupt, that you for sure steal, that you can be bought and everything else what one can want. That has been cultivated for years. **Therefore, the prestige is very low.** (...) But what I would wish. That one day that thought would start to dominate – that it is an honour to work in state administration. And this is a thesis of the soviet time, what I have been telling you. In those times it was an honour to work in state administration. Because in the civil service one could come only with 1) very high professionalism, 2) impeccable reputation, 3) respect of society. And I know the state administration and I can say that there are very many people who are like that. And it is clear that I have felt it to be an honour to work in state administration. And if we do not arrive at situation, when it will be a matter of honour to work in state administration, we will continue to sink juridically, economically, in education, in culture and so on. If it becomes a matter of honour to work, then those who are the best, the most educated, the most professional will strive there, and the things in Latvia will get organized. But I am optimistic and I hope that it will sometime happen.*

*L04 Well, in reality I don't care what that society thinks. My level of self-esteem makes me feel that this is a respected job [laughs]. And I do not care what they are barking. This is so – what you yourself feel and what society feels... But I think that this is a respectable work, but society, of course, after all that which has happened and has been said...[does not finish the saying].*

*L03 I think that not. And this is to a great extent a politicians' problem. By not trusting the state power, the parliament, society does not trust also the salaried employees who work for the politicians. All that is connected.*

*L05 No, which is perhaps one of the problems. It is valuable when you feel responsible before society, that you serve society and that it is great. But everyone is vilifying you and think that you drink coffee from morning till evening. Which perhaps happens here and there unfortunately. I think that it is not quite prestigious. In Riga it is for sure not prestigious, only if you are not a high level leader. But in smaller towns, in a branch institution... in the sense that it is a stable work, in that sense it is more respectable.*

### **Comparisons with other countries**

Image of other societies complements the picture of collective self-image of the professional group under study. Not every respondent had sufficient information about state administration in other countries. Still, some of them have had experience of working abroad or had other sources of information and could compare state administration in Latvia with other countries.

The common trait in the discussions on the topic was that Latvia can be considered to have a system of public administration exceeding in quality the countries to the east of its borders. Respondents regarded the quality of state administration in Latvia to be better than, for example, in Georgia, in Ukraine or countries of Central Asia. But the quality is lower than in the Nordic countries, for example, in Finland or Norway. Two respondents expressed opinion that the administrative culture, in Finland specifically, surpasses that of Latvia. The arguments mentioned in the case were a greater awareness of the service to the public good, more fully internalized values of service to the state, but also a more stable political system: the life-span of governments is longer, which allows for more elaborate planning, the relationships between politicians and civil servants are more collegial.

L04 *[I have worked ] in Ukraine. They have passed anti-corruption laws, but in that culture it will not work, and they can't establish an institution. In the following years our anti-corruption bureau can go there and consult and nothing will happen. The clans there... that is unshakeable. Totally hopeless. And at the same time the regulations on conflict of interest are implemented in an absolutely foolish way, but all that is just to tick it out. Although that perhaps is not any 'top' from the point of view of corruption. Further in the Middle East is still worse. Romania is one step ahead. The European assistance is noticeable, all kinds of projects have been on eradication of corruption. **But also, I would say, in Latvia that still has been much more internalized – still some kind of borderlines. Of course, also the fear factor.** Still, in Latvia the detentions with the handcuffs have been watched, in those countries, no. These are political processes. If one wants to get even with someone, then they will arrange something, but this is not the real case, these are political processes. **So we can say that we are a big step ahead of that entire former region.** It is hard to compare with Estonia, I know little about it, but on a large scale I think that we are similar. If you compare with Finland, then of course... I was shocked, when I learned that the prime minister was found in some corporations... I was stricken down, that there still is... But it is worth to study Finland and this is a state with which I try to maintain best relationships. In order to bring that light here too. And there are some things quite simple. To begin with, the election system is different there, there the parties are financed from the state budget. The relationships are different there. There people do not fight so much for power. The coalition can fall in one way or another, but once it has been formed, it works for four years. It does not fall as it happens here. And it gives you a lot. There the government really is planning for the term of its authority, for four years. This is a basis for a mid-term budget, that is a basis for calculation*

*of expenditures, which should be followed, it is a basis for the budget deficit – for clear planning, the priorities. The relationships with the civil servants are totally different, they are completely collegial. There isn't what we have here. The culture in the administration – the whole model is 'inside', there is little regulation. There are less prohibitions and the fuss is less, that here. The situation is better. For example, I have been looking for Ukraine... The controlling functions. The example for education. Where the education inspection is located in different countries. I drew a table, where, what kind of functions and so on. In Finland: the education inspection has been liquidated, it is not there. The money, which was for the education inspection, is moved to the education of teachers. That's it.*

*L06 If we take the Scandinavian states, I have studied in Norway, I know this mentality. And Inglehart mentions postmaterialist values and mentions Scandinavian countries as an example. We are lagging behind in that respect. There the common good is quite salient. And there, I have a couple of acquaintances in Finland who work in state institutions, they have a consciousness that they are doing all that for some kind of common goal, it is not like I fight here, I try to diddle someone. Maybe not so brutally, as one can hear in the private sector, but ... that I will manipulate, so that I will be able to get that good and preserve this image. That mechanism is quite pronounced I think. In Scandinavia society rather appreciates that bureaucracy is needed. That one cannot survive without bureaucracy. It should be joined together with the state. In Latvia unfortunately the critique is very pronounced, there are many negations, which deters the young and bright to go and work in state administration. And the state administration institutions do not motivate sufficiently their employees.*

*L03 [it is good that] we are not like civil servants in Georgia or some other republic, but for some time we will not have such level of civil service as in Scandinavian countries. It won't be as in those Scandinavian countries [soon].*

### **Employment conditions**

The question of employment conditions appeared in the context of discussion about the factors contributing or impeding the formation of professional value orientations of the civil servants. The tenure of office and stability of work were mentioned as a source of prestige. In discussion of the factors of risks of corruption or development of professional ethic there was brought in the theme of low salaries of civil servants, especially after the economic crisis in 2008. Small salaries, especially of those in lower hierarchical positions, make the civil servants seek opportunities for jobs elsewhere, in the private sector or abroad. In some cases,

according to the respondent's view, small salary can be a factor for corrupt activity. Some respondents have commented that worsening of economic conditions and cuts in salaries made civil servants less motivated in the performance of their work. In particular, one respondent has mentioned a shift in the horizon of perception of the civil servants to a more short-term perspective.

*L03 I think that because of the crisis we are moving towards the former USSR republics, with low qualified, low paid and apparently badly motivated civil service. I think that one moment in the course of development the state will have to think over all that, in the context of migration, economic situation and everything else.*

*L03 If the system of payment is such that it fosters one to look for a job in other countries, in international organizations, then this is the first thing which should be solved. That is quite simple.*

*L06 If a line civil servant has a salary of (...) Lats, or less, then this is not serious. During the crisis many people were fired and the functions re-distributed and of course formally the units have been changed. But in the ministry [...], if people have been fired, then the functions were handed over to the remaining people and the salary cut to 25 per cent and then there was added 1/3 of functions, then of course a person would less think about the state interests but rather how he would cope with the [current] work and then switches to a short-term vision.*

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There were mentioned cases of corruption and unethical behaviour in state administration in each studied country; none of the countries were clean from corruption altogether. Among the included cases, officials from Denmark appeared to be more confident of the low level of corruption, of high level of ethics and in rendering corruption as utterly unacceptable. In the interviews with the respondents in Denmark the principles of ethics of civil servants were expressed more articulately. These were formulated also in the interviews with civil servants in Finland. The respondents in Denmark and Finland could relate the norms of behaviour of public officials with the history of the state and its administration and interpret the meaning of these norms for their activity and the functioning of the state. The interviews with the respondents in Latvia appear as more contradictory and the content could be characterized and ethics in the process of formation. The normative orientations also appear to be more internalized in Denmark and in Finland. That the meanings of ethics of civil servants especially in Denmark were described at greater length and detail can be explained with the

theoretical approaches used in this thesis. In course of long and continuous state formation process norms of behaviour (loyalty, obedience, neutrality, prudence, integrity, objectivity, expertness) are crystallized as the standpoints governing the action in the situations which could put the actors in the field of state administration at risk; these standpoints are stabilized as expectations of professional conduct and internalized by the civil servants in the civilizing process. In the next Chapter I attempt to formulate the preconditions for strengthening of ethos and self-control of public officials.

## **Chapter 10. Analysis: explaining the strengthening of ethos and self-control of officials in state administration**

Although in this thesis I put in use general sociological theories (for example, the theory of civilizing processes by Norbert Elias and the theory of sources of social power by Michael Mann or systems theory by Niklas Luhmann) the generalizations that I formulate in this chapter are made on the basis of the cases I have treated in the research; the validity of these generalizations is claimed only for the cases included in the thesis. It is in line with the methodology of case studies and comparative historical analysis in the social sciences that, although the generalizations arrived at may be extended to other cases, these remain grounded in the examined cases (Mahoney, Rueschemeyer 2009: 11).

### **Autonomization of the state**

The relevance of the concept of the autonomy of the state for the study of the factors of formation of the ethic (ethos) of public officials can be readily seen from the general conceptualization of the autonomy of the state by Michael Mann. His thesis is that the infrastructural power of the state gives rise to its autonomy from other social actors and their influences. This means that the state acquires its own agenda and its own 'reasons'. In his study of bureaucratization contained in the second volume of "The Sources of Social Power" he shows that bureaucracy gradually became 'separated' from civil society and this 'separation', or 'autonomization', of state apparatus has remained a tendency of state formation up until nowadays. The concept of autonomy of the state has been used in conceptualization of political corruption in research on corruption (Philp 2002). On the theoretical plane of the thesis I have tried to combine this notion of autonomy of the state with the Elias's theory of the civilizing processes by linking the processes of social differentiation, integration and centralization with the processes of autonomization of the state and departmentalization of the organs of government (see Chapters 2 and 3, Šņitņikovs 2011). Having set the process of autonomization of the state within the theoretical context of the notion of civilizing processes, one can see how autonomization of the state gives rise to a new habitus and ethos of civil servants (Ibid). Indeed, Michael Mann considers that 'insulation' of state bureaucracy from society gives rise to its distinct ethos (Mann 1998: 422). Michael Mann generally follows the sociological approach of M. Weber who viewed social life as divided in distinct life-orders, bureaucracy being one of them, and who used the term 'autonomy' (*Eigengesetzlichkeit*) as an explanatory concept (Roth 1987: 83).



The autonomy thesis can be further extended by the use of sociological concepts set forth by N. Luhmann. In his theoretical perspective, autonomization of the political and the state administration means functional specialization of this area and comes about as a consequence of functional societal differentiation. Functional specialization of the autonomized politico-administrative sphere gives rise to internal differentiation and increase in complexity, as a response to the need to regulate this sphere's relationships with its environment (society and social actors) (Luhmann 1982, 1985:100). (It could be noted here that for Elias the increase in complexity of a 'part-process' such as politics is associated with the increase in the ability to control that process (Elias 1996: 336) which can be conceptually linked to the autonomization of the state.) The increase in complexity and internal differentiation in turn means proliferation of area-specific rules and regulations which establish area-specific stable 'generalized normative behavioural expectations' (Luhmann 1985:77) and facilitate and prompt actors' (officials') area- and role-specific behaviour, or comportment. This is important since I define professional ethos as a set of (internalized) occupational role-specific normative orientations. The examples here in point are rules for recruitment based on qualification, rules regulating promotion, various kinds of internal instructions for conducting official business and so on. Societal differentiation, to continue in Luhmann's perspective, produces relatively autonomous abstract part-systems. There increases a need for their self-observation, self-description and theoretical reflexivity, to ensure their unity by means of differentiation from the environment (other part-systems) (Luhmann 1985: 286). According to the argument, because these part-systems are abstract, their unity can be sustained by virtue of reflection and self-reference. For Luhmann, self-reference is a means of sustaining unity in the social systems. It is at this point of formation of state administrations that one can observe appearance of the discussions of *integrity* in the civil service and the problems of corruption, as a violation of integrity. Characteristically, the case of Denmark provides an example of a text from the beginning of the 19<sup>th</sup> century written by a civil servant discussing standards of proper conduct and, specifically, integrity and unacceptability of bribery in discharge of official duties (Chapter 3).

Incidentally, this reasoning in line with Luhmann's sociological concepts leads to an outcome which is close to I. Hunter's use of the term 'ethos'. Hunter included the idea of reflexivity in the concept of ethos. In his conceptualization, 'ethos' is a result of a reflexive attitude of the subject to himself by means of adopting a certain 'anthropology', or normative self-image. The subject perceives and problematizes himself by means of this 'anthropology' and thereby transforms himself through 'the work of the self on the self'. The difference in the approaches

is that Luhmann operates on the societal and structural levels, whereas Hunter works with the examples from the history of philosophy and sociology of knowledge and academic groups.

Besides the treatment of the concept of the autonomy of the state diachronically and in processual terms, one can use it in 'synchronical' analysis of the external and 'heterogeneous' influences on the state. The examples of these influences are non-transparent lobbying and various instances of 'corruption'. It is in this context that one can analyse the ways in which the issues of lobbying and corruption are dealt with in particular cases in the study – in Denmark, Finland and Latvia.

If one looks at the case of Denmark in long-term perspective, one can see that autonomization of the state was a process evolving over several centuries<sup>12</sup>. One can trace the beginning of the process from the period of Reformation and most definitely from the outset of the era of absolutism in 1660. It has been a long-term process. The king was striving to strengthen its power by founding a *loyal* civil service and by basing its authority on several social groups of gradually differentiating society. Civil servants were a separate and socially acknowledged group already in the 18<sup>th</sup> century (Knudsen 1995: 123). On the example of a 'manual' written by a Danish civil servant one can see the formation of a particular set of value orientations – civil service ethic and a mode of self-control, peculiar to this group, as a consequence of this process. The Chapter 7 analysing interviews with state officials in Denmark shows how the issues of external influences are perceived by contemporary public servants. Corruption, bribery are perceived as utterly unacceptable on the level of general public opinion and on the personal level. It is seen in the interviews that non-tolerance towards corruption is a thoroughly internalized value orientation among civil servants. Public servants perceive the question of lobbying as being well regulated on the legal and institutional levels. The formalized channels of lobbying are perceived to be functioning in an orderly way, allowing for regular consultations between the representatives of civil society and the state. The other aspect of the question was a 'flexible' way of communication between the state officials and society. The interviewed officials admitted that communication with the private sector is not always completely formalized but the general perception is that in these contact the state official remains within the limits of his official role.

The autonomy of the state of Finland has evolved in a different historical context. The independent state of Finland emerged in 1917. The administrative history of Finland,

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<sup>12</sup> That is in agreement with N.Luhmann's general conclusion: „Securing relative autonomy for the political system has been, from a historical perspective, an extremely long process of development, full of setbacks...” (Luhmann 1982: 142).

however, shows that even in the period when it was a province of Sweden, it was governed bureaucratically, as there were applied the methods of governance introduced in Sweden in the 17<sup>th</sup> century (see Chapters 3 and 4). The central government in Finland was brought into existence with the formation of autonomous duchy in the beginning of the 19<sup>th</sup> century. Finnish expert in administrative history Seppo Tiihonen considers that later on there were several factors strengthening autonomy of state administration in Finland. Using ideology of strict legalism the state administration opposed the external cultural and political influences from Russia in the period of ‘oppression’ at the end of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup> century; by the same means it resisted the influence of socialist and communist ideologies in the interwar period and later, after the Second World War. Strict adherence to the principles of law and preserving the autonomy of the due administrative process has been the central ideological orientation of civil service in Finland. Interviews with public officials in Finland show that non-tolerance towards corruption and bribery is referred to as mostly internalized, cultural value. Transparency in decision-making on the administrative level is mentioned as one of the core values in the public sector. The principle of transparency directly applies to the interactions between state officials and the representatives of civil society. Legalism and equality before law were other important value orientations mentioned by the respondents which pertain to the autonomy of the state. These value orientations appear in the interviews as well articulated and internalized as professional values. Nonetheless, it came out in the interviews that there are factors of risk which may challenge the autonomy of decision-making process. Among those there were mentioned the informal networks between representatives of business elites and political and civil service elites; besides that, the respondents could mention individual cases of corruption where civil servants or politicians were involved.

Bureaucratization of state administration in Latvia was a comparatively late development. Patrimonial administration was in place in the territory of Latvia still well into the 19<sup>th</sup> century. The inter-war period witnesses the processes of modernization in state administration. The autonomy of the state administration, in its aspect of differentiation from the political system, however, was diminished with the introduction of authoritarian regime. The Soviet system of government after the World War II was a peculiar case of a ‘double’ system of administration, whereby the Communist Party interfered in the operation of state administration, bringing about ‘irrationalization’ of the process. The Soviet period has also been analysed by researchers in the aspect of its mechanisms of informal redistribution, which in terms of the theoretical framework used in this thesis can be conceptualized as

*informalization* process. The interviewed respondents gave evidence for the impact of these informalization processes on formation of habitus of people affected by them. The period after restoration of independence sees modernization of public administration. For the description of external influences affecting autonomy of the state in the period in question there can be used studies of administrative corruption or those attempting to identify political corruption or ‘state capture’. It comes out from the interviews that a firm non-tolerance towards corruption is not a universally established value orientation among public officials and citizens. Some respondents in fact admitted that corruption among some officials and groups in society is tolerated and is nearly a norm, though some officials affirmed that most officials have never had any relation to corruption and abide to ethical standards in performance of their duties. For indication of not entirely internalized value orientation of non-corruption there can be taken answers to the question about factors preventing corruption. Several respondents considered that the main factor which keeps people from corrupt behaviour is a threat of law-protecting agencies. Some respondents have elaborated on this point and even alluded that integrity as a value-orientation is not sufficiently internalized (see Chapter 8). The comments about the issue of lobbying are telling in this context as well. Some respondents evaluated the formal mechanisms of lobbying as not being the main channels of the influence from society or businesses and presumed that the influence on the decision-making in many cases is informal.

What comes out from this analysis is, in my view, an empirical support for the suggestion that the process of autonomization of the state and its apparatus as a social macro-process is a general causal factor which gives rise to and strengthens professional value orientations of officials employed in the state administration, for the cases included in the study.

### **Continuity of state formation and administrative developments**

The hypothesis concerning the impact of continuity of state formation and administrative developments on formation of stable self-control, and, specifically, the ethos of public officials, is derived from the work of N. Elias. In his study of the civilizing and de-civilizing processes in Germany he arrived at a conclusion that a continuous state formation process is a factor affecting formation of stable self-control on individual and collective levels. His examples of such continuity included France, Netherlands and Great Britain. In my view, Denmark and Finland, for the case of the study of ethics in state administration, are precise examples of continuity. The case of Denmark in this regard is straightforward: Denmark is the oldest monarchy in Europe which has never completely lost its sovereignty from the time of its foundation (partial exception is German occupation in World War II). Moreover, Denmark

from early modern time has been internally peaceful, it has not experienced violent unrests, civil wars and revolutions. The state administration has not been discontinued throughout early modern and modern periods. Continuity of state formation and administrative developments in Finland is not so apparent, but is argued by Finnish historians, sociologists and political scientists (see Chapter 4, Tiihonen 2012). Finnish political scientist Seppo Tiihonen considers that with regard to the administrative developments, there can be discerned a continuity of tradition and developments in Finland beginning from the ‘Swedish’ period in the 17<sup>th</sup> century.<sup>13</sup>

It might be possible to consider bringing forward a stronger structuralist claim about ‘ethical’ path dependency in Denmark and Finland. The argument could be developed by claiming a start of such paths in the ‘critical junctures’, for instance, in 1660 – in case of Denmark (the time of introduction of absolutism) and in 1634 – in case of Finland (the time of establishment of the Swedish Form of Government). The argument might be considered as plausible, taking into account that some recent studies seem to show, that after introduction of absolutism in Denmark corruption had been gradually diminishing (Frisk Jensen 2008, Knudsen 1995).

As it is seen from the interviews in Denmark and Finland, the theme of continuity and ‘tradition’ is a part of self-image of the respondents. Some respondents have argued that certain professional ethical principles evolved throughout a long stretch of time is a part of their habitus. This is seen particularly in the interviews with Danish respondents. The respondents from Denmark have referred to ‘tradition’ starting back in the 17<sup>th</sup>, century, 1848, ‘150 years ago’, or ‘in past 800 years’. Some of the respondents referred to the importance of ‘long-term developments’. In Finland the respondents mentioned ‘tradition’, ‘culture’ ‘Swedish times’, ‘Reformation’, ‘16<sup>th</sup> century’.

The theme of discontinuity of state formation in Latvia has been discussed in Chapter 5. Characteristically, the theme of historical heritage was not prominent in the interviews with the respondents in Latvia. The events considered to be important and of consequences for present conduct and activities of state officials included the Soviet period, the moment of restoration of independence, Latvia’s joining of EU and NATO in 2004 and recently, the economic crisis in 2008.

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<sup>13</sup> Interview with Dr. Seppo Tiihonen, Helsinki, 8.09.2011.

### **The ‘reason of state’**

The term ‘the reason of state’ is one with a long tradition in social sciences (Botero 1956; Foucault 2007:255). A significant meaning of the term is one stressed by Max Weber, namely, that a public official has an orientation to the reason of state as to something ‘objective’, as contrasted with arbitrariness. In a more specific sense the reason of state for Weber was the imperative of the state to defend itself and to survive by maintaining or changing the distribution of power among social agents. This can be related to the notion of the state as a survival unit put forward by N. Elias. In the present context I use the term in a broad sense, denoting a long-term (or mid-term) non-particularistic purpose orientations of state officials.

Furthermore, two different meaning are important here. In the text of the thesis (Introduction and Chapter 4) I have referred to the idea of Reinhard Bendix that for a well functioning political system there should be a ‘common understanding’, or a common ideological framework, shared by the politicians and the civil servants. Existence of such a framework facilitates cooperation between the political leadership and the administration. Another aspect of the notion of the ‘reason of state’ here is an idea of ‘embeddedness’ of state apparatus in the wider societal context put forward by Michael Mann. That means that the state officials share some basic value orientations with the rest of society. In the chapters on state formation in the selected countries this theme has been briefly outlined in the discussion of the processes of democratization, nationalism and the welfare state. It has been my hypothesis that crystallization and a clearer perception of such ‘reason of state’ – in a broad sense of the term – has an effect of bolstering the professional value orientations of state officials and strengthening their ethical self-control. For, admittedly, it gives a stable point of reference to other professional value orientations and a sense of confidence and legitimacy of the role of the state official. Some support for this hypothesis could be seen in the chapters on state formation. For example, Risto Alapuro discusses civil service in Finland in the interwar period as carrying the central societal values of ‘martial unity’, unification of society, national identity and moral regeneration. Literature discussed in sections on welfare state nowadays also can be seen in this perspective. The connections between the ethical principles of state officials (loyalty, integrity, neutrality and impartiality, obedience, prudence, expertness), the shared set of value orientations in the political system (democracy, consensual decision-making, welfare state) and the broadly shared societal values (equality, extensive public sector, transparency, democracy, solidarity) can be identified in the interviews, by the means

of discourse analysis. To various degrees these connections can be found especially in the interviews in Denmark and Finland. In the case of the interviews in Denmark there have been particularly clear cases of affirmation of *mutual reinforcement* of the values of integrity and solidarity, or integrity and welfare state, or integrity and equality, or loyalty and democracy, or professionalism and trust and so on. In the case of Finland one can detect the links between integrity and transparency, integrity and equality, integrity and welfare state and so on. What one can see in the case of Latvia, on the other hand, is a ‘complaint’ of state officials about the lack of support for their ethical self-control from the political system and society. The governments are said to be unstable and there has been pointed to the lack of a long-term vision (or strategy) of development of the state. Society, the public opinion and the media are said to be unjustly critical to the work of state administration, incorrectly generalizing individual breaches to the whole state administration and spreading ‘negations’ in general. When the discussion of the ‘reason of state’, embeddedness of state administration and societal values is placed in the context of the theory of civilizing processes, one can bring forth an argument, that these value orientations express not only social constraints; these mark a certain level of development of foresight – another important concept in Elias’s theory. This concept has been used in the chapters on the interviews with officials. For Elias, foresight is an awareness of an actor of his interdependence with other social actors and employing this awareness in steering of one’s conduct. The idea of interdependence between an ethical civil service, the political system and the whole society has been expressed by the respondents closely with the discussion of the professional value orientations. For example, a Danish respondent has affirmed that as a public servant in Denmark one is acutely aware that the welfare state is wholly dependent on the state officials not being corrupt, invoking in his discourse also values of social cohesion and solidarity. On the other hand, a respondent in Latvia has mentioned that in his opinion people cannot connect corrupt behaviour with the general level of living standards in the country. In sum, it can be said that the development of the reason of state as a standpoint of action and stabilization of that in expectation towards the conduct of state officials fosters the development of the virtue of political prudence discussed in Chapter 1 and, moreover, that the awareness of *meaning* of administrative action or functions is linked to self-control.

### **Employment conditions**

Importance of securing financial stability to civil servants was pointed to already by Max Weber in his *Economy and Society*. As one of the causes of corruption he mentions irregular

or insufficient payments to civil servants. From the point of view of Elias's conceptions, one can argue that security in general, including security of meeting certain standard of living, is a precondition for development of a stable self-control. That follows from his study of the civilizing processes. Tim Knudsen considers that regularly paid salaries was a precondition for relatively low level of corruption in Denmark back in the 18<sup>th</sup> century. He considers the financial capacity of the state to be a significant factor here which he links to a geopolitical context. In his view, Denmark was able to pay regular salaries to its officials and keep them from corruption in the 18<sup>th</sup> century, because throughout that period Denmark did not participate in major European wars which depleted the purses of other states (Knudsen 1995:120). Interviewed officials in all countries mentioned this factor as important. In Denmark, several respondents commented, that there is no reason to get involved in corruption, because the salary a civil servant receives is enough to 'live a good life'. This factor is reinforced, according to the respondents, by relative equality of the level of incomes in society. The similar line of argumentation could be identified in interviews in Finland. The theme of salaries was present in the interviews in Latvia as well. Some respondents admitted that before the cuts following the financial crisis in 2008 there was felt a motivation for work among the employees in state administration. After the cuts in salaries many employees left the public sector. Small salaries according to the comments in the interviews diminished interest in work actualizing problems of short-term character. Another aspect of the discussion of the level of salaries was the theme of prestige and honour, which is another factor which I consider to be relevant for formation of ethos of public officials (see further).

Besides the salaries, some respondents have mentioned the advantage of tenure in office for the civil servant. This feature was pointed to in all three countries. In addition, in Denmark and Finland in connection with the theme of the employment condition there was discussed an issue of long, sometimes life-long career in state agencies. Some respondents have presumed, that a pattern of a life-long career in the civil service in the last two decades has been becoming less widespread. Young people enter civil service sometimes with a motivation to acquire an interesting and valuable experience. Then they may move to the private sector. There are also cases, when after having worked in the private sector, they come back to the state administration, filling leading positions. But the life-long career has been mentioned as a factor of socialization and internalization of attitudes and professional value orientations specific for the public sector. Thus, respondents in Denmark mentioned 'a whole set of attitudes' and 'storytelling' into which new civil servants are socialized. One can further extend the discussion of this factor into the theme of esprit de corps and the styles of



leadership in the organization. In the interviews some respondents in Finland and Denmark have pointed to a deliberate effort of the management of agencies and ministries to communicate with the employees about the ethical principles and value orientations, the long-term plans and visions of the organization. The respondents referred to these measures as contributing to creation of a collegial spirit and ethically charged environment. There has been a further discourse about the 'value management' and particular techniques of personnel management, which facilitates the process of internalization of professional value orientations.

### **Self-image, prestige, honour**

The hypotheses about factors clustered in this section, again, are derived from the works of Norbert Elias. In his later works he considered that the structure of self-image influences the pattern of self-control and behaviour. The effect of the structure of self-image on the patterns of behaviour have been discussed by Elias both in macro and long-term perspective (Elias 1996) and in a 'synchronical' study on the micro-level of a town community (Elias, Scotson 1994). Both perspectives are relevant for the analysis of factors, shaping the ethical self-control of state officials.

The basic propositions here are quite simple. Stable and positive self-image is a factor of strengthening of self-control, both on individual and collective levels. Positive self-image is related to the issue of prestige. Prestige in turn is linked to the actor's position in the figuration with the particular power-balance inherent in it, the actor's power ratio in relation to other actors. Higher power ratio is linked to a higher prestige. Higher prestige demands a more thorough self-monitoring and self-control. With the reference to the works of Elias and application to the subject of the thesis, these links have been described in the chapters.

In the context of Elias's long-term study of the civilizing processes, 'stability' of self-image is mainly derived from the continuity of development and in particular, state-formation. This theme has been discussed in the introduction to Chapter 5.

Collective self-image was one of the themes in interviews with public officials. Particularly telling example in this respect are texts by Danish respondents. The theme of positive collective (societal) self-image was noticeably present in the interviews in Denmark. The public sector and governing institutions were characterized as 'the best system you can have', 'legitimate', 'we are the best' and in similar terms. Corruption was seen as virtually non-present and as taking place 'somewhere elsewhere'. There was also a theme of positive ethical self-image. Some respondents made remarks that Danes are proud of themselves, 'to the

extent that sometimes is a little too much'. Respondents alluded to a widespread opinion about Danes as being particularly moral. There could be distinguished themes of *ethical superiority* in the self-image in the interviews. In the context of Elias's concepts, these phenomena can be seen as regular. The groups which see themselves as established, possessing a higher status and prestige, tend to develop positive self-image and a sense of superiority. The sense of superiority in relation to other groups (in present context – other societies), according to Elias, tends to reinforce self-monitoring and self-control, because the group in question is cautious about preserving its high status as a condition for maintaining a positive self-image. In one interview a state official in Denmark characterized corruption as something 'base' and 'undignified'. The theme of historical self-image weaved into the discourse of the collective self-image and ethical value orientations. Long history of Denmark was seen as a value because in course of it there were developed legal, ethical and moral norms. But also it gave a sense of a rich cultural capital to be taken care of, as there is an 'interest in preservation of what we have'. For the respondent there followed from that an *imperative to act in ethical way*, because otherwise there is a risk 'to shake the boat too much'.

The notion of honour was not emphasized in the interviews in Denmark, because the respondents doubted whether it is applicable in an egalitarian society. Though in relation to the institutions with a strong *esprit de corps* the notion of honour was commented upon. Acting in a corrupt way can damage the honour of an officer and the corps, therefore it should be avoided.

The theme of positive collective self-image was present in the interviews in Finland as well, although not in such pronounced way. The positive self-esteem could be distinguished in the texts by public officials, when they considered non-tolerance towards corruption as being ingrained into culture of Finland and Finnish people. Intolerance towards corruption was seen as a part of a culturally inherited attitude. There was also a discourse about pride of being less corrupt country than other countries, in the well-functioning public sector and generally a society exemplifying social-democratic values, for example, gender equality and equality in income level. In the interviews there were examples of a positive self-image and historically grounded identity of the civil service. A respondent considered the identity of the civil service to be a factor first in importance for prevention of corruption. As he stressed, the identity of the civil service goes back to the 19<sup>th</sup> century, when it played a crucial role in preservation of autonomy of Finland in the face of external pressure. This fact (or the particular historical

interpretation) was perceived as strengthening the morale of the civil service up until nowadays.

Respondents in Denmark and Finland expressed similar opinions about factor of the positive image of the state (in the meaning of the governmental agencies) as being important for the employment issues, because prestige and positive evaluation of the state as an employer maintains the work motivation among employees and helps to attract qualified workforce. In both countries state as an employer is positively evaluated in the public opinion surveys.

Another theme in connection with self-image and ethical self-control is related to the issue of *power position of bureaucracy*. For Elias, power position within a figuration is linked to prestige, self-image and therefore self-control. Agents with greater power-ratio tend to have a more thorough and strict self-control (Elias, Scotson 1994, Elias 1996, 2008). The theme of power position of bureaucrats in relation to politicians was particularly noticeable in Finland. It could be seen from the comments of the respondents, that 'bureaucrats are powerful', 'bureaucrats rule the society', that politicians value and rely on the expertise of the civil servants. The issue of the power of top civil servants in Finland has been documented in the literature (Arter 1987). In the interviews respondents confirmed that the role of the civil service is important in formation of government, in composing the government programme, in proposing policy measures and as a matter of fact, the ministries in an interview with a Finnish civil servant were referred to as 'legislative institutions', pointing to the fact, that in most cases legislation originates in the ministries. In the interviews the officials appeared to be aware of their power position in the political system. Top officials in Finland were described to be seen as equals to the politicians.

A common theme among respondents in Denmark and Finland in connection with the issue of power position of the public servants was their role in the welfare state and negotiations with the 'social partners'. In a sense, it could be said that a civil servant in the Nordic countries in question, is a representation of a societal value of an extensive public sector, the welfare state. This is one of the reasons for the sense of legitimacy that civil servants enjoy in these countries. As respondent in Finland commented, "there is a sense that the welfare state is back there"; a Danish respondent remarked, "the welfare state is a big thing in Denmark". Societies of Denmark and Finland are perceived as being led by consensus, that is, in the process of preparation of major policies collective social actors are invited for negotiations. The role of the civil service here is to provide the legitimate arena for these negotiations, to steer them and to draw a proposal based on them. In some interviews it was admitted, that because these

negotiations are so central for a well functioning system, the political process on the level of state administration might be seen as no less important than the parliamentary political process.

The interview material obtained in Latvia is more heterogeneous. Some respondents expressed an opinion that the work of a public official in state administration is fairly prestigious, because it requires a high level of qualification, it is stable, fairly well paid, in addition, the civil servants take part in the governance of the society. Other respondents pointed out that the prestige of the work of the civil servants is quite low and in general it is not well appreciated in society (they referred to a negative image of the bureaucrats in the mass media); and it is not well paid. The contradictory character of the image of civil servants has been documented also in other studies (Laboratory of analytical and strategic studies, 2005).

Negative self-image according to Elias is linked to a less strict self-control. The theme of a 'blame' and 'negations' in constructing the image of state officials in Latvia has been discussed in Chapter 8. In one interview a respondent in Latvia drew a straightforward link between the negative image of state administration and self-control: "The more you say bribes, detentions, corruption, the more you induce in a man a thought that this is an everyday practice, everyone is doing that and the stream of the negative information is starting to press and play a role in the consciousness of a person. Initially it can be a crystal clear person, but if he constantly is seeing, that all around are thieves, embezzlers and crooks, then it is difficult to stay like this under the influence of the environment" (see Chapter 8).

### **Country-specific variations**

The conclusions drawn in the previous sections of this chapter can be subsumed under the category of what Charles Tilly calls 'universalizing comparison', which aims at identifying a common pattern of the working of factors leading to a particular outcome (Tilly 2006). The 'individualizing comparison' aims at explaining the specificity of the individual outcomes of the social processes (Ibid) and will be outlined in this section.

The striking feature of the political and administrative developments in **Denmark** is their continuity and also an early differentiation of state administration into a distinct sphere of action. Civil servants' loyalty to the king and later to a more impersonal legal order was a corresponding development. In Denmark one finds a tradition of natural law which served as a means for legitimating of absolutism. This tradition of natural law was a factor reinforcing the validity of political and legal order. Introduction of bureaucracy in Denmark in 1660 in

the form of a collegial system and later in 1848 in the form of a more strict hierarchical system were factors of disciplining and inculcating of obedience in the corpus of civil servants. The gradually specializing organs of state administration called for professionalization of state officials and respecting normative orientations placing high value on expertness. Earlier, in the 17<sup>th</sup> and 18<sup>th</sup> centuries that meant substitution of generally educated officials for jurists and later, in the 19<sup>th</sup> and 20<sup>th</sup> centuries increasingly the inflow of civil servants trained in economics and other social sciences. There is a strong notion of neutrality in the Danish civil service which has its historical background. It was a result of a political struggle between the left and right in the arena of political and administrative institutions. In the last decades of the 19<sup>th</sup> century the civil servants decided to step out from this struggle and maintain a politically neutral position (Knudsen 2009:141). Integrity reflects a demand for consistency of actions within the part-system and its development can be observed since the formation of institutional conditions and demands for specialized role-specific action in state administration, which in Denmark began in the 17<sup>th</sup> century. The political and institutional demands pressed for efficient and responsible action. This orientation was reinforced by the tradition of natural law, and one can find evidences that this tradition was internalized at least by individual civil servants back in the 19<sup>th</sup> century. The strong notion of what I have referred to as the reason of state, that is, a set of ideas about the purposes and democratic foundations of the functioning of state institutions is what nowadays serves as reinforcement of the notion of proper conduct in the public office. Ethically positive notion of the state is a part of self-image of state officials and the ingrained expectation of expectation.

The salient feature of the ethos of civil service in **Finland** is emphasis on strict legality. Studies in political and administrative history show that this is partly a legacy from the 'Swedish' period, partly a value which crystallized in course of Finland's transition to independence and struggle for autonomy and partly it reflects later constellations of factors, such as generally politically neutral civil service and democratic welfare state. The continuity of the administrative tradition has been argued by researchers of the history of state administration (Tiihonen 1999). When the autonomous duchy of Finland was formed in 1809, it overtook the Swedish constitution and norms of administrative process. The new governmental organs stacked to this legal tradition and adherence to law and moral attitude to law was a means of defence against the centralizing forces of the Russian empire. One of the peculiar expression of the value of legal certainty was the institution and continuation of the collegiate boards, the administrative bodies functioning alongside ministries. Finland

overtook the tradition of collegial decision-making from Sweden, dating back to 1643, and was abandoned only in 1993 (Savolainen 1999:139). The state administration in Finland also possesses a strong notion of neutrality of civil servants. The crystallization of this norm can be traced to the struggle between the reds and whites during the civil war and subsequent stabilization of the regime. In the aftermath of the World War II neutral position was an outcome of the political struggle between the right and social-democratic camps. A peculiar characteristic of the Finnish state administration is its relatively small ministries and large agencies, or subordinate institutions. This development historically is linked to attempts to preserve the administrative and legalistic culture intact from excessive and particularizing influences of the central government. Finnish political scientist S.Tiihonen considers that there is a tradition of protection of the autonomy of state administration in Finland. In the 19<sup>th</sup> century and beginning of the 20<sup>th</sup> century there was protection against the influence of Russia, in the interwar period there was protection against the Reds and then, after the Second World War the protection was raised against the influence of the Communist Party. The protection of the autonomy of state administration was from the external political influences but also, as an extension, from the influences of local society and businesses. He considers that the changes of this tradition started to appear in the 1980s.<sup>14</sup>

In Finland there is a tradition of a notion of equality, and is conceived as equality between sexes and various aspects of citizenship. It came out from the interviews that the notion of equality and its extensions works as a factor strengthening integrity and self-control of public officials. Again, the notion of the welfare state serves as an ideological gyroscope and a point of reference for judgements and expectations directed to public officials and the expectations of expectations of the latter.

The authors of the World Bank's report on corruption in post-socialist countries argued that the Baltic States in course of their transition radically broke with the Soviet past and that explains their relatively less corrupt administrations when compared with other post-Soviet countries (World Bank 2000:xxi). That is, these states strived to establish institutions and legal framework that would ensure functioning democracy. The pre-war experience of statehood was helpful in that endeavour (Ibid). Democracy presupposes that there are certain ethical notions shared among public officials, such as the notion of integrity based on delegation of power, service to the common good, observance of the rights of citizens with regard to state power etc. Moreover, the newly formed (restored) state could use the advantage of the latecomer, adopting the laws and institutions designed after the best practices

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<sup>14</sup> Interview with Dr. Seppo Tiihonen, Helsinki, 8.09.2011.

known in the world. That was actually the case, for example, when the anti-corruption programmes and legislation were drawn in Latvia. The interviews in **Latvia** actually reflect the mood of enthusiastic state-building in the years following the independence. That has also been reflected in the literature on the period of restoration of independence. The opportunity structure encountered by the politicians in the post-Soviet countries can explain the 'predatory' behaviour of political elites and the evidences of political and administrative corruption in transition period. Instances (though mostly indirect evidences) of state capture and political corruption blurred the notion of the reason of state and weakened the ethos of public officials. The interviews with state officials in Latvia provide the evidence for this. According to later studies by the World Bank the hold of the state capture in Latvia has been diminishing (Anderson, Gray 2006). Lacking of a long tradition of administrative culture and consolidated or specified and shared notion of the reason of state, an important factor of strengthening of self-control and ethos of state officials becomes the positive law. There is an ongoing effort to improve the laws and rules to ensure control and place limitation on the potentially corrupt or unethical behaviour of officials. Under these conditions the formation of role-specific normative orientations is taking place under the influence of factors of external regulation and control and heavily depends on the ability of officials to learn the normative expectations set forth by the positive law. The chapter on political and administrative developments in Latvia combined with the evidences of the interviews provide a picture of the ethos of state officials in *the process of formation*.

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Theoretical argumentation and research presented in this thesis, in my view, allow to corroborate the **hypotheses** formulated in the Introduction. That is, first, the cases analyzed in this thesis show that the long and continuous development of relatively autonomous politico-administrative sector facilitates the development of professional, role-specific normative orientations of the public official which function as a factor preventing corruption. Second, the awareness of the meaning of professional norms governing the action in the state administration is linked to a greater demand on the individual's self-control in the context of professional activity, which again has a function of prevention of corruption.

### **Evolution of ethical principles of conduct of state officials**

In this section I would like to summarize the conclusions about the specific historical conditions which facilitated the formation of certain patterns of conduct specific to state

administration and formulate these in a more general way. The generalizations formulated in this section are grounded in the selected cases but are also fused with the theories and the arguments contained in Chapters 1 and 2 so that these conclusions might ‘travel’ to other country-cases too.

I defined professional ethos of public officials as their occupational role-specific normative orientations. Professional ethics deals with the norms of conduct governing the actions in a particular role-context. In case of public officials the role is historically known as an ‘office’. In Chapter 3 I quoted German scholar Udo Wolter, who regarded the office as a kind of representation, requiring intellectual abstraction. Summarizing the theoretical discussion in the chapters of this thesis I would define a bureaucratic office as *a representation of a generalized will of the sovereign (supreme political authority) in administrative action*. In order to come into being, the bureaucratic office requires the presence of a definable authority, typically embodied in a centralized, territorial state. In a classical formulation by Thomas Hobbes, a sovereign is a representative of a society (that is, those entering the political compact), but the officials are the representatives of this supreme representative. In sociological perspective here one enters the problematic of formation of a centralized political authority, the state, and the formation of administrative apparatus subordinate to it and serving its purposes. Following N. Elias and N. Luhmann one could say that the conditions for formation of the central political authority include the differentiation of society, growing functional specialization, increasing interdependence of the actors in the society on each other, which give rise and power to the relatively autonomous central coordinating organ, which in turn grows and internally differentiates. Following recent state-formation literature one may add the factor of military competition or defence and attack functions, which stabilize the political authority in a particular territory. The delegation of power thus formed gives rise to offices which perform administrative, governing functions in the name of the supreme political authority, the sovereign in other words. This development introduces a more sharp distinction between the role, that is, the office, and a person, which are not clearly differentiated under patrimonialism. The ‘office’, the official role develops as an abstraction, but, as N. Elias mentions, the development of ‘abstractions’ usually are linked with the development from a lower level to a higher level of synthesis (Elias 1995:59), which in this case corresponds to a development of the state as a higher and more abstract level of integration (‘synthesis’) of the societal system (that is, more abstract than for instance the local community). The process of delegation of authority, as P. Bourdieu pointed out, gives rise to the bureaucratic field (Bourdieu 2004).



To ensure the stability and integrity of the political unit the state officials are required to be obedient and loyal to the ruler's political will. In the beginning (that is, if one takes an example of Denmark, right after the introduction of absolutism, in the 17<sup>th</sup> century) the obedience and loyalty are perceived in concrete terms, as the relationship to the king. The following developments increase the complexity of the governed society and the governing administrative organs. These result in the attempts to 'reduce complexity', to use Luhmann's expression, by instituting more rules which the administrative action should follow. Again, the growth of administrative tasks and functions increases the demand for delegation of authority and discretion of public officials. These developments gradually substitute the personal obedience and loyalty of the officials to the king for the loyalty to a more impersonal legal order. The obedience and loyalty become increasingly *generalized*.

Socio-historical demands which foster the development of political prudence include the rise of the reason of state, that is, the necessity to evaluate the consequences of actions from the standpoint of the interests of the state; the development of foresight in political action and the growing number of and interdependence between the power actors within the politico-administrative field necessitate the evaluation of the chances of conceived actions taking into account the positions and power-ratio of the involved actors.

With the growth of complexity of society, and the increasing need to manage it, the legal order gradually substitutes the reference to religion as the means of legitimation of the political authority. This development can be discerned in the case of Denmark. In a succinct definition by N. Luhmann, law represents congruently generalized behavioural expectations. The political system and the system of law intersect. The management of society according to law develops certain normative orientations of the civil servants. One of these is impartiality, not holding any pre-defined preference to any party involved in the case. Development of legal techniques of argumentation requires from a civil servant to be attentive to the correctness of the application of legal norms and principles and to exhibit thoroughness in his work. Fairness is required when a civil servant has a discretionary power to distribute advantages in situations of competing interests.

The further development and differentiation of the political system into party-system gives rise to another normative orientation of the civil servant – political neutrality. With the institution of parliamentary elections the differentiation between administration and party-politics sets in. The civil servants learn to be loyal to the political leadership but at the same time to remain to be loyal to a more abstract legal order and 'the state'. As example of

Denmark shows, the civil servants learn to be detached from the political struggle, to remain politically neutral. The notion of political neutrality was forged in the context of struggle between the Right and the Left, both in Denmark and in Finland, whereby the state officials chose to stick to a neutral position based on loyalty to the legal and constitutional order. In Latvia political neutrality in state administration came about in the context of the break with the experience of its membership in the Soviet Union. In the last decades the civil servants are increasingly involved not only in ‘implementation’ of the policy, but also its formulation albeit from a more detached, non-party perspective. The quality of a detached expert, a knowledgeable professional has been valued in the civil servants historically for a long time; nowadays this is increasingly so, especially as the civil servants are required to become proactive and innovative in proposing policy solutions.

With the process of democratization bureaucracy acquired a quality of ‘embeddedness’ in the society, to use the expression by Michael Mann. The ideal of the popular sovereignty left a mark on the sense of civil servants’ membership in the political community. This democratic sense of membership, according to Patrick Dobel, strengthens the integrity of the public officials since it reminds of the civil servant’s promise, in some cases a formal oath, to serve the common good of the society.

I define integrity as consistency of actions as evaluated from the standpoint of the requirements of a certain role. Integrity makes possible the actions to be expectable and predictable. The abstract unity, the consistency, and the integrity of the role-specific conduct is upheld by the process of self-reference and self-reflection. In these arguments I generally follow the approaches by N. Luhmann and P. Dobel. The *internalized expectations* – the ethical habitus formed in the process of state formation and administrative developments – actuate the self-referential processes and put demands on maintaining the consistency in the performance of the role of public official.

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## Appendix. Questions for interviews with public officials in Denmark, Finland and Latvia

| Theme   | Questions  |
|---|--|
| <p><b>Corruption/Integrity</b></p> <p>Individual perception of corruption</p> | <p>There are measurements of spread of corruption in particular countries. What is your perception about the level of corruption in your country? Is it a characteristic phenomenon, is it considered a problem in the society and among public officials (cases)? What kind of corruption is more widespread? What is considered to be a driving force of corruption?</p> |
| <p>Tolerance towards corruption</p>   | <p>What is the level of tolerance to corruption in the civil service and society? Isn't it considered, for example, an 'unavoidable evil' to be tolerated?</p>   |
| <p>Prevention of corruption</p>   | <p>What is the main factor limiting corruption: is it an outside control of the respective national agencies, or control within the institution, or inward self-restraint of the official?</p>   |
| <p><b>Autonomy/Outside influence</b></p>                                      | <p>Is there a problem of improper influence of politicians on the civil service/public administration (your institution and in general)? For example, illegitimate dismissal of the civil servants, appointing to offices 'own' people (patron-client relations), pressure on decisions, co-opting etc.?</p>   |
|   | <p>Is there trust between politicians and the civil servants/executive public officials?</p>   |
|   | <p>Is there a problem of the outside influence from the civil society/businesses – proper (transparent) and improper (latent) lobbying?</p>  |
| <p><b>Esprit de corps</b></p>   | <p>What are the general relationships between the colleagues in the institution? Between the officials of the same level and between the superior and subordinate? Is there</p>  |



|   |   |
|---|---|
|   | trust/respect or is there a problem of improper dominance/pressure, disobedience/lack of cooperation when executing orders etc.? If there are problems, how are they dealt with usually? Are they more often solved or suppressed/concealed?  |
| <b>Image of the state, statist values</b><br><br>Importance of historical image | Do you think the historical image of the state, the history of the state is important for being the executive public official?  |
| Historical events   | If so, what are the historical events that are of particular importance for sensing the mission of the service to the state for you?  |
| Sovereignty   | Do you think there is a belief among civil servants in the sovereignty of the state, taking into account that the state in question is<br><br>a) small,<br><br>b) it is part of the EU,<br><br>c) there are active outside interest group within the state attempting to influence its decisions,<br><br>d) politicians may be self-interested/corrupt,<br><br>e) civil servants may be corrupt?<br><br>How is sovereignty understood/imagined? |
| <b>Statist values/political values</b>  | Do you think there are values of the state which are constant and independent from the changing ideas/agendas/programmes of politicians? What are these values?   |
|   | Is it constitution? If so, which parts/articles are of special importance?  |

|  |   |
|--|---|
| Nation   | Is it an idea of a nation? What is your/predominant understanding of the nation?  |
| Social democracy                                     | Is it social democracy? Which are the values of special significance?   |
|  | Does EU make a difference, is it important in this context?   |
| <b>Self-image</b>                                    | Do you think there is a difference between the work in the civil service/work for the state and the work in the private sector? If so, what are the differences?  |
| First lessons  | What were your first lessons you learned as you started your work as public official/work in this institution?  |
| Country's specificity                                | Do you think there is something special/different in the work of public administration in your country as compared to other countries?  |
| Prestige   | Do you think it is prestigious to be a civil servant/executive public official in your country?   |
| Honour   | Is there a point of honour in your work? Do you take pride in being a civil servant/public official?  |
| <b>Common good</b><br><br>Primacy of the common good | Some philosophers have said that the common good of the state is more important than the private good of an individual. Do you agree with that? To what extent? How do you understand that?   |
| Commitment to the common good                        | Do you think there is a commitment to the idea of the service to the common good among civil servants?<br><br>How is this idea of the common good framed/understood (service to the nation, civil society, service to the social democratic values etc.)?<br><br>How strong is this commitment among the civil service in the country/your institution? |

|                                  |   |
|----------------------------------|---|
|                                  | What helps to maintain such commitment among public officials?  |
| Society's belief                 | Do you think society generally believes that there is such commitment/consciousness among the public officials (politicians, civil servants)? |
| Information about the respondent | Years of working in the state administration, education, etc.   |