PUBLIC ADMINISTRATION AND ETHICS: THE TURKISH CASE

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ABSTRACT

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Around the world, interest in public administration ethics has considerably increased since the 1970s. That time is marked with an emergence of public management, later new public management understanding. This period also corresponds to rising of corruption in public administration globally. Hence, mostly with the pressures of international organizations, developing countries started to make ethics regulations in bureaucracies and established institutions to control the system. Turkey, too, has not been exempted from this process and ethics in public administration was institutionalized according to its Law No. 5176.

In this thesis, especially the ethics infrastructure of Turkish bureaucracy was explored, the legislation and the activity reports were examined. Additionally, the researcher interviewed experts of the Council. It was concluded that ethics regulation in Turkish public administration in general and Ethics Council in particular did not functioned as intended and was unable to ensure ethical administration. It was argued there are certain ideological, structural and jurisdictional factors behind this. It was also thought the difference between law and ethics disappeared and due to its structural features, the Council remained as

a symbolic one. As concluding remarks, some recommendations were stated as guidelines for future reform.

Keywords: Public Administration, Ethics, Turkey

ÖZ

KAMU YÖNETİMİ VE ETİK: TÜRKİYE ÖRNEĞİ

BOZOĞLU, Bengünur
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1970'lerden bu yana dünya çapında kamu yönetimi etiğine olan ilgi önemli ölçüde artmıştır. Bu döneme kamu işletmeciliği, daha sonra yeni kamu işletmeciliği anlayışının ortaya çıkışı damgasını vurmuştur. Bu dönem aynı zamanda küresel olarak kamu yönetimindeki yolsuzluğun yükselişine de tekabül etmektedir. Nitekim gelişmekte olan ülkeler, çoğunlukla uluslararası kuruluşların baskılarıyla bürokrasilerinde etik düzenlemeler yapmaya başlamışlar ve sistemi kontrol edecek kurumlar oluşturmuşlardır. Türkiye de bu süreçten muaf tutulmamıştır ve kamu yönetiminde etik 5176 sayılı Kanun ile kurumsallaşmıştır.

Bu tezde özellikle Türk bürokrasisinin etik altyapısı irdelenmiş, mevzuat ve faaliyet raporları incelenmiştir. Ek olarak araştırmacı, Kurul uzmanları ile mülakat yapmıştır. Genel olarak Türk kamu yönetiminde özelde ise Etik Kurul'da etik düzenlemesinin düşünüldüğü gibi işlemediği ve etik yönetiminin sağlanamadığı sonucuna varılmıştır. Bunun arkasında belirli ideolojik, yapısal ve faaliyet alanına ilişkin faktörlerin olduğu ileri sürülmüştür. Ayrıca, hukuk ile etik arasındaki farkın ortadan kalktığı ve yapısal özelliklerinden dolayı Kurul'un sembolik bir yapı olarak kaldığı düşünülmüştür. Sonuç olarak, gelecekteki reformlar için kılavuz niteliğinde bazı tavsiyeler verilmiştir.

Anahtar Kelimeler: Kamu Yönetimi, Etik, Türkiye

To My Family

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LIST OF ABBREVIATIONS

CPI	Corruption Perception Index
EU	European Union
GRECO	Group of States Against Corruption
IMF	International Monetary Fund
IRA	Independent Regulatory Agency
JDP	Justice and Development Party
NPM	New Public Management
OECD	Organization for Economic Co-operation and Development
PUMA	Public Management Committee
TGNA	Turkish Grand National Assembly
TI	Transparency International
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
USA	United States of America
WB	World Bank

CHAPTER I

INTRODUCTION

As well as being a part of everyday life, ethics is also an important part of today's public administration and a highly debated topic. Ethics in public administration has its origins in ancient times. However, there has been considerable interest in the subject since the 1970s. Prior to this, ethical problems, unethical conduct, and corruption had been assumed to be a problem of less developed countries. However, the spread of corruption and an increasing number of scandals that were reported from all over the world through the mass media, made it understood that this phenomenon is widespread, particularly in developed Western countries. Ethics emerged as a preventive mechanism to corruption in public life and has since become a regular topic at the top of the agenda of most countries. Certainly, the issue of ethics is not limited to corruption, but corruption constitutes an important part of the practical dimension of ethics.

Interest in public administration ethics corresponds with some fundamental transformations that took place in the 1970s: They include the Oil Crisis, which caused severe economic problems followed by easing of regulations on Western markets, the height of the Cold War and the onset of digital technologies. Alongside this, leading corporations demanded free access to potential markets and exchanges globally. Dramatic changes were seen in most areas of life, be they economic, social, political, or in the administrative spheres. Initially, these changes were felt in the economic field and then spread through to the others because they emerged from an economic crisis. Thereafter, with the emergence of neoliberal ideology it became popular in Western economies that the state should not intervene in the economy as in the welfare state previously. It should

be narrowed down. In line with this, a market-friendly state administration was sought. Thus, the administrative area too underwent significant transformation.

The new administrative paradigm, called new public management (NPM) in the public administration school, accepts the superiority of the private sector and tries to implement its techniques in the public sector. Besides this theoretical change, the lives and expectations of ordinary people were also being impacted with massive layoffs of public sector workers with the selling off of state-owned assets. Along with the rise in general levels and perceptions of corruption it should be noted that the emergence of neoliberal ideology was also influential in terms of placing selected emphasis on ethics in public administration.

Soon a sweeping reform movement began that effectively restructured public life in many OECD countries. For example, in New Zealand, United States of America, France and Malesia, the public management reforms occurred (Sobacı, 2009). Ethics was seen to be a significant part of this reform movement and a critical component because it was understood that the behaviors of public officials should be controlled in order to prevent unethical conduct and corruption. In line with this, various codes of ethics have come to the fore. International actors started to create codes of conduct and sought to disseminate them where they operated. So important was this work that new institutions were established with the aim of promoting the adoption and maintenance of obedience to new ethical principles, or codes.

As countries started to make regulations in this area, adopt principles and establish institutions for ethical public administration, a strong debate emerged as to whether or not ethics is indeed a regulatable area. Reducing ethics to ethical codes of conduct means emptying it, adopting a rules-based understanding of ethics. Ethics in public administration, by its nature, is something that cannot simply be regulated for; on the contrary, it should be a form of self-control that comes from the inner side of people. If it can be regulated, it would not be different from law. Laws are too general to touch upon every tiny area, they

cannot be regulated for case by case. However, ethics should be applicable to every case. What is meant here is that ethics is related to individual's personality, conscience, character etc. Therefore, it cannot and should not be imposed from outside to the bureaucrats.

This thesis consists of two separate parts. In the first, the conceptual and theoretical background of public administration and ethics are discussed. In the second, Turkish bureaucracy will be examined as a case because Turkey, as a developing country, is not an exception. The 1980s saw a transformation as in other countries in the world, that began in the economic sphere and then spread through social life. Public administration has been greatly affected as an attempt has been made to reform Turkey's public administration in line with the NPM understanding and the adoption of a market-based administration. On the other hand, these years correspond to ethical crises at the same time. In line with globalization, this transformation, and these moral crises, a new period in terms of ethics in Turkey was entered.

Prior to this transformation, several laws existed in terms of regulating ethics; however, ethical codes arose just like in other countries. Also, after the 1990s, Turkey had to make reforms on the ethics issue under the pressures that arose from international organizations because it had to obtain loans from international creditors and was trying to become a part of the European Union. With this change, Turkey also became one of the countries institutionalizing an ethical management system and established the Council of Ethics for Public Service[1] with the passing of Law No. 5176 in 2004. The Turkish Grand National Assembly and Turkish governments, especially in the 2000s, took many steps toward ethical administration. The most recent is the institutionalization of a

[1] Actually, the name of the Council in Turkish is "Kamu Görevlileri Etik Kurulu". In English, its name is The Councill of Ethics for Public Service (Law No. 5176, 2004). In the translation "public service" was chosen instead of "public servants". It seems more appropriate to translate it in English as "The Council of Ethics for Public Servants". There is a clear difference between these two usages. The first one is about the ethics of public service. However, in this thesis, the public administration ethics is used to refer the behaviors of public officials.

moral system. However, it is asserted in this thesis that ethics regulation in Turkey has not been successful in preventing unethical conduct and corruption.

Today, ethics has become one of the indispensable components of public administrations, and ethical principles have been accepted in almost all countries most likely with the influence of international organizations. One of the purposes of this study is to investigate the underlying causes. There is no doubt that this process is affected by emergent neoliberalism together with the ideology of globalization. Besides, on the practical side, it was seen that there was increasing corruption all over the world. As a result, public administration has been transformed, and at the same time, brand new concepts such as transparency, openness, accountability, etc. became a part of ethics, being a component of market-based public administration.

The main research question of this thesis is to ask the reasons for the increasing interest in public administration ethics in the world and in Turkey, which exemplifies many of the transformations seen around the world. The present study also attempts to consider why ethics regulation has failed to prevent corruption and unethical behavior; and why the Council of Ethics for Public Service is dysfunctional. In this context, the background of this process will be examined in a general manner internationally, and Turkey, as an example country, will be analyzed in terms of its ethics regulation. In this sense, this thesis sets out to pass on any valid findings that may enhance the dysfunctional structure of today's ethics system in Turkey.

In chapter two, the concepts and theoretical framework will be discussed. Thereafter, the basic idea of ethics will be analyzed and its relationship with other notions, such as morality, law, and religion, will be investigated. The similarities and differences between these constructs and their mutual relationship will be presented. Subsequently, the main subject of this study, administrative ethics, will be discussed in terms of providing the philosophical roots of it. Consequence-based utilitarianism and rule-based deontological

understanding will be presented in a philosophical sense. After that, as a significant part of today's administrative ethics, codes of ethics will be considered. In this section, the ethical codes of behavior will be discussed, along with the reasons for their emergence and the enhances they sought in public life.

After discussing what ethics and administrative ethics are, the reasons behind the importance given to administrative ethics today will be analyzed in detail with theoretical and practical aspects in chapter three. The significance of ethics for public service has steadily increased since the 1980s worldwide. There are multiple grounds. Firstly, the administrative paradigms, new public management, and public choice theory which have risen with the new right ideology have seen ethics as a control mechanism for public bureaucrats. Advocates of these paradigms blamed the old public administration school for sourcing unethical conduct and corruption. Therefore, they put forth a change in the administration approach. This might have played a crucial role for the emergence of the current situation of ethics. On the other hand, there were practical reasons for the changes. Mainly, that increasing perceptions of corruption had caused increasing concern in society. At this point, again, ethics has been seen as a mechanism to prevent and overcome corruption and to attain this objective, ethical practices became thought of as a part of the administration's duties in this context. In chapter three, this process will be explained more thoroughly.

Completing the theoretical and conceptual part and discussing the reasons behind the importance given to ethics in public administration, the thesis continues with the Turkish case. The history of corruption in the country will be examined along with the various ways people tried to achieve ethical public administration in Turkey. The influence of international organizations in this process will also be considered. In the second part, the structural components of the ethical administration in Turkey will be described. The existing legal infrastructure will be outlined along with the ambitions for the transformation of public administration that would be brought by the Council of Ethics for Public Service, which was established in 2004. The purpose and the scope of review of the

Council, its structure, duties, and authorities, functioning and sanction mechanism will be elaborated. Lastly, the activities of the Council will be discussed.

Chapter five provides an evaluation of the Turkish ethics system today and the factors affecting its unsuccessfulness. It is asserted that there could be three main factors affecting the failure of the Council. They may be categorized as ideological, structural, and jurisdictional factors. While making this evaluation, the opinions of experts working in the institution will be utilized. Throughout the evaluation, it will be put forward that this Council is a product of NPM understanding, and the effects of international actors will be emphasized. Following this, the structural reasons why the Council has failed to stamp out unethical conduct and corruption, in general, will be discussed as the absence of autonomy, and an autonomous budget, the insufficiency of personnel, and the inadequacy of its scope of review. Moreover, its structure in the form of a Council in Turkey, and its place in public administration will be criticized. Lastly, the jurisdictional factors will be examined. This will focus on how ethical principles are determined by the Regulation and analyze the ethics commissions, the Council's relationships with the judiciary, and the lack of a sanctioning mechanism. The operation of the Council will then be evaluated.

Consequently, in the concluding chapter, the evolution of ethics in public administration will be analyzed. Also, a brief summary will be given in this part. At the end of the chapter, some recommendations will be presented that could improve current public administration's ethics in Turkey within the existing structure.

CHAPTER II

CONCEPTUAL AND THEORETICAL FRAMEWORK

2.1. Concept of Ethics and Its Relations with Morality, Religion and Law

Ethics is a concept that all of us encounter in daily life. It is one of the social control mechanisms that regulate human life. By regulation, it is meant that ethics decides what is good and what is bad, what people should do and should not, and how interpersonal relations should be. Of course, such a concept is confused and even used interchangeably with other life-regulating systems such as morality, religion, and law. However, there are differences as well as similarities between them. In this context, this part will examine the concept of ethics and its relationship with morality, religion and law.

2.1.1. Concept of Ethics

Ethical problems have been the focus of philosophers' interest for a long time. What is a virtue, what is not, and which actions are right and wrong are the questions that philosophers ask. However, these are not questions belonging only to philosophers. These are questions that every person faces in daily life (Tepe, 1998). So, what is ethics, then?

People tend to think of ethics as the set of values or principles belonging to individuals or groups of people. Ethics can be considered the study of the various sets of values that people have (MacKinnon & Fiala, 2015). To put it differently, ethics is the branch of philosophy that deals with how people should live, with the idea of the good, and with concepts such as *right* and *wrong* (Pojman, 2005). It asks and seeks answers to basic questions about a good life, about what is

better and worse, about whether there is an objective right and wrong, and whether we can know if there is. (MacKinnon & Fiala, 2015).

Ethics is a word that has multiple meanings, and even, it is ambiguous. What it corresponds to and what it includes may be unclear. Most of the time, it is confused with morality (Cevizci, 2021). However, it is necessary to touch upon their difference shortly since they will be explained in detail in the coming parts.

As was indicated, ethics and morality are seen as synonymous and used interchangeably. However, if the usage of morality in different contexts is considered, it becomes compulsory to consider the difference between these two (Tepe, 1998). Firstly, it would be helpful to look at their etymological roots. Ethics is derived from the Greek word *ethos,* which means 'character', and the Latin word *mos,* which is the etymological root of morality, and means 'custom' or 'tradition' (Cooper, 2004). From a different point of view, ethos has two usages in Greek antiquity, according to Pieper (2012). The first one is tradition (or custom). The person who regulates his/her actions following the custom, which is valid in the antique city-state, through education is considered to behave ethically as long as he/she obeys the moral norms accepted in the city-state. However, according to the narrower usage of the word, the ethical person is the one who does not perform the transmitted traditional behavior codes and values without interrogation. Instead, the ethical person is the one who contemplates and makes them a habit to realize the demanded 'good.' So, habit, tradition, and custom take on the meaning of 'character' (Pieper, 2012). As it can be seen from Pieper's viewpoint, the first usage of ethos seems more to correspond to morality, whereas the second sounds more like ethics. In other words, people behaving in line with societal norms means that they are acting morally. However, thinking over those norms is a philosophical activity.

Although ethics and morality are used interchangeably as it was indicated, here, it is necessary to evaluate and differentiate them according to meanings they gained in philosophy going beyond their etymological roots (Özlem, 2020).

According to Cevizci (2021), what is meant by ethics is the theory of principles or philosophy of morality. Morality is a field independent of ethics and constitutes the basis for one of the main branches of philosophy. Morality, independent of philosophy and a sociological and cultural area, corresponds to a system of norms and rules that are somehow formed within the society. It is a system of values, norms, and rules of action developed to regulate human behaviors and interpersonal relations. It is a structure consisting of rules and norms formed naturally and determined by consensus. It is transmitted through traditions and constitutes order in society (Cevizci, 2021). Similarly, Özlem (2020) defines morality as a band and network of beliefs, values, norms, commands, prohibitions, and designs which enter the life of one, a group, a society, a social class, or a nation and direct their actions in a particular historical period. According to him, starting to think about morality and doing philosophy of morality means entering the scope of ethics. He states that the duty of ethics is not creating morality and advising people to obey it. On the contrary, ethics is the branch of philosophy that theoretically investigates morality which is a practical activity area. (Özlem, 2020)

Today, studies about ethics are realized under three different headings, which are normative ethics, meta-ethics, and applied ethics. The normative side of ethics endeavors to defend norms about what is right or wrong, worthwhile, virtuous, or just (Gensler et al., 2005). In other words, normative ethics studies the moral principles indicating how we should live; it discusses what the things that have ultimate and the greatest value are. Also, it examines the facets a just society has, and finally, it questions what makes people morally good (Cevizci, 2002). It seeks to arrive at conclusions about the justice of this or that law and tries to systematize these conclusions under general principles (MacKinnon & Fiala, 2015). Metaethics focuses on the nature and methodology of moral judgments (Gensler et al., 2005). It can be asserted that metaethics is ethics of ethics. For example, metaethical questions can be regarding the relation between philosophical ethics and religion. Also, theoretical questions about ethical relativism are in the scope of metaethics (MacKinnon & Fiala, 2015). To make it

concrete, giving some examples would help explain normative ethics and metaethics better. Normative ethics asks questions such as “what are the correct or good behavior for individuals?” or “what are the duties and obligations of individuals against society?”. Moreover, defending ideas such as “violating anybody’s natural right is wrong” or “whatever produces the most happiness is something good” is making normative ethics (Richter, 2008). Metaethics asks questions like, “are there any objective ethical truths?”, “if there are, how can we know them?” or “is there any way to reason against those who have opposing views about what is right and wrong?” (Gensler et al., 2005). Thirdly, applied ethics focuses on particular practical issues. Maybe it takes a theory like consequentialism and sees what it implies about abortion or animal rights (Richter, 2008). In other words, it is the implementation of meta-ethics and normative ethics in daily life. To increase the number of examples, applied ethics touches upon issues such as capital punishment, suicide, euthanasia, sexuality, business dealings, etc. (Pojman, 2005).

Besides these types of ethics, professional ethics has come into view today. As Kuçuradi (2019) states, the importance of ethics is increasing nowadays. However, this occurs outside philosophy. This means that humanity is witnessing an explosion in professional ethics, and the need for new ethics to deal with global problems is increasing. In short, ethics is like fashion right now (Kuçuradi, 2019). Public administration ethics is also one of the professional ethics.

As it is understood, ethics produces normative principles. However, it is not the only domain for doing so. Morality, religion, and law do the same thing. People need some social control mechanisms to live together. Each of these three constitutes a control mechanism. These mechanisms regulate interpersonal relations and set forward rules for a better life. Also, they are intended to prevent people from harming each other. So, they are formulated to ease living together. They can coexist. Sometimes, they feed each other; sometimes, they focus on different things. For example, ethics and morality are the same for some people.

Also, for some people, religion is a source of ethics. Moreover, some believe that morality constitutes the basis for law. As can be seen, their relationship seems ambiguous. That is why it is essential to touch upon them one by one. In the next part, ethics' relation to morality, religion, and law will be put forward.

2.1.2. Ethics and Morality

As indicated, morality and ethics are often confused, and they can even be used interchangeably. Ethics and morality derive meaning from the idea of "custom" – normal behavior, according to Pojman (2009). However, philosophers prefer to differentiate their meanings. As it was mentioned above, what is essential is the meaning they gained in terms of philosophy (Özlem, 2020). First, it would be helpful to focus on their definitions.

According to Harun Tepe (1998), morality has three different meanings, and its common usage differentiates it from ethics, a branch of philosophy. Only one of them overlaps with ethics. Morality is a system of value judgments regarding behavior in interpersonal relations (valid or desired to be valid in a group of people, at a particular time, or in general). Wherever there is a society, there are inevitably norms and rules regulating human behaviors and interpersonal relations. Anthropologists and moral sociologists state that morality has existed since ancient times. So, it is impossible to talk about a society without moral rules and norms, which is deprived of a moral system (Cevizci, 2021). When morality is understood so, it is very natural that there are different value judgments in different groups or that in the same group, there are different value judgments at different times. So, it follows that the same action evaluated as good by one can be bad according to another. From this standpoint, it can be argued that morality is a local concept.

The second meaning of morality is basically having morality regardless of any particular morality, according to Tepe (1998). What is meant by having morality here is what is expressed by principles derived directly or indirectly from the

knowledge of human worth, such as “people should not be racist,” “people should not torture,” or “people should keep their word.” If one cannot make the proper judgment in a given situation and want not to harm the human worth, if he/she acts in line with the principle, likely, he/she does not harm this worth. With this meaning, morality creates norms. However, it is not the job of philosophy. In fact, ethics does not create norms, and it is not a field that makes evaluations on the basis of norms.

The third meaning of morality corresponds to ethics. Ethics is one of the oldest and most fundamental disciplines of philosophy. It is a branch of philosophy that reveals or is expected to reveal verifiable or falsifiable knowledge regarding ethical problems for people. It does not specify what should be done, nor does it create norms (Tepe, 1998).

Cevizci's (2021) definition of morality is a body of norms and rules which have already been prepared for individuals’ usage with all its elements. It corresponds to an order. It constitutes the order in the society where it originated (Cevizci, 2021). Hinman (2008) states that each community has its body of moral rules or guidelines establishing the boundaries of acceptable behaviors. Frequently, these rules are about behaviors that may harm other people, such as stealing or killing, behaviors that are about the well-being of others, such as helping people, or actions touching on issues of respect for other persons. These rules about such behaviors are expressed as *ought to* or *should.* These rules consistently form a moral code by which a community lives (Hinman 2008). For Cevizci (2021), individuals are mostly passive and receptive when it comes to morality, meaning that society imposes norms and rules on community members in the socialization process. At first, people consciously take it as it is and later take it as it is for the sake of not being contrary to society. Moreover, he states that morality is a practice. However, ethics, for Cevizci (2021), on the other hand, is the theory of this practice. Ethics is the discipline of philosophy that deals with and discusses moral life and the phenomenon called morality, consisting of moral values and ideals. In ethics, the individual is not receptive but is active. This is because the

individual is not content with assembling the values and rules he/she finds ready, but he/she discusses, questions, and grounds these values and norms in a rational manner (Cevizci, 2021).

For Pojman (2005), ethics refers to the systematic efforts to understand moral concepts and justify moral principles and theories. Ethics analyzes the key concepts such as “right,” “wrong,” or “permissible.” Also, it explores the possible sources of moral obligation, such as human reason, the desire to be happy, or God. Moreover, it tries to establish principles of morally right behavior, which might serve as guides for actions for individuals or groups (Pojman, 2005).

All in all, as it can be seen, the discussion about the ethics and morality relationship revolves around locality – universality, and concreteness – abstractness. According to Nohutçu (2004), morality evaluates human behavior, attitudes, and social relations on a more practical basis, from a narrow, concrete, and subjective point of view. Whereas ethics makes the philosophy and theory of moral issues and problems, comments on and infers more abstract, broad, and universal moral principles. As mentioned, the concept of morality and moral rules change from society to society, even, it changes from one region to another in the same community. On the other hand, the concept of ethics does not change according to society and place. It is used for universal values such as not telling lies, being just, not stealing, helpfulness, and so.

2.1.3. Ethics and Religion

As it was mentioned before, religion is one of the three social control mechanisms. It also regulates interpersonal relations and sets rules for living. Moreover, it can be seen as a source of ethics. However, it is also possible to defend that these are irrelevant to each other. For the people supporting that religion is a base for ethics, religion tells how to act, what is right or wrong, and God is the creator of moral law. For the people saying that these two are

irrelevant, an atheist can also be a moral person because ethics is the basis for the right action, irrespective of religion. That is to say; morality is autonomous from religion.

Ethics, an autonomous discipline, has a mutual relationship with religion, for Ahmet Cevizci (2002). He states that religion has a moral dimension; in other words, moral precepts are at the center of all religious beliefs. Because all religions bring a system of values, it tells how to act and what kind of character should be formed (Cevizci, 2002). Similarly, according to Pojman (2005), divine command theory foresees that morality derives from the will and command of God. Without God, morality cannot exist. He is the one who determines what is good or bad. For this theory, the answer to the question in Plato's dialog Euthyphro, "does God love goodness or is it good because God loves" is that it is good because God loves.

However, there is an opposing theory defending that in cases of moral conflicts, reason should be superior to religion (Hinman, 2008). Hinman (2008) states that reason creates the criterion for the judgment of rightness or wrongness for this side of the spectrum. So, for this thesis, religion is irrelevant to ethics (Pojman, 2005). People should be their own gods and build their own morality without a policeman watching and without the hope of a forgiving father (Pojman, 2005).

It should not be forgotten that there are significant differences between lifestyle, which is appointed by religion, or religious morality, which religious people present, and ethical theories asserted by philosophers. The most crucial difference is that, even if there is religion at the basis of an ethical theory, there are conceptual and rational thinking and critical questioning in an ethical theory (Cevizci, 2002).

2.1.4. Ethics and Law

Just like religion and ethics, the law is another social control mechanism. Morality and law are closely related, and some see them as equivalent. Many laws are created to promote well-being, resolve conflicts of interest, and boost social harmony; morality does the same thing. (Pojman, 2009) In other words, both serve the purpose of preventing the chaos that could emerge when everybody does what he/she wants and the purpose of preserving the order (Cevizci, 2021). These two have some common points, as well as they are different. However, nowadays, the line between law and ethics has started to become blurred. That is why it is essential to touch upon their relationship.

Law can be defined as the body of rules that regulate interpersonal relations, to which obeying is compulsory (Yüksel, 2000). Law, in general terms, is a system of rules regulating society. It also has several functions in terms of regulating the behaviors of citizens, creating rules, presenting mediums for solving disputes, and preventing the government from intervening in the personal rights and liberties of citizens. As Murhpy and Coleman (1990) wrote in their study, H.L.A. Hart remarks on some features of the law. According to him, the law is a tool for social control, and it makes people do things they would be unlikely to do if it were left to their inclination alone. He accepts that there are other social control mechanisms, such as morality or mere force, with which legal control mechanisms can be confused. He states that it is very natural to confuse these two because there is so much overlap between the language of morality and the language of the law. For example, both talk about duty, rights, obligation, responsibility, etc. (Murphy & Coleman, 1990). As Tebbit (2005) states, morality and law have common purposes. Similarly, the criminal justice system is expected to reflect a general understanding of approval and disapproval. The essential function of the criminal law is to protect human beings from those threatening or violating the interest of others. The most characteristic criminal offenses are those that are regarded as morally wrong. Assault, murder, theft, burglary, fraud, criminal damage, etc. can be given as examples. In this regard, it

seems that law is no more than the enforcement of a moral code. To the extent that this is true, there is a wide area of overlap between the two (Tebbit, 2005).

According to historical research, morality existed before the law emerged in almost all cases, and the law blesses moral rules and values. In other words, communities, since they became a community, had morality, and law came after. There existed communities without a state and law, but there is not a society without morality (Cevizci, 2021). Furthermore, throughout history, basic ethical values have generally become legal norms. Laws have limited the behavior and actions of people, which should not be done. In other words, value judgments for people's actions have been transformed into laws (Yüksel, 2006). Moreover, the law cannot be without morality, and it has to have a normative content. People studying philosophy of law assert that laws which are deprived from moral values are rare. The reason is that morality constitutes a basis for the laws which regulate the behavior of people (Cevizci, 2021). Also, legal arrangements that are not in line with society's moral understanding cannot perform the expected function (Yüksel, 2000).

Even if there seems to be an overlap between them, and there are many similarities, law and ethics are different practices. Regarding this, Mark Tebbit (2005) states that there are actually many ways that law diverges from morality. On the one hand, the law is less demanding than any serious moral code. The majority of laws are about prohibitions rather than positive commands. For instance, laws do not make the act of charity or assistance obligatory. However, these might be thought morally obligatory. On the other hand, law is more demanding than morality. In some cases, such as bureaucracy or non-life-threatening traffic offenses, it is defensible that people can break the law without doing anything morally wrong (Tebbit, 2005).

According to Pojman (2009), ethics may judge some laws out of morality without denying they are valid. For instance, laws can accept slavery, spousal abuse, and racial or sexual discrimination. However, they are immoral practices.

A person who challenges others' rights to abortion might believe that the laws that permit abortion are not moral. Also, some aspects of morality are not covered by the law. For example, lying is accepted to be immoral. However, there is not a general law covering this eventuality. Another example is that college newspapers sometimes publish advertisements by vendors offering "research assistance," not knowing they will abet plagiarism. Publishing them is legal, yet their morality is in question (Pojman, 2009).

Regarding their difference, Yüksel (2000) also argues that the most basic feature that distinguishes law from morality is that a sanction mechanism can be applied when legal rules are not followed. Who holds this sanction mechanism is the state. However, in morality, there is no sanction or authority. At most, there is a negative inner voice that can be named as conscience for a person who has moral awareness. It follows that an immoral person can act totally in line with the law and can only be sanctioned if they have broken the law. It follows that when people act immorally, there is no punishment (Pieper, 2012). Secondly, legal rules are external, according to Yüksel (2006). Their purpose is to prevent people from harming others. Yet, ethical rules are internal. In ethics, people have self-control mechanisms. They limit unethical behavior themselves (Yüksel, 2006). Thirdly, laws classify actions as right and wrong. However, ethics tell what kind of action is good. Laws tell what can be done in line with the rules, whereas ethics tells what should be done. (Yüksel, 2006). Lastly, laws are codified, whereas moral laws are not (Cevizci, 2021). In other words, the law is considered as "official ethical rules." Ethics, unlike law, is the body of rules which are not official. However, this situation has started to change in today's circumstances, according to Yüksel (2006).

In our country, the "Law Related to the Establishment Council of Ethics for Public Service and Making Modifications on Some Laws" and the "Regulation on the Principles of Ethical Behavior of the Public Officials and Application Procedures and Essentials" regulates the ethical codes for public administration. Today, moral codes become official through such laws and regulations have

been made for ethical standards to be identified and for these codes to become compulsory for public administrators. Now, the sanction of ethical principles, as in law, has started to become material. Countries make these rules material and enforce material sanction mechanisms just as in law through codifying ethical rules (for example, discipline penalties).

2.2. Administrative Ethics

It was mentioned that ethics is a branch of philosophy dealing with how people should live; the rules that tell people what they should do and should not. In public administration, ethics also play an important role given that people are at the core of public administration. This social aspect makes ethics a significant issue in public administration.

It is a well-known fact that not every person acts in line with ethical values. Public administrators are after all human beings, and some public officials do not act ethically. According to Yönten Balaban (2018), the increase in the number of unethical activities in the world and in Turkey has made ethics in public administration one of the areas that attract the most attention and that are debated in public, especially in recent years. One of the most important consequences of the increase in unethical behaviors is the decrease in social trust. In other words, ethical problems in public administration negatively affect individuals' confidence in the government (Yönten Balaban, 2018). Moreover, the failure of public administration to operate in accordance with ethical understanding forms the basis for loss of confidence in the institutions of the state, the rule of law and democracy and the formation of corruption, poverty, unfair distribution of income, high-cost production of public services, inflation and budget deficits (Uzun, 2011). That is why, nowadays, governments have sought to bring the issue of ethics to the fore, especially in the field of public administration (Yönten Balaban, 2018).

In the literature, there are various definitions of ethics in public administration or administrative ethics. According to Cameron, administrative ethics includes value systems, ethical codes, and shaped principles applied to an ethical situation that may be encountered and that guide how to behave (as cited in Saylı & Yaşar Uğurlu, 2007). Similarly, for Nohutçu (2004), administrative ethics, or public service ethics, consist of a set of principles and standards that include both undesirable behaviors to be prevented and positive behaviors encouraged in all kinds of actions and transactions of administrative institutions and organizations. According to Öktem and Ömürgönülşen (2005), the concept of ethics in public service generally refers to ethical understanding and the system of moral values in public service. It includes the principles and rules that public officials will comply with in decision-making and administrative processes while performing their public services within the framework of such an understanding and values (Öktem & Ömürgönülşen, 2005).

Eryılmaz (2019) defines ethics in public administration as a set of moral principles and values such as impartiality, equality, honesty, social justice, transparency, accountability, avoidance of conflict of interest, observance of public interest, which public officials must comply with while making decisions and performing public services. The administration that adopts these principles and values and applies them in its decisions and processes is called an ‘ethical administration’ (Eryılmaz, 2019). In other words, ethical administration means that public officials, who are appointed according to the principle of merit, perform their duties impartially, considering the public interest, within bureaucratic and democratic rules, and in accordance with justice and equality. In public administration, ethical administration can be achieved by emphasizing efficiency, expertise, citizenship, public interest, social justice, trust, transparency, and similar values (Koçak & Yüksel, 2010).

Public officials' accountability – or a control mechanism – might come from two sources. One of them is internal, which might be ethical frameworks, and the other is external, such as limits imposed through legislative or administrative

organs, i.e., laws (Cooper et al., 1998). According to Maesschalck (2004a), one approach to administration ethics focuses on the external controls on the behavior of public officials. Public servants should follow formal and detailed rules and procedures for this approach. Typical instruments of this approach include legislation, strict behavioral ethics codes, and etc. Another approach emphasizes internal control for public officials. This internal control mechanism is composed of two components: public officials' moral judgment capacity and moral character. In the first, public servants learn and understand the necessary values and norms by developing the skills in ethical decision-making when they conflict with one another in daily practice. In second, there is an intrinsic will to act upon judgments reached through ethical decision-making (Maesschalck, 2004a). Based on these definitions, ethics in public administration can also be defined as acting by following the law and within the framework of personal moral values in all kinds of actions and transactions of public officials related to their field of duty (Ciğeroğlu Öztepe, 2013).

Besides these definitions, it is possible to talk about a hierarchy of ethics, according to Shafritz and Russel (2005). In public administration, there is a hierarchy of levels of ethics. Each of them has its own set of responsibilities. The first is 'personal morality,' meaning the basic sense of right and wrong. It is dependent on people's past and is affected by parental influences, religious beliefs, cultural and social mores, and personal experiences. Secondly, there is 'professional' ethics. Public administrators recognize a set of professional norms and rules that force them to act in a certain way. In the third level, there is 'organizational.' Each organization has an environment or culture, including formal and informal ethical conduct rules. Public organizations have many rules, such as public laws, executive orders, agency rules, and regulations. Fourthly, there are 'social' ethics, the requirements of which encourage people in the society to act in ways that both protect individuals and further the progress of the group as a whole. Social ethics can be formal -for example, laws- or informal -for instance, they can be part of an individual's social conscience (Shafritz &

Russel, 2005). So, it can be expected for public officials to internalize the other forms of ethics and act accordingly.

Since ethics is a branch of philosophy, public administration ethics is based on a broad philosophical tradition (Nohutçu, 2004). The philosophical foundations of administrative ethics also constitute the framework and reference point of administrative decisions in the adoption of the process of decision-making based on ethics (Nohutçu, 2004). In the literature, there are two basic approaches regarding the philosophical roots of administrative ethics. On the one hand, what is ethically correct or what is right and wrong is determined according to the ends of the actions. This approach is named as the teleological approach which advocates that the goodness or badness of the consequences of ethical decisions drives choice (Pops, 2001). John Stuart Mill and Jeremy Bentham have been effective in this approach. On the other hand, there is the deontological approach of which the representative is Immanuel Kant. For Kant, the right thing is something unchanged from person to person, and this unchanged basis is goodwill and moral law (Mengüşoğlu, 1992). This means that the ends are unimportant for Kant, but the will behind the action determines the rightness. To better grasp ethics in public administration, the philosophical roots that feed the concept should be examined in detail. In this context, these two approaches will be discussed in the following section.

In modern sense, the public administration ethics has been basically affected by these two philosophical approaches. The base in today's ethics in public administration has been mainly shaped by the ideas of modern thinkers mentioned above. Certainly, ancient ethical philosophy has influenced the formation of modern one. In other words, there is no doubt that there is a broad philosophical tradition affecting the ideas of these three philosophers. In the scope of this thesis, to understand the roots of today's public administration ethics, analyzing the ideas of Bentham, Mill and Kant will be vital.

2.2.1. The Philosophical Roots of Administrative Ethics

2.2.1.1. Teleological Approach

According to the teleological approach, the moral standard of an action -or what is morally right or wrong- is determined based on consequences or results. (Pops, 2001). That is why these theories are also known as "consequentialist" theories. According to consequentialists, even if one has goodwill while doing an action or obeys the moral rules, if the consequence or result of that action harms the actor or people affected by that action, this action is certainly morally wrong. (Cevizci, 2002). In other words, in this approach, there is no room for a priori reasoning, meaning that there is no preoccupation with the morality of principles that could be taken into consideration (Pops, 2001). Given this, it can be said that an action is defined as right if and only if there is no other situation in which a larger sum total of welfare is possible (Tännsjö, 2001).

Utilitarianism dominates the teleological theories. According to utilitarianism, we all want to be happy and others to be happy. Here, happiness is defined as 'good,' and people should do whatever they can to enhance the greatest happiness (Geuras & Garofalo, 2005). The reference point is the comparative amount of benefit generated or expected to be generated at the end. In sum, the goodness or the badness of the results are the driving force for the choice (Pops, 2001).

2.2.1.1.1. Utilitarianism: Jeremy Bentham and John Stuart Mill

The egoist doctrine of antiquity has also affected modern ethical philosophy. The modern doctrines based on happiness that was influenced by antiquity and became widespread in the Anglo-Saxon world can be gathered under utilitarianism. Just like in the ancient ages, in utilitarianism also, it is accepted that people pursue happiness. However, whereas doctrines in antiquity are individualistic and focus on the individual's happiness, in utilitarianism, it is

foreseen that individuals cannot reach happiness on their own. The happiness of one can only be realized in a societal manner. Utilitarianism, therefore, has both individualistic and societal dimensions. (Özlem, 2020)

In utilitarian teachings, the primary problem is that of the greatest good, and this telos is defined as happiness that needs to be achieved. Utilitarian philosophers such as Jeremy Bentham and John Stuart Mill would dream of a world in which the happiness of all humans unite so completely that actions that make individuals happy would also enhance the happiness of all. According to utilitarians, when providing the happiness of all members is impossible, the greatest total happiness should be promoted (Geuras & Garofalo, 2005).

Utilitarianism foresees that the moral goal in every action of human beings should be focused on producing the greatest goodness compared to badness at the best possible level in the world as a whole – goodness, and badness means moral goodness and badness here. This means that everything good or bad can be measured quantitatively or at least mathematically and can be compared to each other. Jeremy Bentham accepted that when he was trying to calculate the pleasures and pains with seven dimensions (intensity, duration, certainty, propinquity or remoteness, fecundity, purity, and extent) (Frankena, 2008) as it will be mentioned below.

Moreover, motives are not important for utilitarianism, but consequences are. The emphasis is on the act rather than the person who acts. Bentham and Mill would state that motives for actions cannot be seen. However, consequences can be seen. For this reason, utilitarianism is also called “consequentialism” (Robinson & Garatt, 2003).

To begin with, according to Bentham, “it is the greatest happiness of the greatest number that is the measure of right and wrong” (Becker & Becker, 2003, p.97). Bentham thinks that human beings are “under the governance of two sovereign masters, pain and pleasure” (Robinson & Garatt, 2003, p.71). For him, it is a

psychological fact that human beings have some desires, and they try to satisfy these desires. Human nature is designed in such a way that they turn onto pleasures and avoid pain. According to Bentham, who equates this psychological obligation with moral obligation and states that pain and pleasure show us what to do, pleasure is unique good, and pain is unique bad. There is no other meaning of good and bad. His hedonism is entirely a quantitative one. What is essential is not the quality of pleasures but the quantity of them (Cevizci, 2002). To clarify, for Bentham, if human beings try to achieve the greatest pleasure in their every action, they should act rationally. This means there is a calculation that is based on rationality. However, this calculation is not very easy in real life. Actions in human life would create new outcomes. For example, pleasures may not bring about other pleasures all the time. This situation makes the science of morality compulsory and beneficial. Only the people who know how to gauge pleasures against the things which bring pain and who know how to back away from pleasures for the sake of greater pleasures, even those who can take on pains to achieve pleasures, are virtuous. Their happiness is not coincidental; it is based on rationality and actions. So, ethics is a rational science. Comparing pleasures and pains determines whether or not an action is virtuous (Akarsu, 1982).

For Bentham, this could be calculated mathematically. At first, an action should be evaluated according to its density, duration, certainty, and remoteness. Considered on its own, the value of pain and pleasure coming from action would be determined by these features. Moreover, the value of pain and pleasure is also determined by their fecundity and purity when the activities that bring about the pain or pleasure are evaluated. Lastly, the extent of pleasure and pain is determined when the other human beings that will be affected by the action are considered (Cevizci, 2002).

Moreover, the telos of life, i.e., individuals' happiness, is not only based on individuals' actions. Human beings are affected by the actions of other human beings. That is why people should try to make the actions of the other people, they live with, be for their good. If, in every action, they consider the happiness

of as many people as possible, they can be confident that their well-being is also best served by that action (Akarsu, 1982). In short, according to Bentham, individuals have to consider other people's goodness for their goodness. A moral person would want happiness, but he/she knows it is impossible unless he/she wants others to be happy (Akarsu, 1982).

As the last point, Jeremy Bentham is renowned for his views on ethics as well as for his theoretical work and reform initiatives in law and politics. He thinks that law should be derived directly from ethics (Frankena, 2008). Bentham's one contribution is that he has a lot of detailed and exhaustive works about the application of the principle of utility, especially in the field of legislation (Becker & Becker, 2003).

John Stuart Mill does not agree with everything Bentham put forward. (Robinson & Garatt, 2003) Firstly, perhaps, as a departure point between them, Mill believes that not just the quantity but also the quality of the pleasures must be taken into consideration while determining the distinct pleasures (Becker & Becker, 2003). Even he preferred to use the term "happiness" rather than "pleasure" (Robinson & Garatt, 2003). In fact, Mill introduced the concept of quality in happiness since he thought that "more happiness is not necessarily better happiness" (Geuras & Garofalo, 2005). He considered utilitarian morality could be less materialistic by prioritizing cultural and spiritual happiness over coarser and more physical pleasures. (Robinson & Garatt, 2003). According to him, pleasures are lined up according to their qualities, and higher pleasures that carry intellectual, aesthetic, and moral qualities should be preferred to satisfy mere animal instincts (Cevizci, 2002).

Mill did not talk about a system of ethics. Nevertheless, his final goal was to form societal life according to moral norms in line with rationality. In most of his works, he discussed societal ethics and tried to find a formula for equalizing the individual with society (Akarsu, 1982). In other words, according to Mill, people can reach their individual happiness only in the state of sociality and in line with

the idea of mutual benefit. That is why for him, the fundamental problem of philosophy of ethics has always been to reconcile individual happiness with society's general happiness (goodness). If not, neither individual happiness nor societal happiness can be mentioned. However, Mill's theory did not mention which one would be prioritized if personal interest and public interest would conflict. He just advices people to make self-sacrifice for their interests. (Özlem, 2020)

For Mill, the telos of all the actions of human beings, be it for individuals one by one or for the species in general, is to achieve the highest good in the sense of ancient philosophy and to avoid pain as much as possible both in terms of quality and quantity. Necessarily, the telos of all actions is simultaneously the standard of morality (Akarsu, 1982).

As the last point to mention, utilitarianism has different types. One of the most critical distinctions is between 'act utilitarianism' and 'rule utilitarianism.' According to act utilitarians, the applicable thing is that one's deciding what is right or obligation according to the utility principle directly. In other words, the right action is decided according to which action will produce or is likely to produce the greatest proportion of the good over the bad. Act utilitarianism does not permit to use of generalizations or does not permit rules coming from experience. However, it insists on calculating the impact of an action on overall well-being every time (Frankena, 2008). Bentham is an act utilitarian, whereas Mill is a rule utilitarian – someone believing morality is about obeying the rules, yet the rules are determined upon utilitarian grounds. Mill states that most ordinary people should follow traditional moral rules rather than calculating what to do each time (Robinson & Garatt, 2003). In other words, though not always, generally, we should decide what to do in a given situation by invoking a rule rather than thinking about which action will bring goodness (Frankena, 2008). This means that people should only obey those rules proved by experience that it will generate the greatest happiness for the greatest number (Robinson & Garatt, 2003). In short, the question is "which *rule* provides the

greatest good" rather than "which *action* provides the greatest good." The principle of utility comes into play not in deciding which action to take but in deciding which rules to adhere to (Frankena, 2008).

2.2.1.2. Deontological Approach

Consequentialism typically contrasts with the deontological approach if the field is considered to be divided into two by these two moral theories (Tännsjö, 2001). Deontological ethics, which is positioned at the opposite of teleological ethics, focuses on the problem of right action rather than the consequences. It sets forth that the rightness or wrongness of moral action is determined by whether or not it carries out some duties or rules, irrespective of the consequences of the action. To put it differently, they differ in that, for the deontological approach, the nature of the act itself is decisive for the moral status of the action. One of them makes us consider the results, while the other makes us consider the act without considering its result (Tännsjö, 2001). For most of the advocates of this theory, the morality of an action depends on a significant feature, which is its obedience to a principle (Geuras & Garofalo, 2005). There is something in us whistling that we should not only generate the correct result, but we should also do things in a principled way. This is the basic tenet of the deontological position. So, this approach places "duty" at the base of morality with the idea that human beings are rational and responsible entities and have some duties (Geuras & Garofalo, 2005). The root of the word also reflects this. It comes from Greek, 'deon' means duty, and 'logos' means science (Tännsjö, 2001). Immanuel Kant is the most prominent deontological theoretician in human history; even this theory is known as 'Kantianism' (Geuras & Garofalo, 2005).

2.2.1.2.1. Immanuel Kant

Kant's theory is a theory of moral duties rather than the theory of moral values. Because in the first one, the notions of good and bad are the basis, and concepts of what is morally right and wrong are derived from them. However, there is no

room for the notions of duty or obligation in the latter. On the other hand, In Kantian ethics, the central notion is the duty, according to which what is morally right and wrong is determined (Cevizci, 2002). In other words, Kant answers the question of what distinguishes a moral action from a non-moral one as the following: the first is done from a sense of duty rather than acting in a way that we want or following inclinations. That is why Kant's theory is deontologist; he is known as a believer in duties (Robinson & Garatt, 2003). Unlike teleological theories, in Kant's understanding, notions like duty, obligation, or rightness are not determined according to the consequences of actions. Instead, in duty ethics, moral obligation or duty is about not the consequence but the action itself or its features. For Kant, consequences are -like emotions, passions, and tendencies- out of the sphere of influence and interference. So, in his understanding, duty is performed just because it is the duty, nothing else (Cevizci, 2002).

Performing a duty means obeying compulsory moral laws called 'imperatives' even if they seem wearisome or inconvenient. For Kant, being good involves a struggle that occurs internally between what people want to do and what their duty is. At this point also, Kant differs from utilitarians. According to him, morality involves a preference for duties rather than wants and motives. He stresses that consequences are not the central distinguishing aspect of moral action. Morality is about resisting rather than doing what comes naturally (Robinson & Garatt, 2003). A moral life could be based on good will and moral law, meaning that a life without these two cannot be assumed morality. The actions which stem from natural tendencies and motives, communal habits and traditions that are adopted without questioning do not bear morality (Özlem, 2020)

Kant starts with the idea that linking the base of ethics with the telos called "happiness," which no one can agree on, will be wrong (Özlem, 2020). He radically challenges the theories that see happiness as an end. For him, morality is not about happiness. If it were so, by satisfying their natural side and acting in line with motives, emotions, and tendencies like animals, human beings could

reach happiness (Cevizci, 2002). According to Kant, if morality were defined as the greatest happiness, human beings would not be different from other natural entities. All living creatures pursue pleasure and try to escape from pain. For him, as rational beings, human beings are different from other creatures. If morality is indexed to happiness, people would have no distinctive features from animals. However, he sees human beings as autonomous from their natural side to see morality as peculiar to people (Özlem, 2020).

In his book "Critique of Pure Reason," Kant mentions the existence of a priori bases, laws, and epistemological forms in forming knowledge. In this sense, he argues that there could also be a priori basis for ethics. According to him, there should be a basic law and a priori base that are valid and same for everybody on the basis of ethics, just like such an a priori basis exists for knowledge (Özlem, 2020).

For Kant, this law is different from natural laws. Unlike natural laws, moral laws are in the form of "ought to." This law is determined, designed, and tried to be put into practice by human beings. Such a moral law for Kant is a personal principle that one both wanted and made for himself/herself, and at the same time, it is a general law that other people could want and make for themselves and act accordingly. Only free people can want such a law. Freedom is nothing but people's making law themselves by using their will autonomously. (Özlem, 2020)

All practical laws are imperatives for Kant. Imperatives could be either hypothetical or categorical (Akarsu, 1999). For Kant, natural laws are hypothetical, whereas moral laws are categorical imperatives (Özlem, 2020). So, only the categorical imperatives are morally good. Only they could be duties (Akarsu, 1999).

They are imperatives, but we, people, establish them for ourselves with our will and try to obey them. We let them determine us. That is why these are not found

in nature. So, they are not natural laws. Obeying the imperatives is not an obligation but a duty for us. Duty is, by definition, an imperative that we voluntarily undertake to fulfill and take responsibility. In obligation, what we should do is determined by authority from the outside when duty is taken into consideration; however, autonomy matters (Özlem, 2020).

Hypothetical ones are only valid under a condition. So, there is a goal within the will. Since they are tied to a condition, they could be means for other things (Akarsu, 1999), which means that natural laws condition people as a natural entity from outside (Özlem, 2020). On the other hand, categorical imperatives, which are morally good, are valid in every condition. The actions in this type of imperative are not tied to a telos. They are an obligation on their own. So, moral laws are categorical imperatives (Akarsu, 1999).

For Kant, consistency is the most significant feature of any principle in any field, including ethics. Since people are naturally rational beings, they reject contradictions. In Kant's ethical framework, this concept of consistency expresses itself in the principle that act such that you want everybody to act in the same way." However, this golden rule should not be abused for selfish purposes (Geuras & Garofalo, 2005).

He made three formulations for his categorical imperative. The concept of consistency is central to all of them (Cevizci, 2002). "His first formulation of 'categorical imperative' meaning 'absolute moral command' was 'I should never act in such a way that I could not also will that my maxim should become a universal law' (Geuras & Garofalo, 2005, p.54)". Because he was aware of the deficiency of his first formulation, he made a second formulation for consistency. His second formulation states that "act so that you treat humanity (i.e., rational beings), whether in your person or that of another, as an end and never as a means only" (Geuras & Garofalo, 2005, p.55). For him, human beings are valuable just because they are human beings, so they should never be used as an instrument for other purposes (Geuras & Garofalo, 2005).

However, the second formulation also has some deficiencies. For example, it is possible to see someone as a means while treating others as an end. So, “he made the third formulation: ‘consider all of your acts as if they were laws in the realm of ends,’ the ‘realm of ends’ understood as a society in which all ends unite into a coherent whole.” (Geuras & Garofalo, 2005, p.56)

In the realm of ends, as rational entities, human beings do not just obey the categorical imperatives; at the same time, they are the real rule makers. This is the bridge between personal ethics and societal ethics. By this realm, Kant implies a country where rational human beings are tied to each other with societal laws. In this country, first, people are members because they have to obey the rules, but at the same time, they are founder members because they are bounded by the rules that themselves formed, not others (Cevizci, 2002). This formulation tries to see society as entirely consistent within itself. In other words, this idea means that people's ends are consistent with others. Also, the realm indicates that people are all ends in themselves (Geuras & Garofalo, 2005).

Which of two philosophical stands is more appropriate for public administration ethics is controversial. There are two sides to the spectrum. According to those who state that consequentialism is better for administrative ethics, public administrators should calculate the consequences of their actions and act accordingly. Öztürk (2003) argues that the teleological perspective has a dominant place in public administration and public policy studies. This is because the results are measured on the basis of effectiveness in the analyzes made. Also, the market model, game theory, public choice, and cost-benefit analysis strengthen this approach. Decisions about what is right and what is wrong are made according to the benefits of the consequences (Öztürk, 2003). In addition, according to Pops (2001), public administrators are surrounded by many rules and regulations. Constitutions and laws bound them, and they are a part of politically subordinate agencies; therefore, they have to necessarily be concerned with legislative mandates besides judicial and executive directives. Therefore, the deontological basis of public administration is guaranteed.

However, public administrators are political actors and make political decisions in all public policy processes. Therefore, accountability to all three branches of the state involves more than following the rules. Public administrators balance their values and forms of reasoning – much of that reasoning originates from their technocratic orientations. In short, accountability is a product of obeying the rules, getting results, and reflecting a positive image of having particular values. Thus, the outcomes, i.e., the consequences, are also crucial for public administrators. Also, public administrators are much more interested in the happiness of the people in comparison to private sector workers. That is why they must give importance to their actions' consequences (Ciğeroğlu Öztepe, 2013). In short, according to defenders of consequentialism, the right action in public administration is the action that brings about good consequences.

On the other side of the spectrum there is the deontological approach, in which the vital point is that public administrators obey the legislation and administrative methods that define what they should do and how they should act. In this context, the code of conduct uses negative language and defines what should not be done and what should be avoided (TÜSİAD, 2003). Öztürk (2003) states that documents which define codes of conduct have a deontological quality. Assumptions are accepted as right or wrong in line with Kant’s ideas and are not tied to personal values. Irrespective of their impacts or consequences, public administrators will combine these ethical values (Öztürk, 2003). In this approach, what is intended is not essential but whether or not the action is in line with the rules is important. Even if the consequences are wrong, if the bureaucrat obeys the rule, that action will be right. Also, for the deontological approach, the existence of universally accepted rules is essential for preventing unethical conduct (Ciğeroğlu Öztepe, 2013). Unity cannot be achieved if every bureaucrat behaves based on his/her value judgment. Even if it brings about good consequences, they will not be in accordance with the rules, and therefore it will be regarded as corruption.

This distinction is meaningful for philosophy in general. However, it is problematic when public administration ethics is considered. These two approaches have both advantages and disadvantages at the same time. It can be discussed, but it is beyond the purpose of this thesis. However, when they are applied to public administration, it seems that the deontological approach overwhelms because bureaucracy seems and is expected to be more deontological and Weberian principles make this situation compulsory. In reality, is it valid for ethics and is it appropriate for the nature of ethics?

The authors referenced above are correct in the sense that there is a strong deontological basis in public administration, and there should be. The behaviors of public administrators are shaped by legislation. This is also necessary in terms of rule of law principle. However, when it comes to ethics, the deontological character of public administration ethics brings about disadvantages because by its nature, ethics is not a field that can be regulated.

It seems that those who approach public administration ethics from a deontological point of view believe that ethics is regulatable. With this understanding, a regulation emerged somewhere around the world and other countries then started to make regulations in the area of public administration ethics. However, the ethics of public officials cannot be controlled. The laws or ethics codes cannot be applied case by case and cannot touch upon every area of bureaucratic life. Bureaucrats cannot think of whether their action will bring about unethicalness or not. For the other areas of public life, the principles of a Weberian bureaucracy can work and can be successful in terms of the working of public institutions. Rules and laws can regulate the functioning of them. In other words, depersonalization can work in an institution. However, when it comes to ethics, it becomes impossible to separate it from its personal dimension because ethics is something beyond the mere functioning of organizations. On the contrary, ethics is a personal issue which is about the inner world of people. It concerns the character, culture, conscience, preferences and behaviors of human beings. It is valid for the bureaucrats, as well. Therefore, they have their own

world view, their own values and evaluations. Public officials can and actually should be part of decision-making processes. They should act according to the consequences of their actions as people whose actions affect many people. When the public administration becomes depersonalized in terms of ethics, it becomes nothing different than law. The distinction between law and ethics disappears in this sense. This is also problematic for ethics. Regulations cannot be thought to be successful in this sense.

Actually, in practice, these two approaches are effective in the behaviors of public bureaucrats. In other words, they can benefit from either of the two philosophical stances. What is meant here is that, of course, public administrators are political actors, and they make decisions in public policy processes. Furthermore, there are blanks in the legislation that rules do not touch upon. In such areas, at least, bureaucrats use their value judgment and discretionary power. However, they may not calculate all consequences, and a wrong consequence can arise in the end. On the other hand, they must obey the existing rules and regulations at the end of the day. However, it should not be forgotten that to what extent the public administrators internalize the existing rules is not given importance. However, in the end, they are the decision-makers and implementers of the rules. It will not be meaningful if they do not internalize the laws and ethics codes.

Nevertheless, with a general evaluation by looking at today's public service ethics, it can be said that there has been a shift to a deontological approach. In other words, it can be argued that today's administrative ethics is affected by Kantian ethics. Especially when the universality argument of the deontological approach is considered, this fact becomes more real because today's public administration also bares a universal character. Even, an intense codification process has started in the field. Thanks to these codes, administrative ethics in today's world spread around with similar principles. Same kinds of behavior started to be expected from public officials all over the world. This means that ethics started to be a universal concept through the spread of ethics codes. Codes

of ethics became an indispensable element of today's administrative ethics with their endeavor to prevent unethical behavior and corruption. Therefore, it would be beneficial to take a closer look at codes of ethics which eliminate the difference between law and ethics.

2.2.2. Codes of Ethics

According to Webster, there are three major meanings of "codes": "a written collection of laws," "a collection or system of rules that are not law, but morally binding," and "a system of symbols for meaningful communication" (as cited in Plant, 2001, p.311). Codes of ethics in public administration usually include all of these three elements. Looking at Plant's (2001, p.309) definition, "codes of ethics are systematic efforts to define acceptable conduct." Rohr states that for the people who support codes of ethics, they are means to guide bureaucrats on doing good and avoiding evil (as cited in Plant, 2001). Besides law which defines the basic rules that should be obeyed by the public bureaucrats while performing their duties, ethical codes comprehensively define the types of correct behavior that are expected from public officials in specific situations and circumstances (Ciğeroğlu Öztepe, 2013).

Codes of ethics guide public officials in situations where ethical values might conflict, according to Lewis (as cited in Plant, 2001). During their activities, public officials face significant ethical dilemmas. Moreover, the existence of ethics codes may be considered a concrete step to cope with those ethical dilemmas (Garcia-Sanchez et al., 2011). Basically, the codes of ethics are "the documents of principles that describe desirable professional conduct and guide individuals in solving ethical conflicts" (Garcia-Sanchez et al., 2011, p. 191). Garcia-Sanchez and others (2011) argue that traditionally, the existence of political and administrative scrutiny mechanisms would be seen enough to prevent and discourage unethical conduct. However, with the transition to a more market-driven public sector, an evolution in ethics practices started to be expected. So, the public sector started to imitate the private sector and create

ethics codes (Garcia-Sanchez et al., 2011). In fact, the roots of codes of ethics go back to the 1920s. However, with marketization, the codes took their present forms. The first major code recognized was published in 1924 by the International City Managers' Association and revised in 1952 (Cohen & Eimicke, 1998). These codes were professional codes binding public bureaucrats to standards of conduct defined by the Association (Plant, 2001). In 1958, the United States Congress also enacted a code of conduct for federal executive body employees. In 1961, President Kennedy strengthened these codes. In the 1970s, following the Watergate scandal, a wave of code-making started (Plant, 2001). Thereafter many other countries started to adopt ethics codes, and international organizations started advising developing countries to do so. So, although codes of ethics existed since the beginning of 19th century, the importance of them has increased recently. The reasons behind this increase will be discussed in the following chapter.

Codes of ethics may be written or unwritten. However, the enforceable ones are the written codes, which provide a measure of accountability to the public. Unwritten codes, on the other hand, are the expression of the ethical culture that is dominant in public institutions by reflecting on the practice (Ciğeroğlu Öztepe, 2013). Written codes can be promulgated by jurisdiction or a level of government, organization, profession, or association (Cooper, 2001). However, the ethics codes in the public sector differ from the others. Benson thinks there is an agreement regarding the difference of ethics codes for public officials from codes of business, non-profit organizations, and trade associations (as cited in Cooper, 2001). It is significant to analyze whether or not public institutions really perceive that having an ethics code leads to better organizational performance. In the private sector, it can be measured by profitability. However, in the public sector, the measurement would be determined by observing how procedures have helped achieve the objectives. (Garcia-Sanchez et al., 2011). Moreover, unlike the private sector, ethical codes are an essential element in increasing the society's trust towards the state by its functioning, which is fair, honest, and full of meritocracy, and the application of democratic values

(Ciğeroğlu Öztepe, 2013). In other words, high standards of ethical conduct among bureaucrats are essential for maintaining public trust and confidence in government (Kernaghan, 1974).

All in all, with ethics training, codes of ethics for Geuras and Garofalo (2010), are one of the two most popular ways of advancing ethics in public organizations. However, they (2010) think that codes of ethics remain superficial and thus limited for promoting the development of morally mature and responsible public administration, although they are somehow helpful. Moreover, Cooper describes them as "vague, abstract and lofty," and therefore, he states, they are challenging to apply in each specific situation. (As cited in Geuras & Garofalo, 2010). Even their existence was questioned. Ladd states that ethics cannot be set by fiat, and forming codes contradicts the concept of ethics itself (As cited in Svara, 2014). This is the hollowing out of ethics. The existence of them causes the difference between ethics and law to disappear. Nevertheless, ethics should be different from law. If the law could solve the problem of corruption and unethical conduct, the world would not make this much effort to create an ethical system. Just as the law has not been successful in preventing corruption and unethical conduct, ethics codes also have not been successful in this regard. Garcia-Sanchez et al. (2011) found that the existence of ethics codes has an insignificant influence on the problems of corruption in the public sphere both in developed and developing countries. It can be asserted that their existence remains ineffective. Codes of ethics usually "focus on proscribed activities, disciplinary actions, and means of compliance; they rarely express ideals or provide a way for public administrators to engage in moral reasoning" (Plant, 2001, p. 309-310).

Clearly, codes can help specify acceptable and unacceptable behaviors in a profession and can ground ethics in the challenges in the practice of a profession if it is effectively implemented (Svara, 2014). However, it is widely accepted that "the mere existence of ethics codes does not lead to more ethical behavior" (Garcia-Sanchez et al., 2011, p. 191). It is not enough to gather together general

principles. Therefore, codes should be sufficiently internalized by the individuals for whom the principles are created, a high degree of participation should be ensured while they are being drawn up, and proper integration should be ensured (Garcia-Sanchez et al., 2011). Also, ethics training is perceived by many public officials as “a key element to an effective ethics code,” according to Lewis (as cited in Geuras & Garofalo, 2010). It is “a conventional method to promote ethical practices.”

In short, ethics codes regulate the areas that laws cannot regulate, put some rules regarding the behaviors of public officials, and supervise them in terms of their being watched over the implication. However, they are not enough to touch upon every tiny area. Even so, they regulate the behaviors of public officials in situations they might face ethical dilemmas. However, it should not be forgotten that this is an effort to make ethics universal. Chandler (2001, p.192) thinks they are helpful deontological tools. However, he states, "they cannot substitute for dealing personally, courageously, responsibly, and creatively with the moral ambiguity that is the stuff of administrative life.” They resemble laws in this regard. However, they do not have the same sanctioning power, so they mostly remain proactive in public administration (Çelik, 2016). Also, as they do not have sanctioning power, they cannot go beyond being a set of wishes with a weak message quality (Yüksel, 2011). Nevertheless, today, they are an important component of public administration. Most countries have adopted codes of ethics and started to establish institutions as the control mechanism for obeying the rules. Behind this process, there are ideological and practical reasons. First of all, the new public administration paradigms have forced the countries to take measures and control public bureaucrats. Also, the increasing corruption problem has supported this idea. In the next chapter, the rising interest towards ethics will be explained in this framework.

CHAPTER III

ETHICS IN PUBLIC ADMINISTRATION

The public's concern over the moral behavior of public servants and politicians has historically risen and faded as instances of misbehavior have been revealed, publicized, discussed, sanctioned, and then forgotten. Additionally, anxiety about ethics in the government has not historically spread much from one nation to another. Instances or accusations of unethical behavior among public servants tended to occur at various times in different nations. However, from the beginning of the 1970s, exposures of unethical behavior by public officials in other nations coincided with the international interest in ethical offenses by high-ranking American officials. These incidents triggered broad public concern about the moral standards of public officials, particularly in Western countries. The publications of academics and journalists, as well as official studies and reports, significantly increased knowledge and understanding of ethical issues in the government during the 1970s (Kernaghan, 1980). Therefore, even if the roots of discussions on administrative ethics go back to older times, in the modern sense, the debates have been intensified since the 1970s. Although the corruption in the politic-bureaucratic system was seen as peculiar to underdeveloped countries, the scandals that occurred in developed Western countries have drawn the attention of society to the problem of corruption and fueled the discussion on the subject of ethics (Öktem & Ömürgönülşen, 2005). Hence, the 1970s can be accurately described as "the ethical decade" in the evolution of the study and practice of public administration from a global perspective. This emphasis on public officials' ethical behavior resulted not only from the intense public and academic concern about governmental ethics but also from the unprecedented response of the governments to this issue (Kernaghan, 1980).

From a more general perspective, within the last decades, there has been an increasing trend of writing on the subject of ethics, especially the ethics of individuals working for the government. Numerous authors have identified ethical issues in the government, urged moral reform and the adoption of ethics laws and codes, proposed what should make up a bureaucratic and/or democratic ethos for public administration, identified one or more ideals or components of such a moral guide, theorized about a grand theory of administrative ethics and the duties of bureaucrats, explored subject-specific ethical dilemmas in government policies, encouraged the teaching of ethics in public administration and public affairs colleges and offered ethical advice for public management practitioners (Goss, 1996). In short, in recent years, the need to develop and vigorously protect ethics in administration is increasingly commemorated in both developed and developing countries (Emek, 2005). Also, the amount of research and writing on this topic has dramatically increased, and it has been quickly become applicable to practice while abundant proof has emerged globally (Bilhim and Neves, 2005).

As indicated previously, the formation of the first ethics codes dates back to the 1920s. Also, it was stated that in 1958, ethics codes, similar to today's codes, had been prepared in the USA. However, after 1958, ethics has not been given that much importance until the 1970s. Actually, there was no regulation in that period. On the contrary, the intensified interest in ethics and the formation of regulatory ethics bodies correspond to the last few decades.

Neoliberal public administration understanding and practices can solely explain the increased interest in ethics. The purpose of this chapter is to analyze the reasons behind this process. Making a twofold analysis will be beneficial at this point. In this context, the story behind the recent importance of ethics will be examined in two sections, theoretical and practical. First of all, it is significant to note that the years when the concerns about ethics rose were the years when neoliberalism was disseminated around the world. That new public administration paradigm -new public management- which is the reflection of

neoliberalism on public administration, has profound foresight about ethics. Also, the approach, namely the public choice theory, which is a part of new public management, is crucial for ethics in the new era because it is the basic understanding that supports the institutionalization of ethics. Therefore, these two and their relations with ethics should be examined to observe the reasons behind the increased interest in ethics in public administration. Secondly, on the practical side, the corruption phenomenon will be analyzed, which plays a vital role in the increasing interest in ethics. As it was stated, especially after the 1970s, corruption has started to increase and become global. This fact is evident in the studies of international organizations. The public administration, which has become increasingly corrupt, has attracted the public's attention and resulted in distrust in the government. It also made governments take action against that issue. Therefore, in the second part of this chapter, the effects of corruption in today's public administration ethics will be analyzed.

3.1. New Public Management

The welfare state, which has been primarily known for the institutionalization of the state's role and interference of it in the economy since the 1920s, had begun to draw criticism by the end of the 1970s. As a response to the global crises of the 1970s, a massive global restructuring started in the 1980s. Accepting the private sector as the major development dynamic became a significant turning point in this process. Although this restructuring was primarily economic, it also had a number of effects on the administrative, political, and social realms (Göksel, 2020). The cultural, political, and economic changes, transformations, and developments that occurred at the societal level also started to affect public administration, especially towards the end of the twentieth century (Kurt & Yaşar Uğurlu, 2007). In short, in the process of neoliberal restructuring, the redefinition of the state's role has led to the beginning of radical transformations in the field of public administration and the rise of paradigm debates in the discipline. These transformations have become concrete not only at the theoretical level but also at the practical level (Güzelsarı, 2004). As a result, a

new paradigm in public administration, namely the new public management, has emerged, and it started to be implemented. It not only transformed public administration, but also changed the understanding of ethics in the field. Therefore, looking from such a framework, an analysis of NPM will help to understand the position of ethics in today's public administration.

According to Hood (1991), there is no single explanation or interpretation of why NPM has risen, and it is 'caught on.' As a result of the fact that the collapse of the Soviets has shaken the social welfare state understanding, the emergence of new demands and needs in public administration with the effect of globalization, re-examining of bureaucracy with the impact of global pressures on the political, economic, and social system, the discussions about the role and size of the state increased (Kurt & Yaşar Uğurlu, 2007). Hood states that, it is quite likely that it emerged as a response to a set of special social conditions developing during the long peace period after the Second World War in the developed countries and the unique period of economic growth in this period (Hood, 1991). The slowdown in economic growth after this period and the bloat of the state are the main factors preparing the rise of NPM (Hood, 1991).

Similarly, for Genç (2010), the rise of the new right ideology, the downsizing of the state, especially in the USA and in the UK, in line with this ideology, the cut in public spending to increase efficiency and effectiveness with the business understanding, the proliferation of practices such as privatization, also the active policy that the international organizations such as Organization for Economic Co-operation and Development (OECD), World Bank (WB), and International Money Fund (IMF) pursue in order to popularize the new right ideology are the several reasons that bring out the NPM. These institutions make the implementation of public management possible by making binding decisions that will affect the administration systems of nation-states (Güzelsarı, 2004).

In the NPM, the place of public administration is defined in the context of the separation of politics and administration. In this way, the administration is

separated from its political and social surroundings and is viewed as impartial. Therefore, the provision of services is regarded as a "technical issue". Also, ideas such as profitability, productivity, customer preferences have been questioned in place of ideas like the public interest and conformity with the law. It can be asserted that NPM focuses on the superiority of the private sector techniques in public administration (Göksel, 2020). According to Pollitt and Bouckaert (2002, p.8), “public management reform consists of deliberate changes to the structures and processes of public sector organizations to get them (in some sense) to run better.” In other words, new public management means implementing private sector management understanding and techniques in the public sector and creating a public culture that focuses on customer, as Rhodes stated (as cited in Coşkun, 2003). This approach has asserted that public organizations are bloated, inefficient in using resources, and ineffective in implementing public policy programs. As a remedy, it presented restrictions on governmental growth, privatization of government assets, and use of contracts in lieu of direct service provision (Denhardt & Catlaw, 2015). In short, NPM is built on market-based and flexible structure; it highlights decentralized organization, orientation to outputs, customer-oriented management understanding, and techniques instead of legal-rational bureaucracy (Eryılmaz, 2019). Similarly, according to Hood (1991), there are seven main doctrinal components of NPM, which are hands-on professional management in the public sector, explicit standards and measurements of performance, greater emphasis on output controls, shift to disaggregation of units in the public sector, shift to greater competition in the public sector, stress on private-sector styles of management practice and stress on greater discipline and parsimony in resource use. It can be inferred from Hood’s words that public administration was tried to be managed like a private company.

Actually, Cini (2004) thinks that most frequently, the NPM literature does not explicitly address ethics. However, it may be assumed that implementing NPM reforms will inevitably result in ethical behavior (Maesschalck, 2004b) because other organizational process modifications will have a “trickle-down” effect

(Cini, 2004). Ethical behavior is mainly seen as behavior that improves the three E's (economy, efficiency, effectiveness) of the NPM (Maesschalck, 2004b).

Maesschalck (2004b) states that concerns regarding the influence of NPM reforms on public officials' ethics have grown in recent years. In the literature, there is an agreement that public sector ethical norms have changed significantly. Numerous people looking for an explanation for this transformation refer to recent developments in the public sector that have come to be recognized as NPM specifically and "public management reform" in general. According to Bilhim and Neves (2005), the NPM paradigm, which puts the topic on the agenda of public administration, is unquestionably the driving force behind administration ethics. NPM reforms include the introduction of competition both within government and between government agencies and private sector organizations, the use of performance management systems, a change in the manager's role from administrator to public entrepreneur, and the introduction of quality control tools and a customer-service emphasis. According to allegations that these reforms have altered public sector values, ethics management is seen as a suitable response to support these reforms and offset any potential harm they may have had on the morals of public employees (Maesschalck, 2004a).

Moreover, in Bilhim and Neves' (2005) words, new ethical issues emerged with the shift from the Weberian model to the NPM. Actually, the government became a partner among others like private and public; hence, the distinction between public and private became ambiguous. New methods of public service delivery became possible. Government operations became dispersed among organizations with a wide range of participants, and decentralization started to grow, achieving flexibility and responsiveness. Therefore, defining roles and maintaining control over them became challenging as new autonomous units and networks were created (Bilhim and Neves, 2005). At this point, it is vital to note that there is a tension between the old approach to public administration, which focuses on carrying out tasks and transactions in accordance with the law, and performance management and the NPM approach, which are results-driven and

open to new ideas. This tension is most clearly observed in the ethical rules of public officials. Too much control over public officials leads to taking less initiative and a performance gap. On the other hand, the lack of sufficient supervision also lays the groundwork for public officials to take part in conflicts of interest and gain an unfair advantage. Therefore, it is essential to determine ethical principles or standards in accordance with the new public management approach and monitor whether these principles are followed (Canan, 2004). In sum, advocates of NPM want public bureaucracy to be like the private sector and sees public officials as entrepreneurs. In this approach, it is desired for the state to wriggle its superior or privileged position, to bring the public sector to the level of the private sector and become an actor in the market. Therefore, public officials are seen as entrepreneurs in the market. However, this freedom and autonomy given to them also necessitate a control mechanism since ethical violations may arise as a problem when this is the case. At that point, ethics started to be seen as a control mechanism over public officials. This is because NPM has challenged the old understanding of administration, arguing that public officials performed their duties as technical professionals without making much use of good judgment according to the wants of their political masters. NPM denied the idea that public officials are ethically neutral instrumental thinkers (Bilhim & Neves, 2005). For this reason, they should be controlled.

In addition, corruption is also another pillar of the relationship between ethics and NPM. It will be discussed in the following part, nevertheless stating that corruption has taken place in the discourses against old Weberian public administration because it is seen as the reason for increasing corruption would be beneficial. A significant number of theorists defending the NPM or contributing to this understanding draw attention to bad management practices, such as corruption and bribery, in the classical period. In addition, in classical public administration, the fact that public resources are spent for the sake of private interests, which does not comply with the definition of duty and service, as it is promised, unfairly or in an unethical way, causes significant problems. In this way, the misuse of public values and misbehavior by public officials seeking

their own benefit by pushing society or public interest into the second place renders the state resources dysfunctional and causes many economic and political crises. In order to purify public administration of mismanagement practices such as corruption and bribery and to see public administration as institutions where resources are not wasted, injustices are not committed, more trustworthy, democratic, and then legitimate at the citizen's eyes, these institutions should be restructured within the framework of openness, transparency, democracy, decentralization and ethical principles (Doğan, 2015). Bedirhanoğlu, supporting this idea, argues that the concept of public ethics was built to prevent "corruption," which is declared as a scapegoat for economic crises intensified by new liberal policies, and states that the concept of "transparency" was brought to the fore in this process (as cited in, Özkal Sayan, 2020). That is to say, NPM is a critical concept in establishing these principles and resolving the aforementioned mismanagement practices (Doğan, 2015). Primarily, these principles are put forward by the international organizations and accepted by the countries. These countries foresaw and supported the transformation with these set of concepts defined in public ethics in the reform programs they prepared during globalization (Özkal Sayan, 2020). Özkal Sayan (2020) argues that filling public ethics with these set of concepts makes it understandable why it became popular after the 1980s. She stated that with the neoliberal understanding, the role and function of the state were questioned again; it was claimed that the public administration is "a gigantic organization that is inefficient, expensive, cumbersome, constantly exhibiting management and organizational errors, and difficult to reach," and after these determinations, policies such as downsizing the state and privatizing public services have come to the fore. In this process, with the emphasis on "public administration," attention was drawn to corruption, administrative pollution, bribery, and administrative scandals. Thus, the desire to find a solution to corruption has become one of the critical reasons for the emergence of public ethics.

NPM is an approach in which the dominance of market morality in the public sector is advocated, as it has been explained so far. In other words, it locates

“market ethics” into the public administration. However, no one can deny that this situation creates serious problems in terms of ethics. First, public administration's primary value should be the ‘public good.’ However, contrary to what it was asserted, NPM does not promote public good (what is meant here is cheaper and better public services for all). However, it becomes a vehicle for the particularistic advantage of ‘new managerialists’ (Hood, 1991). That is to say, the public good is replaced by the interests of a specific group in NPM. The dominance of business values in public administration results in putting public values aside. It is dangerous that bureaucrats will start to think about profitability instead of public interest in decision-making processes. It may lead to disregarding the needs of the citizens. The traditional public administration ethics, in which the bureaucrats are in the hierarchical chain and act in line with the laws, has been abandoned with the NPM approach (Özdemir, 2008). Since bureaucrats are the decision-making units, their ethical judgments became essential for public administration. If they place business values at the core rather than the public interest, unethical behaviors will show up at that time, and the state will start to be inadequate in meeting the citizens’ demands.

New public management reforms have brought about new ethical problems and doubts. (Bilhim and Neves, 2005). The doubt about the potential adverse effects of these reforms on the ethics of public officials has been enhanced by the big scandals in many OECD countries. Many of these were examples of individuals behaving unethically and often so illegally, generating financial and other difficulties for their public sector organization. The assumption is that the NPM reforms and rhetoric led to the opportunity to do this for the individuals and provided the moral mindset to justify it. NPM reforms are supposed to lead to more collective and even systematic unethical behavior. An example of this is the pervasive effect of performance management systems. (Maesschalck, 2004b). As it is commonly acknowledged, NPM mainly emphasizes performance and outcomes. It perceives the ways of doing a job in traditional administration as an obstacle to an efficient and effective management approach. It favors the auditing by the legislative organ on the administrative one, which is based on

performance management. It is thought that accountability based on outcomes can be achieved through market mechanisms and customer satisfaction. (Eryılmaz & Biricikoğlu, 2011). However, to increase performance, the bureaucrats can tend to behave unethically and bypass the rules.

As the last point, it should be noted that by nature, the public and private sectors are different entities. Frederickson (1997) talks about this fact and emphasizes that the principles of the two are also different from each other. Therefore, if the principles of the private sector are implemented in the public sector, public officials start to think of "profit" rather than "public interest." According to him, the public choice perspective could play a significant role in public officials acting unethically. This viewpoint promotes self-interested behavior in everyone, from the individual citizen to the appointed public administrator, by praising and legitimizing the motive of self-interest (Frederickson, 1997). Also, the understanding that sees public service as a sacred action and prioritizes the public interest has disappeared with the NPM understanding. However, what needs to be done is to be an interpreter for the problems of the citizens and to fulfill the public duty with an understanding to meet the common interests (Ciğeroğlu Öztepe, 2013).

3.2. Public Choice Theory

Public choice theory is a theory that constitutes a base for the NPM, and that is one of the sources of the new right ideology which gave rise to the NPM approach. This theory is another influential approach in terms of ethics in public administration. It is vital for public service ethics because it profoundly affects the ethical viewpoint in public administration.

Public choice theory is one of the theoretical approaches frequently used in the studies related to effects of bureaucrats on public policies, paradigm shifts in the public administration, and the functioning of public administration. This approach began to take shape largely with articles written by D. Black, J. M.

Buchanan, and K. J. Arrow and it constitutes the theoretical basis to an important part of the studies on the functioning of the state in the ongoing process (Büker, 2012). Researchers of the discipline have tried to understand this field and to predict political behavior with the help of analytical techniques of the field of economics, especially in the process of modeling the non-market decision-making process with the help of rational choices assumption (Uzun, 2009). According to Mueller, it is “the economic study of nonmarket decision-making, or simply the application of economics to political science” (as cited in Berg, 1984, p. 75). The fundamental premise of the public choice theory is that people are rational economic actors motivated by competitive self-interest (Terry, 1998). It examines the behaviors of politicians, the electorate, political parties, and bureaucrats from an economic perspective and states that these are self-interested and rational entities (Aksoy, 2012). As it can be understood, the main focus point is not the bureaucrats in this theory. It actually examines and seeks for explanation of the behaviors of political actors. Therefore, it has a point in explaining the behaviors of bureaucrats. It is actually an economic theory however it has shortcomings in terms of public administration. William Niskanen made the most significant contributions to the public choice perspective's application to organizational and bureaucratic behavior (Berg, 1984).

This approach sees public institutions and bureaucrats as those who pursue their interests and try to gain power, just like other institutions and individuals (Zengin, 2009). According to this theory, state, government, and public institutions are not trying to maximize the public good, contrary to the common belief. The concept of public interest does not work in daily life (Aksoy, 2012). On the contrary, selfish bureaucrats are put in a competitive environment hoping that a general good will be achieved as the product of actors who seek to achieve their interests (Aberbach, 2001). The effort to explain the behavior of bureaucrats in public organizations with human nature has taken its place opposite the impersonality of Weberian bureaucracy and the idea of serving the public interest, albeit implicitly. While organizational rule shape human nature in

Weber, the idea that human nature shapes the functioning of the organization is dominant in the public choice school (Dülgar & Tosun, 2019). Public choice theorists view bureaucrats as self-interested utility maximizers despite the fact that they are meant to act in the public interest by carrying out government policies as effectively and efficiently as possible (Ateş, 2002).

For this approach, the fact that the state and the institutions that make the state concrete consist of self-interested individuals who prioritize their interests is a normal situation, and it is a rational behavior (Aksoy, 2012). Bureaucrats are also ordinary people, and it is not normal and even not possible to expect that they put their personal interests aside. Because they are nothing more than 'rational utility maximizers,' they constantly pursue wealth, power, status, and other personal gains (Terry, 1998).

The fact that bureaucrats strengthen their own status can be seen as an increase in income, authority and status, reduced workload, and not leaving their seats for a long time (Akçagündüz, 2010). Also, bureaucrats try to maximize their bureau. This means the growth of their bureau, expansion of service area, increase in production volume, and expansion of their budget. This tendency provides continuity for the bureau, prestige, status, salary, and other extra benefits to the bureaucrats. (Aksoy, 2012). However, on the other side, this means that public expenditures are increasing unnecessarily, and public institutions are overgrowing as public bureaucrats think of themselves (Zengin, 2009). In other words, Niskanen claims that many of the objectives of bureaucrats (such as salary, prerequisites of the office, public reputation, power, patronage, and the ease of managing the bureau) can be attained through larger budgets, rational bureaucratic conduct leads to budget maximization according to Mueller (as cited in, Berg, 1984). Under these conditions, the state became bigger and dearer than it need be, according to Niskanen (Orchard & Stretton, 1996). Thus, this implies that an irrational result has emerged on behalf of society (Büker, 2012). Consequently, the state can only keep up by downsizing and privatization (Zengin, 2009).

All in all, it can be argued that public choice theory provides an autonomous area for public bureaucrats. It neutralizes the public sector, removes its privileges, and separates it from its legal framework. Thus, bureaucrats become ordinary workers, just like in the private sector resulting from the fact that they are also like ordinary citizens and want to maximize their interests. This approach rejects the existence of public interest.

The rational economic actor, for this theory, the public officer, according to Donaldson (as cited in Terry, 1998, p.196), "has the inherent propensity to shirk, to be opportunistic, to maximize his/her self-interest, to act with guile, and to behave in a way that constitutes a moral hazard." That is why public managers need extensive policing and cannot (or should not) be trusted (Terry, 1998). At this point, public service ethics plays a vital role because it constitutes a big part of this tight control. Since bureaucrats are rational, economic individuals, they should be controlled with ethical principles and codes, also. This approach does not trust public officials, so it advises institutionalism for this control. The state should have institutions that will supervise the bureaucrats' behaviors. It can be claimed that today's understanding of public administration ethics, which champions establishing institutions to control bureaucrats' behavior, finds its roots mainly in this approach.

If an overall evaluation is made on the effects of theoretical developments on public service ethics, noteworthy is the fact that the NPM approach and the public choice theory strongly criticize classical public administration and hold the big and bulky state responsible for moral decadence. The advocates of it propose NPM as the solution to this problem. They state that classical public administration could not prevent state overgrowth, so the state became a mechanism that could not respond to citizens' needs. Therefore, bad governance, unethical behavior, and corruption could quickly emerge. In this context, the state, which is seen as responsible for unethical conduct and corruption, and the public officials should convert themselves and act in such a way that they prevent such occurrences (Ciğeroğlu Öztepe, 2013). According to these

approaches, the overgrowing state paves the way for corruption and eases unethical behavior for public officials. Therefore, classical public administration and the 'selfish' public officials are seen as scapegoats. It is considered necessary to take them under control. At this point, public administration ethics is served as a remedy as these two theories foresee that corruption is a scourge of our time. However, legal regulations created to prevent corruption did not become sufficient. Therefore, ethics regulations became obligations. In sum, these theories legitimized and legalized ethics.

3.3. Corruption

Corruption exists wherever society and state exist. The fact that corruption differs according to countries, regions, cultures, and economic systems and includes complex processes and relationships makes it difficult to make a single and universally accepted definition. Nevertheless, in the most general sense, corruption can be defined as "the use of this power by those who have power in order to gain a certain benefit for themselves or the people and groups that they foresee" (Gediz Oral, 2011). Similarly, it is defined as "requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behavior required of the recipient of the bribe, the undue advantage or the prospect thereof" in the Civil Law Convention of Corruption (Özbaran, 2003). In general terms, it means abuse of public power by politicians and/or bureaucrats for private interests (Çakır, 2013). Corruption is a disease, a cancer that damages the health of essential organs and eats away at society's social, political, and economic fabric. According to Transparency International, "corruption is one of the greatest challenges of the contemporary world. It undermines good government, fundamentally distorts public policy, leads to the misallocation of resources, harms the private sector and private sector development, and particularly hurts the poor" (Amundsen, 1999).

According to statistics from the World Economic Forum, the cost of corruption to the global economy is estimated to be 5% of GDP annually, equivalent to 3.6 trillion dollars (www.weforum.org, 2022). Corruption has burdensome costs to society in economic, social, and political terms. It undermines trust in the state and jeopardizes social solidarity, raises the prices of goods and services, leads to inefficient investments, and lowers the quality of public services. Inefficiency in public administration causes inefficiency in resource allocation and results in waste of resources. Corruption is recognized as one of the biggest obstacles to economic development (Gediz Oral, 2011). Moreover, as a result of the huge problems corruption causes in legal, social, and economic life, domestic and especially foreign investors who want to make investments to avoid making them. Thus, economic development slows down, and this causes instability in the economy (Çakır, 2013). Therefore, an honest, reliable, and fair public service will not only increase public confidence but also create a suitable environment for the business world, thereby enabling the markets to function well and contribute to economic development (Emek, 2005).

This phenomenon has received much attention in recent years, particularly in the 1990s. Even corruption has received unprecedented levels of attention. 1995, for instance, was labeled as the year of corruption by The Financial Times (Tanzi, 1998). The news about corruption, which is reflected in society every day from the mass media, reveals that corruption is a problem not only in developing countries but also in developed countries (Gediz Oral, 2011). Before, the problem of corruption had often been addressed by political scientists in theoretical analyzes of underdeveloped or “third world” countries. However, the famous Watergate scandal of the 1970s can be considered a significant turning point in this regard. Watergate revealed, at least for American political scientists, that the unethical use of political power is not unique to underdeveloped countries (Şaylan, 1995). In developed and developing nations, big and small, market-oriented or otherwise, governments have fallen due to allegations of corruption. Notable politicians, such as presidents and prime ministers, have lost their official positions, and in some instances, entire political classes have been

replaced (Tanzi, 1998). According to Şaylan (1995), in the 1980s and 1990s, it can be asserted that corruption behaviors reached an intensity that can be described as extraordinary. She states that the corruption process seems to have widely diffused in distinct areas ranging from Lady Thatcher, who is now one of the legendary politicians of England, to French or Italian prime ministers, politicians, from the Dutch royal family to the leaders of third world countries (Şaylan, 1995).

In parallel to the increase in corruption, studies on corruption have also increased. Ciğeroğlu Öztepe (2013) argues that it is not a coincidence that the phenomenon of corruption has been the subject of a significant part of the studies carried out in the field of public administration, especially since the 1990s. According to her, neoliberal policies and approaches that propose administrative structures suitable for these policies are at the forefront of the main factors behind corruption and bribery in the public sector (Ciğeroğlu Öztepe, 2013). Şaylan (1995) contends that representatives of the "new right" movement, which has become very active in both academic and political life in the current period, reduce corruption due to the state's intervention in socio-economic life. According to this approach, if the state's intervention in socio-economic life comes to an end and every aspect of social life is left to the regulation of the market mechanism, corruption will be eliminated or at least minimized. However, it has become clear that the minimal state practice implemented by the new right did not eradicate corruption. On the contrary, in the 1980s and 1990s, when the minimal state approach became very popular, the corruption process intensified on a universal scale (Şaylan, 1995).

Bedirhanoğlu (2007) states that fighting corruption requires a multifaceted approach, according to the World Bank. This strategy tries to "increase economic competitiveness, boost political responsibility, and improve state capability and public sector management." Standard neoliberal restructuring plans for states are, therefore, the best means of achieving these objectives, which are stated as being best achieved through "deregulation and the expansion of the markets"

(Bedirhanoğlu, 2007). To repeat, according to advocates of restructuring, the intervention of the state in socio-economic life, that is welfare state practices, is the main reason for corruption in the public bureaucracy. In this case, the way to fight corruption and even erase corruption is evident. With the minimal state that leaves all kinds of economic initiatives, resource use, or allocation entirely to the market mechanism, the corruption problem will be eliminated or at least reduced to a marginal level (Şaylan, 1995).

The first regulation in the world on the prevention of corruption was issued in the USA dated 1977, which was prepared in order to prevent American businesspeople abroad from being involved in corruption. It was the "Foreign Corrupt Practice Act." Although originally, other countries did not follow this application initiated by the United States, especially recently with the increase of corruption in business relations both in national and international fields, the struggle became a priority on the agenda of many states (Kömürcü & Çalışkan, 2000). Primarily since the second half of the 1990s, it has been understood that it is only possible by eliminating corruption to increase the people's life quality and ensure transparency and dignity in public administration (Başak, 2008). On the other hand, with the effect of globalization, since the 2000s, trade, capital, and investment movements between countries have been increasing gradually. Preventing or reducing corruption which significantly increases investment costs has become an essential factor in determining the level of investment to be made in a country. In a world in which economic integration is increasing between countries, to tackle corruption which causes essential problems in social and economic life, more effectively and efficiently, international cooperation to prevent and reduce corruption has become mandatory (Çakır, 2013). In short, corruption has begun to be considered a global problem, with special attention given to the subject by governments and international organizations. As a result of all these activities, several important contracts have been signed within the scope of the fight against corruption. These lead to the creation of an international regime to fight against corruption (Başak, 2008).

When the allegations and suggestions about corruption are examined, the emphasis on elements such as downsizing the state, making privatizations, and ensuring commercial liberalization in parallel with neoliberal policies are noteworthy (Ciğeroğlu Öztepe, 2013). The neoliberal "sensitivity" to the unique characteristics of various nations that was used to explain the causes of corruption is hardly noticeable in the remedies suggested to combat it because they merely refer to the institutionalization of neoliberal policies that have been introduced under the guise of transparency and good governance (Bedirhanoğlu, 2007). The conclusion is that there is one way to get rid of corruption. At this point, ethics comes to the stage.

Ciğeroğlu Öztepe (2013) concludes that the main reason why the issue of corruption has such an important place on the agenda of international organizations is that they use the discourse of corruption as a "curtain" to cover the destructive and negative effects of neoliberal policies. So, she argues that corruption, a problem originating from the neoliberal ideology itself, is used as a discourse that serves the spread of the same ideology. There is a potential for a deliberate effort to utilize corruption as a tactic to support neoliberal policies, in Bedirhanoğlu's (2007) words. Public administration ethics constitutes a big part of this strategy, according to Ciğeroğlu Öztepe (2013). It is seen that public administration ethics are in line with the neoliberal ideology, especially when the principles of public service ethics are taken into consideration. International organizations especially play a crucial role in the dissemination of neoliberal ideology with the help of the corruption discourse. They argue that it is only possible to get rid of corruption if the advised policies are implemented. Backstage, there is the universality of neoliberalism. Ethics became a part of this ideology and is filled with neoliberal terms.

As is explained throughout the chapter, there are theoretical and practical reasons why interest in public administration ethics has increased. However, these two sides are interrelated. The increase in corruption rates seems to be the fundamental reason behind the fight declared. Also, ethics is envisaged to cut

this increase. However, ethics in public administration is also compulsory in the theory of public administration. What is meant here is that the developments in the theory of public administration, i.e., the rise of new public management and public choice theories in the field, made the emergence of ethics obligatory. This stems from the fact that these two theories see the state and the bureaucrats as scapegoats and need to control them. Therefore, they have legalized and legitimized public administration ethics, as indicated. On the other hand, ethics also necessitated control in practice. Therefore, in the world, institutions were established to control the obedience of public officials to this control, in other words, obedience to ethics codes, which is the provider of this control. In this scope, in the USA, "The Office of Government Ethics," in the UK, "The Committee on Standards in Public Life," in Canada, "The Office of the Ethics Counselors," in Japan, "The National Public Service Ethics Board" and in Australia, the "The Public Service and Merit Protection Commission" have been established (Canan, 2004). They have a common purpose: defining ethics codes, surveilling the implementation, and placing ethics culture in the public administration (Ciğeroğlu Öztepe, 2013).

As will be explained in the coming chapters, Turkey is no exemption. Turkey also regulated the field of ethics by adopting ethics codes and establishing the Council of Ethics for Public Service in 2004. In this context, the situation in Turkey prior to the regulation will be examined first and then the Council of Ethics for Public Service will be elaborated on in detail in the following chapter.

CHAPTER IV

TURKISH PUBLIC ADMINISTRATION AND ETHICS

One of Turkey's most significant problems in public administration is unethical conduct (TÜSİAD, 2005). Unethical activities have gone beyond individual dimensions and started to become institutionalized in Turkey (Koçak & Yüksel, 2010). This situation undermines citizens' trust in the government (Özdemir, 2008). Furthermore, it reduces the effectiveness of the state in meeting public needs. Also, it has adverse effects on resource distribution by preventing social and economic institutions from working efficiently and effectively (Baydar Akgün, 2007). According to TÜSİAD, there are several reasons behind unethical conduct in Turkey. Among these, the absence of the rule of law in the public sector, lack of ethical culture in the public, centralist and status quo structure of bureaucracy, the influence of politicians on the bureaucratic structure, arbitrary use of discretion, lack of transparency and auditing in public administration, economic reasons and lack of education can be listed (TÜSİAD, 2005).

This chapter is basically composed of two separate sections. In the first part, the historical background of ethics in Turkish public administration will be discussed. Initially, the history of corruption in Turkey will be specified, and then the way going to ethical administration will be analyzed. In this sense, the effects of international actors in establishment of an ethics system in Turkey will be emphasized. In the second part, which is about the structure of ethics in Turkish public administration, firstly the existing legal infrastructure of ethics in public administration will be analyzed. The consequent part will be specifically about the Council of Ethics for Public Service which institutionalized ethics in Turkish public administration.

4.1. The Historical Background of Turkish Public Administration

4.1.1. The History of Corruption in Turkey

First of all, the core of the unethical behaviors and the mechanisms to prevent these can be traced back to the Ottoman times in Turkish history. Even some authors argue that the newly established Turkish state was founded on this corrupt structure that was taken over from the Ottoman Empire (Özsemerci, 2003). Özsemerci (2003) states that in the 16th century, disintegration in the administrative and political system began in the Ottoman state, the state began to lose its authority gradually, and a suitable environment for corruption and bribery began to emerge. Therefore, since the 16th century, corruption has been encountered in the Ottoman state. It is also essential in terms of corruption that public officials began to experience financial difficulties with the deteriorating economy in this period (Başar, 2004). In general, in the final period of the Ottoman Empire, the balance of income and expenditure deteriorated to the point that earnings could no longer cover expenses. Also, the structure of the institutions deteriorated, and society's mentality also changed. Soon bribery became common. This can be seen in the records of the time (Yürekli, 2017).

However, combating corruption was also promoted in Ottoman times. Measures were especially taken in the Tanzimat era. A provision regarding bribery was included in the penal code enacted in 1840. Moreover, in 1849, it was made obligatory for state officials to take an oath when taking office that they would not become involved in bribery and corruption (Başar, 2004). Especially in the time of II. Mahmut, radical reforms were undertaken in an attempt to create a bureaucracy which took that of Europe as an example at that time. For example, in this period, to prevent incompetent people from being civil servants, an exam requirement was introduced to enter the civil service (Özsemerci, 2003).

As it was stated, this tradition was inherited from the Ottoman Empire. On the other hand, the people who founded the Republic were to establish a modern

bureaucracy that resembles Western societies. However, corruption persisted into the republican period, when single-party political life was dominant, and it is recorded that a minister from top echelons of the state was referred to the Supreme Council (Özsemerci, 2003). Moreover, those close to the ruling party received economic benefits. With this, the rest of the society became resentful since only those who supported the Republican People's Party could acquire land and industrial interests (Baran, 2000).

The elections in 1950 transferred power to the Democrat Party. However, the end of the single-party period only changed the faces, and the system was perpetuated as usual. The allies of the Democrats also desired to reap the benefits of state power (Baran, 2000). After the transition to a multi-party system, corruption cases were again seen in Turkey (Özsemerci, 2003). In the 1950s, populism began to spread, and as a result, many negative consequences emerged in terms of corruption (Yürekli, 2017). In addition, after the transition to a multi-party system, public administration became a battlefield between the bureaucracy and the new ruling party. Therefore, a political atmosphere that is divided emerged again. "The parties to the battle were the modernist bureaucratic elite and the traditionalist-liberal political elite." (Emre, 2003, p.439). Populist economic and political policies that became widespread in the 1950s continued in the 1960s (Başar, 2004). After the military intervention of 1960, the bureaucratic elite tried to strengthen the bureaucracy and bureaucratic values in the Western sense but was unable to succeed. The politicization of the public bureaucracy resumed in the second half of the 1960s and gained further momentum in the 1970s (Emre, 2003). Partisanship and nepotism have become widespread, and new types of corruption, such as fictitious exports, have emerged (Yürekli, 2017). After the second part of the 1970s, public administration in Turkey notably experienced severe and gradually ethical crises. These are not only a part of global crises but also a consequence of a broad structural and operational degeneration. This degeneration has resulted in the dysfunction of public administration (Emre, 2003).

The 1980s were the years when corruption was most prevalent in the history of the Turkish Republic. In these years, the opinion that there was a general increase in corruption cases in the country was dominant (Özsemerci, 2003). Serious and gradually expanded ethical crises marked the public administration in Turkey in the early 1980s. Mainly broad structural and operational degeneration of the Turkish political-bureaucratic system has brought about these ethical crises. However, these crises have occurred due to reasons attributable to neoliberal economic policies such as liberalization of the economy, privatization, minimal state understanding, and debureaucratization (Olsson, 2014). During the 'liberal revolution,' under the prime ministry of Özal, market values gradually replaced public service values with the effects of liberalization, privatization and deregulation, and managerialization movements worldwide. This has led to the erosion of values such as the rule of law, transparency, and accountability (Olsson, 2014). Olsson (2014) thinks this new policy was necessary. However, there was an unintended consequence: this opened up a new chapter in Turkey's history of corruption. As Özal accelerated this liberalization process, corruption began to start worsening because necessary safety mechanisms, which are the strong and independent judiciary and accountability measures, have been put aside. Heper argues that in this ten-years process, the political elites implicitly wanted to make the bureaucracy a branch of politics and succeeded. The first tactic was the politicization of bureaucracy by placing his followers in important positions, and the other was to reduce the influence of the public bureaucracy by the prime minister and his friends because the public bureaucrats would not be able to respond to the dynamism brought by the government's policies (as cited in Emre, 2003).

To repeat, the 1980s is a turning point, and it points out a remarkable transformation, namely the beginning of globalization. The Turkish governments have not been late in catching up with international developments. Their main messages were "opening to the outside world," "great transformation," "liberalization of the economy," "privatization," "minimal state," "shrinking the public bureaucracy," "being the government of the people," "improving the

quality of public services" and so on (Emre, 2003). Generally speaking, this liberalization process has begun with the 24 January Decisions. These decisions created significant problems both at the social and economic levels. On the one hand, Turkey has lost its former success in economic terms. On the other hand, with the new possibilities emerging, new value judgments, and the effect of new institutions accordingly, corruption in the social and political plane has reached incredible proportions (Kazgan, 1999). In this process, irregularity, illegality, and immorality began to be considered normal, bribery and corruption increased, besides practices such as fictitious export emerged (Kazgan, 1999). As a result, Özal has even encouraged public officials to seize the advantages of economic liberalization, which has worsened bureaucratic corruption (Olsson, 2014). There is this phrase of Özal, "my civil servant knows how to survive well!" which shows how the corruption became obvious. This phrase became the motto for state-sponsored encouragement of bribes and embezzlement. Regarding the state's position, the general idea was that it was acceptable to use any means necessary since Turkey had adopted capitalism. However, the failure of Özal in establishing the necessary checks and balances mechanism gradually eroded the entire system (Olsson, 2014). In short, in Turkish public administration, corruption has become widespread, especially since the 1980s. There are various social, political, and economic reasons (Özsemerci, 2003). In the 1990s, it can be said that corruption allegations increased, which are at the top of Turkey's agenda. In the 2000s, new institutions were established to fight against corruption within the scope of the EU harmonization process, but there were some problems in the implementation phase (Yürekli, 2017).

With a general view, it can be said that these political, social, and economic changes that occurred in the 1980s have also affected public administration. These years correspond to a restructuring of the public administration in line with the public management approach. In the 1980s, the policies that marked the decade became stability in politics, opening up, and economic liberalization (Yıldırım, 2006). In the 2000s, a comprehensive transformation started in public administration. Especially in these years, the effects of NPM have been

obviously seen. In addition, EU harmonization efforts and the pressures of some international actors, especially the OECD and IMF, necessitate a transition to a more accountable and transparent management approach in Turkish public administration (Balcı, 1999). This comprehensive transformation has brought about the participation of public ethics in public administration. The legal arrangements in this issue and institutionalization of public ethics correspond to these years in Turkish history.

Within this general framework of public administration and ethics in Turkey, the process of establishing ethics in Turkish public administration will be discussed in the first part of this chapter. Initially, the road to an ethical administration will be analyzed with the transformation of Turkish public administration at the backstage. Then, the factors that affected this process will be proposed. These factors can be examined under two headings. The first one is the ideological background that transformed the public administration in Turkey, namely the new public management approach. The second one is the international actors that affected this process.

4.1.2. Towards an Ethical Administration

Public service ethical code of conduct or the behavior of public officials violating these rules has an important place on the agenda of public administrations in both developed and developing countries (Ömürgönülşen & Öktem, 2007). Regional and international organizations are also an integral part of the anti-corruption war because they allow all these countries to discuss this issue in detail, learn about successful experiences from other countries, and take the necessary measures on regional and international platforms (Kayrak, 2006). For example, the EU, which Turkey wants to become a member, gives particular importance to the fight against corruption in the problem of administrative compliance to the EU in terms of public administration (Öktem & Ömürgönülşen, 2004).

Basically, the fight against corruption in Turkey has been intensified during the Justice and Development Party (JDP) government. It was wondered what kind of economic policy the JDP, which came to power in the 2002 general elections, would implement. The JDP did not have the chance to implement an economic policy different from previous governments in terms of relations with the IMF and EU, privatization, and the basic dynamics of the economy. The most crucial element in election propaganda was the fight against corruption (Altun, 2004). Some important steps have been taken in recent years to combat political and bureaucratic corruption, which has spread to almost all parts of public life in Turkey for a long time and is seen by the Turkish public as the main cause of the recent economic crises (Öktem & Ömürgönülşen, 2007).

Prior to the JDP, in January 2002, the coalition government led by Bülent Ecevit as the prime minister accepted the "Action Plan for Increasing Transparency and Increasing Good Governance in the Public Sector" (Altun, 2004). This action plan included a series of measures to combat corruption, especially in the public sector. These were enacting a code of ethical behavior for public officials, establishing a judicial police force and courts specialized in the fight against corruption, creating a public procurement system that increases transparency and property declaration, and making regulations related to effective financial audit and money laundering (as cited in Öktem & Ömürgönülşen, 2007). In November 2002, the first JDP government, of which Abdullah Gül was the prime minister, implemented the "Urgent Action Plan" and added many measures to the plan accepted by the previous government (Altun, 2004). The measures that took place in this action plan were the ratification of international conventions on corruption, making penalties for corruption and irregularity deterrent, expanding the scope of work that cannot be done after leaving office, making the financing of politics transparent, redefinition of the concept of "secrecy" in the legislation, development of the dialogue of government-public administration-judiciary-media-civil society on corruption (Prime Ministry, 2003).

The second JDP government, whose prime minister was Recep Tayyip Erdoğan, has also initiated legislative work to establish an ethical public administration within the framework of reform efforts to restructure the public sector and taking into account the general principles in the Urgent Action Plan (Ömürgönülşen & Öktem, 2007). In this context, in October 2003, the Turkish Law on the Right to Information with the law No. 4982 was passed and enacted in April 2004 (Genç, 2007). "The main object of this law is to regulate the procedure and the basis of the right to information according to the principles of equality, impartiality and openness that are the necessities of a democratic and transparent government". (Turkish Law on Right to Information, 2003). In 2004, a Regulation regarding the implementation of this law was published.

Moreover, in May 2004, the Law Related to the Establishment Council of Ethics for Public Service and Making Modifications on Some Laws with the law No. 5176 was published in the Official Gazette. This Council, which is the subject of the present thesis, was established to determine the rules of ethical attitude principles that public officials must comply with and observe the implementation. The Council became operational in September 2004. Again, in the same year, a Circular was published which stipulates that public institutions should cooperate fully with the Council. Moreover, in 2005, a Regulation about the implementation of the Law was entered into force.

Furthermore, the second JDP government submitted a bill to fight corruption to the Turkish Grand National Assembly. However, this draft law was withdrawn after the Turkish Penal Code with the law No. 5237, and some related laws were enacted in 2005 because these laws included detailed provisions on crimes related to corruption (Öktem & Ömürgönülşen, 2007). In addition, the JDP established a commission in the parliament to investigate the alleged corruption in the past. The Parliamentary Corruption Investigation Commission wanted 16 separate investigations to be opened against 25 former ministers, including former prime ministers Bülent Ecevit and Mesut Yılmaz (Altun, 2004). The primary purpose of this commission was to examine the causes of corruption, its

economic and social dimensions, and identify the necessary measures to combat corruption effectively (Öktem & Ömürgönülşen, 2007). This commission has prepared a report which contains many reform proposals to eradicate corruption in the public sector, including some critical amendments to various laws. Besides, in early 2010, the "Strategy of Increasing Transparency and Strengthening the Fight Against Corruption (2010-2014)" was adopted by the JDP government (Prime Ministry, 2010). This strategy aims "to develop a more fair, accountable, transparent and reliable management approach by eliminating the factors that prevent transparency and feed corruption" (Prime Ministry, 2010). An updated version of this action plan was adopted in 2016 (European Commission Report, 2016).

Again, during the period of mentioned governments, some critical international conventions in the field of anti-corruption were signed, the parliament approved these conventions, and necessary legislative changes were made (Öktem & Ömürgönülşen, 2007). A list of some international conventions signed by Turkey can be found below (www.etik.gov.tr):

- 1 February 2000 – OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (approved by Law No:4518)
- 24 March 2001 – The Decision on the Implementation, Coordination and the Monitoring of the Turkish National Program for the Adoption of the European Union Acquis, which includes the priority objectives of the fight against corruption
- 17 April 2003 – The Council of Europe's Civil Law Convention on Corruption (approved by Law No:4852)
- 10 December 2003 – United Nations Convention against Corruption (approved by Law No:5506)
- 14 January 2004 – The Council of Europe Criminal Law Convention on Corruption (approved by Law No: 5065)

As it is seen since the 2000s, Turkish governments have signed various international agreements to combat corruption and to provide an ethical administration in Turkey. The aforementioned international regulations signed by Turkey and the regulations made by international organizations regarding corruption and unethical activities have been the primary reference sources in shaping the ethical infrastructure in Turkey which is composed of the Law No. 5176 and the Regulation on the Principles of Ethical Behavior of the Public Officials and Application Procedures and Essentials mainly. Therefore, their effects on the establishment of an ethical infrastructure cannot be ignored.

As it can be seen, Turkey gradually entered a phase in which ethics was given importance. In this way, many initiatives can be seen going to the ethical administration. However, there are grounds for these efforts. Establishing an ethical administration serves the purpose of placing the neoliberal ideology in Turkey. That is why the reasons behind these efforts should be mentioned. In line with this, firstly, the emergence of neoliberal ideology in Turkey and its reflections on public administration will be emphasized. Then, the external factors of this transformation, namely the international organizations and their effects on the establishment of an ethical administration, will be discussed.

4.1.2.1. The Transformation of the Turkish Public Administration

In the 1980s, Turkey and the entire world underwent a serious transformation with the effects of globalization. In fact, Turkey is one of the countries that have been deeply affected by globalization policies. Also, new right policies that Mr. Reagan and Mrs. Thatcher symbolized were disseminated thanks to globalization. These policies have led to the restructuring of the state from the early 1980s (Sezen, 2002). This transformation was in line with the requirements of the new stage of capitalist accumulation, which is based on “the transition from inward-oriented ‘developmentalist’ policies to neoliberal integration with the world market.” This points out a turning point for the Turkish economy. With the 24 January Decisions, the outward-oriented accumulation model was

adopted, which aims to achieve a liberalized open market economy (Güzelsarı & Kendir Özdinç, 2013). With this decision, the development policy which has been implemented since the foundation of the Republic was abandoned. A new development concept was adopted with its main characteristics being liberalization, integration into international trade, and growth based on exports (Sezen, 2002). In the period after the 1980s, with the civil government, the state control and inward development policy that was dominant in the previous period was abandoned. A different economic policy and appropriate social policies were followed (Genç, 2007). The reason behind this change was the crises of the 1970s, which challenged the regulatory state understanding of the previous era. To overcome the failures of the 1930s, an interventionist state was needed. However, different from the previous era, the crisis of the 1970s made the regulatory state understanding necessary to cope with the crisis (Sezen, 2011). Thus, according to Farazmand, the interventionist state is being transformed into a regulatory entrepreneur state (as cited in Sezen, 2011). This regulatory state meant a change in the intervention strategies of the state in the economy and its manner and methods of functioning.

According to regulatory state understanding, the state should deliver the public services that the market forces cannot deliver or adequately deliver and take precautions to avoid market failures. At the same time, it should be governed as a private enterprise (Sezen, 2011). With this transition, with the implementation of privatization and deregulation, the state's role in production, accumulation, and distribution was weakened, and its regulatory role came to the forefront (Sezen, 2002). Since the effects of globalization were felt in the economic area, the first regulations were made in this area. This new approach based on liberalism, the opening of the economy, and the free-market understanding have also affected the regulations in the field of public administration since this period (Genç, 2007). To put it differently, the 24 January Decisions not only directly affected the national economic and financial institutions but also affected almost every aspect of social life (Parlak, 2003), including administration. The public administration systems of countries have been deeply affected by the rapid and

comprehensive change trend experienced in the globalization process. In order to keep up with the changes and meet the new needs, all countries with different regimes and levels of development have implemented structural reforms with determination and effectiveness. In such a period, the Turkish public administration could not be kept close to the change, and it was unthinkable that it would not be affected by the developments at the universal level in the administrative field (Parlak, 2003).

As globalization has affected other areas, it has also affected the thought, structure, functions, and methods of doing business in public administration and forced it to change. Under this pressure of change, the role of the public administration was redefined. (Genç, 2007). Demands for change in public administration have started to be expressed more loudly. These demands and the need to keep up with the changing world order have been tried to be met with public reforms (Genç, 2007).

In such an atmosphere, change became inevitable and realized through administrative reforms. During the 1990s and 2000s, it was so common for countries to adopt neoliberal ideology and market-oriented reform strategies for public sector reform. These countries have witnessed many administrative reforms (Güzelsarı & Kendir Özdinç, 2013). They were realized in almost every country regardless of the regime, political and administrative culture, or development level. While these reforms are given different names in various contexts, new public management is used as a general label encompassing all kinds of reform activities (Sezen, 2011). According to the NPM approach, the public sector can be managed just like the private sector, and the values and operational techniques of the second one can be adapted to the public sector (Sezen, 2002). Typical components of NPM can be listed as “deregulation and market-based regulation, decentralization, privatization and contracting, business-like management, output controls, desegregation, competition and market mechanism, discipline in resource use, budgeting for results, performance-related systems etc.” (Sezen, 2011, p. 323). Specifically, in the

NPM reforms, distinctive characteristics stand out as the substitution of the citizen with the customer and the replacement of egalitarian and abstract values such as “public” and “common interest” with market-oriented goals (Sezen, 2011). In other words, NPM uses concepts such as profitability, productivity, and consumer preferences instead of public interest and conformity with the law (Sezen, 2002). NPM reforms are targeted to improve the quality of public services, save public expenditure, increase governmental operations' efficiency, and make policy implementation more effective. Advocates of the NPM believe that private sector methods are able to solve public sector problems (Güzelsarı & Kendir Özdinç, 2013).

The NPM reforms first emerged in Anglo-Saxon countries and were mainly diffused by international actors such as the IMF, OECD, and the World Bank. As a European Union candidate and a country economically dependent on foreign loans, Turkey has been exposed to constant demands emanating from the EU and international creditors since the 1970s (Sezen, 2011). However, the most comprehensive reforms in Turkey took place in the 2000s (Genç, 2007). To express it differently, in these years, the pressures of the World Bank and the IMF within the framework of the economic stability program and the EU within the framework of the EU full membership project encouraged Turkish governments to carry out serious legal, political, and economic reforms that have been on the agenda of the Turkish public for a long time (Öktem & Ömürgönülşen, 2007). In fact, the European Union was undoubtedly the most influential actor in the reforms realized in the 2000s, while in the 1980s and 1990s, the WB and IMF were more influential due to the urgent financial needs of Turkey (Sezen, 2011). It can be asserted that the direct and far-reaching influence of the EU on Turkey began with the 1999 Helsinki Summit when Turkey became a candidate country (Öktem & Ömürgönülşen, 2007). In fact, the harmonization of national legislation with the Acquis Communautaire started before Turkey participated in the Customs Union in 1996 (Sezen, 2011). However, after 1999, the rapid realization of reforms that will ensure Turkey’s integration into the EU has gained importance. An important part of these

reforms is related to public economy and public administration (Genç, 2007). The EU does not foresee a model for public administration. However, some basic principles and values, such as openness, transparency, accountability, efficiency, and effectiveness, facilitating the effective and efficient implementation of the EU acquis, which shape the public administration in the EU (Kösecik, 2004). In the candidacy process, the candidate countries should regulate their public administration in such a way that these principles are established in the public administration (Genç, 2007).

To repeat, when it came to the end of the 1990s, the Turkish neoliberal reform process entered a new phase which targets institutionalization of these reforms through a series of new laws and regulations and the significant structural transformation of the state in line with the market-based internationalization principles. In this process, the real target was the formation of institutions that are needed by the capitalist system (Güzelsarı & Kendir Özdinç, 2013). Under the new Justice and Development Party government, which won the 2002 elections, the public administration of Turkey has been radically transformed. This process finalized the earlier economic reforms, according to Sezen (2011). "The Justice and Development Party, which assumed power with a comfortable majority in 2002, maintained it after the 2007 elections with an even higher majority" (Sezen, 2011, p.339). The JDP, thanks to this strong government, could conduct reform policies alone without looking for allies (Sezen, 2011). The reform attempts became an important issue for the government programs of JDP. The fact that JDP was highly committed to neo-liberal reforms in the 2000s has made the public service highly decentralized, marketized, contractualized, and privatized. The JDP government has presented itself as the pioneer of public administration reform and justified the reform attempts with the need for flexible public administration, according to Çelenk (as cited in Güzelsarı & Kendir Özdinç, 2013).

In short, especially after 1980, the issue of globalization started to take place on the agenda of Turkey with increasing attention (Genç, 2007). When the five-year

development plans are examined, it is seen that, in general, there is an optimistic attitude towards globalization in terms of state policy. Especially in the development plans prepared after 1990, globalization became one of the most used words. Also, it is seen that benefiting the advantages and integration into the global system are put forward as one of the general objectives of the plan by considering it from a positive point of view (Genç, 2007). According to Sezen (2011), it seems that Turkey faithfully transfers the NPM-style policies since the administrative reforms in Turkey are in line with the NPM paradigm.

In this framework explained above, Turkey has undergone a serious transformation in line with the NPM paradigm. Profound changes have occurred. In this environment, ethics is one of the areas that are subject to change. In other words, ethics understanding has also changed in this process. Lots of arrangements have been made in the field of ethics. This change has been spread thanks to international organizations' efforts. In the next part, specifically, their effects on Turkey in this process will be analyzed.

4.1.2.2. The Effect of International Actors on Today's Public Administration Ethics and Turkey's Public Administration

Although the beginning of corruption dates back to old times, it has only been possible for international organizations to put the fight against corruption on their agenda since the mid-1990s (Başak, 2008). In revealing the corruption problem, determining the strategies for the solution, and implementing the action plans, the contribution of international organizations cannot be overlooked. They play a crucial role in the struggle against corruption with the contracts, declarations, and strategy plans, as well as with the new organizations they created or contributed to the formation (Özbaran, 2003). The approach of international organizations to ethics in public administration mainly focuses on the problem of corruption, and their struggle revolves around this problem generally. Its reflection on Turkey also focuses on the corruption problem, and Turkey's ethical infrastructure has been built upon the fight against corruption.

Also, in the General Preamble of Law No. 5176, international organizations and their effects have been referred to. Therefore, analyzing the view of international organizations on corruption will give an idea about today's public administration ethics and their impacts on Turkish public administration ethics.

In recent years, the international community began to understand that corruption caused a big problem and preferred to solve this problem in the framework of some regional and multinational agreements and practices (Kömürcü & Çalışkan, 2000). Especially since the second half of the 1990s, it has been understood that the increase in people's quality of life and the promotion of democracy, transparency, and respectability in public administration are only possible with the disposal of corruption. Corruption has the potential to jerk not only the economy but also the public order. In the past years, corruption has been perceived as a problem only regarding the people who live in the country where corruption occurs, however today; it has started to be discussed as a global problem with the importance given by the intergovernmental and nongovernmental organizations (Başak, 2008). It can be asserted that national law remains insufficient.

As it is known, although the importance of international law is increasing day by day, its applicability is subject to the consent of the exclusive states, which weakens the enforceability of international law. Furthermore, national laws are valid within the borders of countries. So, it can be said that the national laws in the fight against increasing international corruption do not have the opportunity to play an active role. Therefore, the national regulations must be supported by an international regulation which constitutes a general framework (Kömürcü & Çalışkan, 2000). Also, Kömürcü and Çalışkan (2000) state that in some situations, the domestic country and its institutions cannot fight against corruption that was planned abroad since it is out of its jurisdiction. Even this reason is enough to show that combating corruption should be done through international regulations and mutual assistance between countries. In line with

this, Turkey became one of the countries that had to accept and sign international regulations and pass them into its domestic law.

From an economic point of view, the fact that the world is getting smaller and trade relations have developed in such a way as to challenge national borders, and the countries increasingly depend on each other are undeniable facts for the 21st century. The national regulations related to the fight against corruption are started to be supported by international regulations. Also, there is this obligation that universal standards should be adopted and implemented. As a result of these, international organizations and units emphasize different aspects of the struggle in combatting corruption and provide support to the struggle with the documents they produce (anti-corruption contracts, declarations, commitments, action plans, etc.) and other studies (examinations and investigations, reports, strategic plans etc.) (Özbaran, 2003). Among the international organizations, United Nations (UN), European Union (EU), Organization for Economic Co-operation and Development (OECD), World Bank, International Monetary Fund, and Transparency International (TI) can be listed.

United Nations is one of the international organizations that fight against corruption. Starting from a supranational approach in the fight against corruption, the UN publishes guiding statements to the states and, from time to time, presents binding decisions to the participation of the international community (Gediz Oral, 2011). First, it published the UN International Code of Conduct for Public Officials in 1996. It includes provisions on conflict of interest, disenfranchisement, declaration of property, acceptance of gifts and other benefits, confidential documents, and political activities. Besides, efficiency, effectiveness, honesty, sensitivity, justice, and neutrality principles are emphasized (Yüksel, 2011). Also, the United Nations Convention against Corruption is worth touching upon. Turkey, as one of the UN members, signed the United Nations Convention against Corruption on 10 December 2003. The Convention entered into force by being published in the Official Gazette dated 24 May 2006. (diabgm.adalet.gov.tr, 2022) “It is the only legally binding

universal anti-corruption instrument" (www.unodc.org, 2022). It emphasizes the prevention of corruption occurring in the public and private sectors. It proposes units that will fight against corruption and ensure transparency (Başak, 2008). Its primary purpose is the establishment of an international cooperation mechanism that works effectively. For the issue of combating corruption, it is emphasized in the Convention that technical support activities are important for strengthening the institutional capacity of the countries (Gediz Oral, 2011).

The European Union is also an important international organization for combating corruption. The leading actor in ethical structuring and regulations in Turkish public administration is the EU (Küçükyağcı, 2017). For the EU, having a well-functioning public administration structure is one of the most fundamental goals because only in this way will it carry out the tasks expected to be fulfilled by the Union effectively and ethically by appropriately using the authorities and responsibilities given to it by its own institutions. Also, it will be a pioneer for the public administrations of the member and candidate countries to function in the same way as an example. That is why good governance and ethics stand out as the basic principles of the EU public administration structure. Corruption is considered an indicator of bad governance, and that is why fighting against corruption is essential for the Union (Demiral, 2009). Demiral (2009) states that the EU does not have an ethics infrastructure on its own. Its ethics principles are not in one document but are lined up in various documents. For example, the principles for the members of the European Commission are defined in the "Code of Conduct for Commissioners" or for the personnel. The principles are in the document "Code of Good Administrative Behavior." European Commission has asked the member states to sign the international convention regarding combating corruption which the OECD prepared, and the EU supported its studies (Kömürcü & Çalışkan, 2000). Furthermore, the Council of Europe has published the Model Code of Conduct for Public Officials, whose purpose is to determine the codes of conduct and honesty standards that public officials must comply with, to assist public officials in complying with these standards, and to inform the public about what behavior to expect from public officials. Moreover,

the European Commission Council of Ministers, intending to develop an international action plan against corruption, has founded the Multidisciplinary Group on Corruption. Then, this group transformed into the Group of States Against Corruption (GRECO), in 1999 (Özbaran, 2003). GRECO has an effective mechanism for forming strategies and principles guiding the struggle against corruption. Its primary purpose is to observe the member states' systems of combating corruption and help them increase their capacity. The only condition for full membership to GRECO is acceptance to be evaluated (Yüksel, 2011). GRECO prepares an annual activity report regarding all its activities and studies to inform the public (Özbaran, 2003).

The importance attached to the prevention of corruption by the EU and the European Commission and the Union's warnings to member and candidate countries is of great importance for Turkey (Özkal Sayan, 2010). Turkey's situation regarding corruption can be traced through progress reports prepared by the European Commission. In every report, the issue of corruption has been addressed under the headings like 'combating corruption' since 1998. Almost in every report, it has been said that corruption is a serious problem for Turkey, and it is widespread. In the last few years, the discourse has changed, and it has started to be said that Turkey has a certain level of preparation in the fight against corruption. Nevertheless, in the 2018 report, it was indicated that the legal and institutional framework needs to be further aligned with international standards. It is specified in many reports that Turkey does not have an autonomous institution that combats corruption. Also, it is generally stated that penalties do not have a deterrent effect. In the 2002 report, for the first time, the concept of ethics was used. It was mentioned that the development of ethical principles for public officials and managers is foreseen in the action plan prepared by Turkey. In the 2004 report, the concept of ethics this time has been used in the context of the Council. It was stated that with the adoption of Law No. 5176, progress had been made in increasing transparency. However, it was also said that ethical attitude principles should be developed for public employees. In 2005, the Regulation on the Principles of Ethical Behavior of the

Public Officials and Application Procedures and Essentials was mentioned, and it was indicated that the ethical attitude principles for public officials came into force. After that, in many reports, it was put forward that the scope of law should be expanded to include members of the parliament, academicians, the judiciary, and the military, but no progress was made. Furthermore, it was mentioned that the Council does not have the authority to enforce its decisions with disciplinary sanctions. Ethics commissions were also mentioned, but it was indicated that the Council still does not have the capacity to monitor and coordinate the work of these commissions in the 2017 Report. Also, it was said that Turkey does not fully comply with the GRECO's recommendations in almost all reports after Turkey has been a member of GRECO. The latest report states that no progress has been made in the reporting process, and Turkey is at an early stage in the fight against corruption. Besides, it was asserted that Turkey's lack of progress in addressing many shortcomings in the anti-corruption framework indicates the lack of will to tackle corruption in a determined manner. According to the 2021 report, Turkey is a party to all international conventions regarding struggling against corruption. However, it does not fully comply with the provisions of the conventions.

As it is seen, progress reports are tools to monitor Turkey for the EU, and these are the sources that form the basis for analyzing the recent transformation in Turkish public administration (Özkal Sayan, 2010). Özkal Sayan (2010) argues that in Turkey, the fight against corruption and the construction of ethical theory started at the 'request of the EU' since 1998. Demiral (2009) thinks that the efforts to have ethical principles are based on the necessity of having an effective and ethical public administration rather than fulfilling the obligations of candidacy to the EU in Turkey. When these requirements are added to what needs to be done to become a member of the EU, creating ethical infrastructure in Turkey, putting ethical principles into practice, and fighting corruption in this direction gain special importance (Demiral, 2009). The EU has a specific significance in the way of ethical administration in Turkey. Also, it is seen that Turkish ethical attitude principles are approximately the same as the principles

that are laid down by the European Commission (Demiral, 2009). Furthermore, the EU and European Commission also contribute to establishing ethical management in Turkey by carrying out joint projects with the Council of Ethics for Public Service (Activity Reports of the Council, 2022).

Also, GRECO has an essential effect on Turkey's combating corruption, as it was indicated above. Turkey has been a member of GRECO since 2004. Compliance with GRECO standards is one of the qualities that should be sought in the legal infrastructure that adheres to ethical principles in the public sector (Yüksel, 2011). GRECO's main target is to evaluate the compliance of its members with the anti-corruption standards established by the European Commission by operating a 'dynamic process of mutual evaluation' and 'peer pressure' mechanisms and help increase their capacity in this way (diabgm.adalet.gov.tr, 2022). GRECO evaluates countries in a series of stages, which are considered logical extensions and continuations of each other. In the progress reports of the European Commission, it was often articulated that Turkey does not entirely fulfill the GRECO's recommendations.

OECD is also one of the international organizations which try to deal with corruption. OECD is working to eliminate the situations which constitute corruption by establishing consensus with the country it examines as a result of the reviews by mutual dialog and country surveys and evaluations. Also, it produces statistics and publishes some documents as a part of its activity area. It is seen that OECD focuses its anti-corruption fight on the prevention of bribery, export credits, adverse effects of corruption on development, corruption and ethical values, taxation, and bribery issues (Başak, 2008). It has been involved in a study on the corruption problem since 1994. In 1994, the organization adopted a proposal on corruption in international trade. In this proposal, effective legal mechanisms for the prevention and punishment of international bribery have been enacted by member states (Kömürcü & Çalışkan, 2000).

The OECD, especially the Public Management Committee, plays a vital role in guiding the member states in combating corruption after the end of the 1980s (Ömürgönülşen & Öktem, 2007). In 1997, OECD/PUMA (Public Management Committee) published the document "Managing Government Ethics." According to this document, the components of ethics infrastructure in public administration, the functioning of these, and the interrelations between them are explained as follows (Demiral, 2009). Ethics infrastructure has eight key elements (OECD, PUMA, 1997):

- Political commitment (politicians should say ethics are important, set an example, and support good conduct with adequate resources)
- An effective legal framework (laws and regulations which set standards of behavior and enforce them)
- Efficient accountability mechanisms (administrative procedures, audits, agency performance evaluations, consultation, and oversight mechanisms)
- Workable codes of conduct (statement of values, roles, responsibilities, obligations, restrictions)
- Professional socialization mechanisms (education and training)
- Supportive public service conditions (fair and equitable treatment, appropriate pay, and security)
- An ethics co-ordinating body
- An active civic society (including a probing media) to act as watchdog over government activities.

Also, in 1997, OECD adopted the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the Anti-Bribery Convention). According to its website, "it is the first, and only international anti-corruption instrument focused on the 'supply side' of the bribery transaction – the person or entity offering, promising or giving a bribe. As a legally binding international agreement, parties to the Convention agree to establish the bribery

of foreign public officials as a criminal offense under their laws and to investigate, prosecute and sanction this offense". (www.oecd.org, 2022). Turkey is also a party to this Convention. On February 6, 2000, she ratified the Convention and stated that it fulfilled the necessary regulations in national law published in the Official Gazette on January 11, 2003 (Başak, 2008). In 1998, the OECD Council took an important step towards the systematic institutionalization of ethical behavior by making recommendations to member states on ethical behavior in public services. Each year, the OECD Public Management Committee (PUMA) announces the results it creates based on the findings of the surveys it conducts in OECD countries and guides these countries on ethical behavior (Kılavuz, 2003). In this context, OECD has developed a model and defined these 12 principles in order to establish public administration ethics in an administrative manner (OECD, 2000, p.75-76):

- Ethical standards for public service should be clear
- Ethical standards should be reflected in the legal framework
- Ethical guidance should be available for public servants
- Public servants should know their rights and obligations when exposing wrongdoing
- Political commitment to ethics should reinforce the ethical conduct of public servants
- The decision-making process should be transparent and open to scrutiny
- There should be clear guidelines for interaction between the public and private sectors
- Managers should demonstrate and promote ethical conduct
- Management policies, procedures, and practices should promote ethical conduct
- Public service conditions and management of human resources should promote ethical conduct
- Adequate accountability mechanisms should be in place within the public service

- Appropriate procedures and sanctions should exist to deal with misconduct

In the General Preamble of Law No. 5176, these principles are referred to, and as mentioned in the General Preamble this document states that member states should establish well-functioning institutional structures and take other necessary measures in order to implement the principles of ethical behavior in public services (General Preamble of Law No. 5176, 2004). According to Çelik (2016), these principles support the new forms of government with reform processes all over the world, and Turkey, as one of the countries which want to be a part of this transformation, has an obligation to follow these principles. When the ethical principles in Turkey are examined, the similarity between them can easily be seen.

The World Bank and International Monetary Fund can lend critical support to the fight against corruption in various ways (Elliot, 1997). According to Çelik (2016), "these two hegemonic powers in international politics impose their value judgments on developing countries." In fact, they force developing countries to make structural adjustments in economy, politics, and administration, as in the case of Turkey (Çelik, 2016, p.85). They tried more general approaches and made the loans conditional on structural adjustment reforms to reduce corruption (Pieth, 1997). With the importance given by the WB to 'good governance' in development, it mostly requires various public sector reform activities to increase transparency, accountability, and participation in lending countries (Pieth, 1997). While WB has evaluated the corruption problem as an 'internal problem' of countries for many years, it has taken action on the 'high economic cost' of corruption (Özkal Sayan, 2010). On the official website of the WB, it is remarked that corruption is the biggest obstacle to economic and political development. Especially in its projects, the fight against corruption has an important place. In connection with this, WB supports the countries' programs for the struggle with corruption (Başak, 2008). The WB's anti-corruption policies consist of elements such as protecting the projects financed by the Bank

from corruption, helping countries in the fight against corruption, supporting international efforts in the fight against corruption, and taking corruption into account when providing loans and aid to countries (Gediz Oral, 2011). The World Bank's fight against international corruption started in 1992. In the guide that came into force this year, called "Guidelines on the Treatment of Foreign Direct Investment," prevention and control of international corruption by appropriate means and working with other countries are requested from all member states. Also, in 1994 it published a report called "Government." In this report, it is indicated that it will help the member states with the aim of preventing corruption in the fields of taxation and privatization. Moreover, in 1997, it published a report called "Helping Countries Combat Corruption, the Role of the World Bank." In this report, a multinational plan has been drawn up for the prevention of international corruption (Kömürcü & Çalışkan, 2000).

The IMF has been leaning on fighting corruption, especially since the second half of the 1990s (Başak, 2008). In 1996, it established a guideline for transparency and dignity in the public sector. In 1997, IMF declared its new policy against corruption. In this context, it was pointed out that some reforms to maintain sustainable development should be urgently completed. As issues having priority, providing the rule of law and increasing efficiency and dignity in the public sector, the importance of the fight against corruption was emphasized (Başak, 2008). The IMF wants the countries it lends to reduce the government's intervention in the economy by reducing trade restrictions, increasing liberalization in the financial markets, removing price controls and subsidies, and privatizing public economic enterprises. These reforms that the IMF wants are also reforms regarding decreasing corruption (Gediz Oral, 2011). IMF's impact on Turkey's combating corruption can be traced through the intention letters, stand-by agreements, and review texts. The ethics issue was mentioned for the first time in the 1st review text in April 2002. There is a prerequisite in the document of enacting a law on ethical duties and principles of practice that public administrators and civil servants will comply with while performing their duties (Acar, 2009). Also, the 4th intention letter to the IMF is referred to in the

General Preamble of Law No. 5176. It is stated that some structural commitments could not be fulfilled due to time constraints. These include the passage of the law determining the ethical rules for public administrators and civil servants (General Preamble of the Law No. 5176, 2004). Until the 8th intention letter, the establishment of moral duty and practice principles for public administrators and public officers are mentioned. However, this could not be realized until the 8th letter. In the 8th intention letter, it is stated that the law on moral duty and practice principles for public administrators and public officials was adopted by the parliament on May 25, 2004.

These two organizations are lending organizations and give importance to corruption issues in the lending processes. Especially in the situation where those states who borrow or want to borrow from the World Bank are involved in corruption, the World Bank either rejects the 'buying money' transaction from the outset or cancels the operation performed later. This policy of the WB is of great importance in preventing international corruption because the international community accepts the role that the WB plays in the flow of foreign investment. The IMF has also adopted a method consistent with the policy World Bank implemented. If it is understood that the developing country has links to corruption and if this link negatively affects the development of that country, the aid to this country is postponed (Kömürcü & Çalışkan, 2000).

Another international organization whose efforts in the fight against corruption are so significant is Transparency International. Founded in May 1993 and headquartered in Berlin, it is the first and only international nongovernmental organization whose sole purpose is to fight corruption (Yüksel, 2011). TI is an organization that investigates the causes of corruption, prepares studies and reform programs regarding this, leads the implementation of multilateral agreements, and publicizes the findings obtained by monitoring the activities of governments, public institutions, and nongovernmental organizations (Özbaran, 2003). Its core mission is to fight against corruption by forming a global coalition to promote and strengthen national and international reliability systems

(Yüksel, 2011). To achieve this mission, it tries to create an environment that will improve transparency in electoral systems, public administration, public procurements, and business relations by bringing together international organizations, governments, international nongovernmental organizations, and the representatives of the business world (Başak, 2008). Besides, it tries to raise awareness about combating corruption by observing the actions of governments, business circles, and banks and strives for the implementation of international conventions in the field of the fight against corruption (Başak, 2008). Moreover, TI has national organizations in nearly 90 countries (Özbaran, 2003). These organizations have undertaken the mission of combating corruption at the national level with the support of the public and media by working to increase transparency and accountability (Özbaran, 2003).

In 1995, Transparency International started to publish the Corruption Perception Index (CPI) to attract the attention of the public and governments to problems regarding corruption and in order to encourage the states to realize necessary legal reforms in their domestic law (Başak, 2008). It is stated that the CPI scores and ranks 180 countries and territories worldwide on how corrupt their public sector is perceived to be, and the results are given on a scale of 0 (highly corrupt) to 100 (very clean). The scores reflect the views of experts or surveys of businesspeople – not the general public (www.transparency.org, 2022). Moreover, the data sources that are used to calculate CPI all measure several aspects of corruption in the public sector. This includes bribery, the diversion of public funds, the effective prosecution of corruption cases, adequate legal framework, access to information, and legal protection for whistleblowers, journalists, and investigators (www.transparency.org, 2022). CPI research is considered one of the critical resources used by governments in foreign investments and agreements to be made in related countries (Sayan, 2010). According to Şalcı, the index determines not only the domestic market stability in the country but also whether that country will be a center of attraction for international investors (as cited in Özkal Sayan, 2010).

Turkey is also one of the countries that are evaluated through CPI. Its place in the ranking is important, especially when the EU candidacy process and the aid received are considered (Ciğeroğlu Öztepe, 2013). Turkey's grades and place in the ranking between the years 1995 and 2021 are shown in Table 1.

Table 1. Turkey's Situation in the CPI

Years	Turkey's Grade	Turkey's place in the world ranking
1995	41	29
1996	35	33
1997	32	38
1998	34	54
1999	36	54
2000	38	50
2001	36	54
2002	32	64
2003	31	77
2004	32	77
2005	35	65
2006	38	60
2007	41	64
2008	46	58
2009	44	61
2010	44	59
2011	42	61
2012	49	54
2013	50	53
2014	45	64
2015	42	66
2016	41	75

Table 1. (continued)

2017	40	81
2018	41	78
2019	39	91
2020	40	86
2021	38	96

Source: www.seffaflik.org

As it is seen, Turkey generally scored below 50 points and is placed among the highly corrupt countries. Especially between the years 2002 and 2004, Turkey achieved the lowest scores. That is why the fact that the demands for the establishment of an institution that will define ethical principles and oversee compliance correspond to these years is reasonable. This shows that international organizations consider CPI scores as an important parameter. After these years, Turkey's score has slightly increased. However, since 2013, it has been on the decline. Turkey's place in the ranking of countries has deteriorated more and more. In the latest situation, Turkey scored 38 and ranked 96th. It is among the countries that lost the most points in the last ten years (www.seffaflik.org, 2022). Compared with 2013, it has lost 12 points and 43 places in the ranking. Among the EU countries, Turkey is in the last place (www.seffaflik.org, 2022).

Besides CPI, the organization publishes the Global Corruption Barometer – which surveys the experiences of everyday people confronting corruption around the world (www.transparency.org, 2022), Bribe Payers Index – which ranks 28 countries according to the perceived likelihood of companies from these countries to pay bribes abroad (www.transparency.org, 2022), Country Assessments and so on. It also arranges education activities (Yüksel, 2011). Many countries prefer TI instead of applying to institutions such as WB and IMF to get technical support in the fight against corruption. According to them, working with an organization like TI on this issue allows assistance to be obtained regardless of many political circumstances (Yüksel, 2011).

In today's societies, social, economic, political, and technical changes and developments have become effective unprecedentedly in corruption in national and international business relations. This situation caused many countries to make the necessary adjustments to their national laws to prevent corruption. As an extension of these efforts, various international organizations have also started studies to prevent corruption (Kömürcü & Çalışkan, 2000). As a result, some critical contracts have been concluded within the scope of the fight against corruption, and an international regime has been founded (Başak, 2008). As it is seen, the struggle against unethical behavior is mostly fought over the issue of corruption as a part of the agenda of international organizations. However, it should be said that the minimal state understanding that new right policies put forward did not eliminate corruption. On the contrary, in the 1980s and 1990s, when the minimal state approach became very popular, the corruption process concentrated on a universal scale (Şaylan, 1995) as it was stated above.

Moreover, it can be argued that the underlying reason for the international efforts is to provide a free flow of capital. Recently, it has been seen that foreign companies are involved in corruption cases in the countries where they do business as a negative consequence of the integration of the world economy and increasing competition. While corruption threatens the economic development of countries, it also negatively affects foreign investments to be made in those countries. Foreign investors make investments in stable economies, which have predictable futures, and are well-governed with viable rules. In countries where corruption is high, and predictability is low, foreign investments will be lower and economic development will also be low (Kömürcü & Çalışkan, 2000). In other words, corruption causes investments to be decreased or even to be cut. In the long run, it brings along problems such as the diversion of financial resources allocated to social change, respectless for human rights, undemocratic implications, development, and important public services (Başak, 2008). When these are considered, it is understandable that international organizations try to create stable, reliable countries, and with this aim, they advise structural adjustment programs. Ethics is one part of these reforms. Having an ethical

structure will mean that the country is a part of the global economy. That is why these organizations give ethics importance.

Turkey, which wants to be a part of the global economy, has also been affected by these transformations. Moreover, it regulated its system and brought about an ethical infrastructure. However, it can be argued that this became through the pressures of international actors. All in all, it can be asserted that the ethical infrastructure in Turkey has been transferred from other countries so that it has become a part of the global economy. An ethical administration and an atmosphere that is far from corruption will serve the purpose of global capital. In this way, Turkey has tried to integrate into the global capital flow. The Ethics Council for Public Service is an embodied product of this effort. That is why this institution will be elaborated on in detail in the next part.

Before the establishment of the Council of Ethics for Public Service, the behaviors of public officials were being regulated by the existing legislation. Before going into the Council's details, looking at the existing legal infrastructure will be explanatory.

4.2. Structure of Ethics in Turkish Public Administration

4.2.1. Existing Legal Infrastructure

It is usual for countries to try to prevent undesired unethical conduct and encourage ethical behavior. That is why governments make regulations on this issue. As one of these countries, Turkey also has some preventive mechanisms for ethical administration. The most giant and concrete step toward an ethical administration in Turkey is the establishment of the Turkish Council of Ethics for Public Servants. However, before that, ethical administration was ensured by the constitution and various laws. These laws were intended to prevent bureaucrats from engaging in undesirable unethical behavior. They had various sanctions. Violation of some articles could result in administrative fines or even

imprisonment. In addition to these legal regulations, the international agreements that Turkey is a party, which were explained before, also constitute the other side of the ethical administration infrastructure. These two should be thought of together while looking at the existing ethical infrastructure in Turkey. First, the main laws are listed below as:

Table 2. The Laws Containing Ethical Provisions

The 1982 Constitution
The Civil Servants' Law
The Turkish Penal Code
The Law for Financial Disclosure and Combating Bribery and Corruptions
The Law about the Prohibited Activities of Former Public Servants
The Law about to Right of Access to Information

Source: www.etik.gov.tr

In order to better understand the existing ethics infrastructure in Turkey, it would be beneficial to have a closer look at related articles of the 1982 Constitution, the Civil Servants' Law, and the Turkish Penal Code. The most basic regulations regarding the behavior of public administrators are included in the 1982 Constitution. In this regard, Articles 10, 125, and 137 are important provisions about the behaviors of public officials. Article 10 states that everyone is equal before law without any distinction, and state organs and administrative authorities are obliged to act in line with the equality principle before law in all their acts and actions. According to Article 125 of the 1982 Constitution, "recourse to judicial review shall be available against all actions and acts of administration." In addition, the legality principle is regulated in Article 137 under the heading of unlawful order. According to that article, unlawful orders cannot be fulfilled whatsoever (Turkish Constitution, 1982)

In the Civil Servants' Law dated 1965, some ethical principles are also regulated. Firstly, the principles of merit and career (Article 3) serve the purpose of preventing nepotism. Also, according to the 6th Article, civil servants are obliged to adhere to the Turkish Constitution and laws with loyalty and implement the laws in the service of the nation with loyalty. Again, according to the 7th Article of the law, public officials must maintain their neutrality in performing public service. Also, they should be commitment to the state; in other words, they are obliged to protect the state's interest in all circumstances. Thirdly, civil servants should act appropriately both during public services and daily life in Turkey and abroad. Besides, it is essential that civil servants work in cooperation (Articles 8 and 9). Fourthly, Articles 10 and 11 are about the duties and responsibilities of public officials. According to the 11th Article, public officials are responsible to their superiors for the good and correct execution of their duties. Moreover, Articles 12 and 13 speak about the financial accountability of the bureaucrats against the administration and citizens. According to the 14th Article, public servants have to declare their property. 15th Article states that bureaucrats are unauthorized to disclose information to the press. Article 16 is about the return of official documents, tools, and materials. According to that article, bureaucrats cannot use them for personal purposes. Furthermore, it is forbidden to accept gifts and to obtain any benefit from the institution for public officials (Articles 29 and 30). Lastly, public officials are prohibited from disclosing confidential information about public services even if they have left their jobs according to the 31st Article (Civil Servants Law, 1965).

In addition to the 1982 Constitution and Turkish Civil Servants' Law, the Turkish Penal Code have some ethical provisions. It regulates the penalties for the unethical behaviors of public officials. Corruption, peculation, malversation, bribery, and misconduct are some issues regulated in the Penal Code. Also, neglect of duty and abuse of public duty are regulated in the Law. According to the 255th Article of the Law, it is a crime to take advantage of a job for which the public official is not authorized. According to the 256th Article, it is also a crime for a public official with authority to use force to exceed the limits of his/her

authority while performing his/her duty. 257th article is about malpractice. According to the 258th Article, disclosing the information that needs to be kept confidential constitutes a crime. Lastly, the 259th Article forbids trade for public officials (Turkish Penal Code, 2004).

The Law for Financial Disclosure and Combating Bribery and Corruptions is also another law that constitutes the ethical infrastructure. This law aims to prevent public officials from earning income disproportionate to their earnings. According to this law, public bureaucrats disclose their properties regularly in a given period. If it is determined that a public official has made an unfair advantage, then penal provisions are applied (The Law for Financial Disclosure and Combating Bribery and Corruptions, 1990). The Law about the Prohibited Activities of Former Public Servants aims to prevent public officials from working on the issues they work on in the public institution before leaving the job (The Law about the Prohibited Activities of Former Public Servants, 1981). Lastly, the Law about the Right of Access to Information is one of the giant steps toward a transparent and ethical administration. It aims to regulate the principles and procedures regarding enabling individuals to exercise their right to information in accordance with the principles of equality, impartiality, and openness, which are requirements of democratic and transparent administration (Law about the Right of Access to Information, 2003). So, with this law, it is tried to ensure that corruption is minimized by ensuring the transparency of the administration (Ciğeroğlu Öztepe, 2013).

Besides these laws, including ethical provisions, it is necessary to mention the Public Administration Basic Law. This law was accepted by the Turkish Grand National Assembly of Turkey in 2003 with the title “The Law on Basic Principles and Restructuring of Public Administration” and was sent to the President. However, President Ahmet Necdet Sezer vetoed the Law and sent it back to the Turkish Grand National Assembly. Afterward, the law fell from the government’s agenda. However, the government has adopted the path of enacting each of the main propositions in the bill separately (Sobacı, 2009).

However, this law constitutes the core of all regulations rebuilding the public administration (Ayman Güler, 2004). In this context, this law is a turning point in Turkish public administration in transforming and rebuilding it (Ciğeroğlu Öztepe, 2013). According to Sobacı (2009), Public Administration Basic Law provides a foresight about the reforms carried out in Turkey after the 2000s. Also, this law is in close relationship with new public management understanding. It brings about regulatory state understanding, subsidiarity principle, private sector management systems, entrepreneurship, good governance understanding, and alike, according to Ayman Güler (2004). In the general preamble of the law, it is stated that this law was prepared to initiate and guide the restructuring process in public administration in a new and comprehensive perspective. It aims to realize good governance principles in central and local governments in a long run perspective. Public Administration Basic Law, in this manner, foresees radical changes in the mentality, approach, methods, and organizational structure of public administration. In the general preamble, it is expressed that a public administration that is more sensitive to society's demands, attaches importance to participation, has clarified its goals and priorities, is accountable and transparent, and is smaller but more effective is demanded. It is envisaged that public institutions and organizations will withdraw from production, strengthen their regulatory function, and develop a stakeholder relationship with the private sector and society (Public Administration Basic Law General Preamble, 2003). Generally speaking, this law is in line with the principles such as participation, accountability, transparency, predictability, decentralization, and subsidiarity. It includes provisions about market-based administration, the relationship between central and local governments, the role of the state, downsizing of the state and the bureaucracy, implementation of private sector techniques in the public sector, strategic administration, audit of public administration, right to information and personnel system (Sobacı, 2009). As it is seen, this law is in line with the principles of NPM, and it is like a reflection of this approach in the Turkish public administration. Even though it did not enter into force, its effects on public administration are evident with the succeeding laws. In Turkey, many

regulations compatible with the NPM understanding have been implemented. The establishment of the Council of Ethics for Public Service, the subject of this thesis, is also a product of the administration approach put forward by this law (Ciğeroğlu Öztepe, 2013).

4.2.2. The Council of Ethics for Public Service

Institutionalization of the ethics system in Turkey is the most concrete step in preventing unethical behaviors in public administration. The draft law prepared by the government, which is about the formation of ethics infrastructure and ethics rules that public officials are expected to obey, has become law with the "Law Related to the Establishment Council of Ethics for Public Service and Making Modifications on Some Laws" in 25.05.2004 (Yüksel, 2006). According to Canan (2004), this is a step towards fulfilling the deficiency in ethics infrastructure. Till this law, ethics rules were dispersed among different codes. Unlike other contemporary democratic countries, a law that systematizes ethics codes that bind public officials was absent in Turkey (Yüksel, 2006).

According to the 2nd Article of Law No. 5176, the government appointed the members of the Ethics Council on 10.08.2004 and with Decision No: 2004/7791. The Council started to work with its first meeting on 29.09.2004 (Baydar Akgün, 2007). Also, this Council has prepared the "Regulation on the Principles of Ethical Behavior of the Public Officials and Application Procedures and Essentials," which entered into force on 13.04.2005.

This section will give detailed information about the Council of Ethics for Public Service. First, the purpose and the Council's scope of review will be emphasized. And then, its duties and authorities will be put forward. Later, the functioning of the Council will be analyzed. After mentioning the sanction mechanism of the Council, its activities will be deeply evaluated in this chapter. This section will be followed with a general evaluation of the Council, which is crowned with the ideas of the experts working in the institution in the next chapter.

4.2.2.1. The Purpose and the Scope of Review of the Council

Law No. 5176 aims to determine the formation, duty, and working procedures and fundamentals of the Council of Ethics for Public Service as to adopt and observe the implementation of ethical behavior principles such as transparency, impartiality, honesty, accountability, that ought to be obeyed by the public bureaucrats. The Council was established under the Prime Ministry then. Yet, it is affiliated with the Ministry of Labour, Social Services and Family after the parliamentary system was abolished. However, in the 2017-2021 Activity Report of the Council, it was stated that the Ministry has been divided into two, and studies go on about the secretariat services of the Council. Now, this Council is under the Ministry of Labour and Social Security.

The Council's scope of review consists of all the public officials except the President of the Republic, members of the Grand National Assembly of Turkey, Vice Presidents, Ministers, Turkish Armed Forces, adjudication members, and the universities, according to Article 1 of Law No. 5176. In the general preamble of Law No. 5176, it was stated that The Office of Government Ethics in the U.S. and The Public Service and Merit Protection Commission in Australia were examined, and OECD's principles, An Ethics Framework for the Public Sector was referenced (Baydar Akgün, 2007). A similar institution in the U.K., Committee on Standards in Public Life, which was again mentioned in the general preamble, includes parliamentary and execution members (Baydar, 2005). However, these are out of scope of reivew in our country. This situation can be evaluated as a reflection of the understanding that a model suitable for Turkey's administrative tradition and socio-economic circumstances will be adopted (Arap & Yılmaz, 2006). When the Codes of Conducts for Public Officials, which the European Commission and international application prepared, are taken into consideration, it is thought that the fact that the Turkish Armed Forces and universities are taken into the scope of review of the Council's investigation area will not constitute a problem (Baydar Akgün, 2007).

4.2.2.2. The Structure of the Council

The Council consists of 11 members according to the 2nd Article. These members are selected and appointed by the President of the Republic, one being the Chairman, to take and implement every kind of decision in relation to the subjects within the scope of Law No. 5176. Members shall be comprised of (Article 2 of Law No. 5176);

- one member among the ones that have acted as a Minister,
- one member among the ones that have acted as Provincial Municipal Mayor,
- three members among the ones that have retired from the positions of membership to the Court of Appeals, State Council, and the Supreme Court of Public Accounts,
- three members among the ones that have acted as or have retired from the positions of the Undersecretariat, Ambassadorship, Governorship, independent and regulatory committee presidency,
- two members among the university members that have acted as the Rector or Dean at universities of the retired thereof,
- one member among the ones that have acted as top-level manager at the occupational institutions in the form of a public agency.

Members' commission period is four years, and it is possible for the members of which the period has expired to be re-elected by the President of the Republic. The commission period of the members cannot be ended without its expiration. However, the members can be removed from duty before the expiration time based on the procedure they have been commissioned in case they cannot perform their duties because of a serious illness or disability or if they no longer possess the conditions of being assigned. In case the members are convicted due to abuse of duty or a disgraceful crime, they are removed from duty with the approval of the President of the Republic. Reappointments of the Council

memberships that are removed before their term expires or vacated for any reason are made by the President of the Republic within one month. The member appointed in this way completes the commission period of the member whom he/she was assigned to the position (Article 2 of Law No. 5176)

The Council is gathered with the invitation of the Chairman with minimum six members. It decides based on the same sign vote of the absolute majority of the total number of members. The decisions at the end of the meetings are informed to the relevant authorities. The Council is gathered four times a month. It is essential that the Chairman and members attend the meetings. If a member does not attend three meetings consecutively or ten meetings in total within a year, he/she is considered to have resigned (Article 2 of Law No. 5176)

The secretariat services of the Council shall be performed by the Ministry. The institution does not have an autonomous budget. Also, it has no legal personality and no provincial organization. However, it has a functional link to ethics commissions and boards of discipline in the central and provincial public institutions. The institution currently works with 19 personnel. The personnel are old personnel of the Prime Ministry. Now, it seems that the personnel come from different institutions because the personnel of Prime Ministry were split.

4.2.2.3. Duties and Authorities of the Council

The Council, which is under the Ministry of Labour and Social Security, "is commissioned and authorized to determine, with the regulation it shall prepare, the ethical attitude principles to be abided by the public officials while performing their duties, perform the necessary investigation and research with the personal claim that the ethical attitude principles are violated or the same based on the applications to be received, to inform the relevant authorities regarding the result of such investigation and researches, perform or make performed studies to establish the ethical culture within the public and to support the studies to be performed in this regard" (Article 3 of Law No. 5176).

The duties and authorities of the Council can be listed as follows according to Baydar Akgün (2007): request of information and document, investigation and research, and delivering opinion. Firstly, according to the 6th Article of Law No. 5176, "the Ministries and other public institutions and agencies are obliged to provide the information and documents requested by the Council regarding the subject of application." Moreover, "the Council has the right to call the relevant representatives from the institutions and private enterprises in the scope of this Law and receive information from them." Secondly, as it was mentioned above, the Council is authorized to perform necessary investigation and research with the personal claim that the ethical attitude principles are violated or the same based on the applications to be received. When necessary, it can collect documents and information from the relevant institutions for this process. The Council has to end the investigation within three months. Moreover, it can perform activities, analyses and research to establish and develop the ethical culture within the institutions and organizations (Article 28 of the Regulation). Thirdly, according to the 30th Article of the Regulation, the Council is authorized to deliver an opinion about the problems the public institutions face in the execution processes.

Another duty of the Council is to establish and develop ethical culture, as it was mentioned. There are some conditions to realize this duty. First of all, the ethical attitude principles should be applied in the institutions within the scope of the Law. Secondly, according to the Regulation, it is foreseen that the Ethics Commission should be established within the public institutions and organizations having a public entity. These commissions are formed with the purpose of placing and developing an ethical culture in public institutions, guiding and giving advice to public officials regarding the ethical problems that they may face, and evaluating their ethical practices according to the 29th Article of the Regulation. In terms of the structure of these commissions, it is possible to say that members of them are selected by the top executive of the institutions and consist of three public officials or more. Also, the term of office of the people in the commissions is decided by the top executive of that institution. According to

Regulation, these commissions should work in collaboration with the Council. They are expected to contribute to the prevention of unethical behavior and corruption in public institutions besides the Council at a national level (Çelik, 2016). Thirdly, the Council is responsible for informing public officials at all levels about the ethical attitude principles and public officials' responsibilities. Lastly, the Council is obliged to do every kind of study in order to establish an ethical culture such as research, surveys, scientific meetings etc. Moreover, it prepares, coordinates, or executes educational programs for public officials and can collaborate with public institutions, universities, local governments, or non-governmental organizations which are experts on this issue (Baydar Akgün, 2007). According to Baydar Akgün (2007), in light of this information, it can be stated that the Council is like a coordination body that incorporates roles of control, supervision, consultancy, publicity, support, and education.

4.2.2.4. Functioning of the Council

In Article 4 of Law No. 5176 and Articles 31-40 of the Regulation, the regulations about application procedures and essentials can be found. According to the 4th Article of the Law, "application can be made to the Council regarding public officials that are at least general manager or at the similar level, with the claim that implementations are present at the public institutions and establishment in the scope of the Law that are violating the ethical attitude principles. The fact that which titles are to be deemed as an equivalent of the general manager shall be determined by the Council by taking into account the organizational structure of the institutions and establishments and the character of the service they are executing". Turkish Republic citizens having the competence to utilize civil rights and foreign real persons residing in Turkey can make applications according to fundamentals defined at 3071 numbered Law Concerning the Utilization of the Right to Give Petition. In the applications, it is not compulsory that the applicant's interest has been affected. "However, applications that possess the aim of aspersing the public officials, that are not based on a just justification and at which sufficient information and document

have not been submitted regarding the subject of the application are not taken into evaluation" (Article 4 of the Law No. 5176). Applications can be made through a written petition, electronic mail, or an oral application that is officially recorded (Article 32 of the Regulation). No application can be made to the Council about the disputes being examined or decided by the judicial organs and proceedings about the applications understood to have been brought to the judiciary during the examination, which are suspended (Article 31 of the Regulation). Also, the subject of the complaint, which has already been examined by the Council, cannot be made the subject of the complaint and examined again unless new evidence is shown.

According to the 39th Article of the Regulation, the decisions of the Council are finalized with the signature of the Chairman and members of the Council and submitted to the Ministry. If the Council decides that the public official who carried out the transaction or act subject to the application has a transaction or act contrary to the principles of ethical attitude, this situation is reported to the Ministry. Before, these decisions were also being published in the Official Gazette and announced to the public. However, the Constitutional Court has decided the unconstitutionality of this situation and annulled the publication of ethics violation decisions in the Official Gazette with 4/2/2010 dated and 2010/33 numbered decision. Yet, after this decision of the Constitutional Court, the Council has decided to publish its decisions on the website of the Council with the 'principal decision' numbered 2011/14. Ethics violation decisions and other decisions that the Council wanted to share are published on the website without announcing the name, surname, title, and place. (2005-2015 Activity Report of the Council). The decisions regarding no violation of ethical principles are also notified to the Ministry, but these are not announced to the public. Moreover, decisions regarding the applications that are not accepted are informed to the applicants only. Apart from these, applications that are not made within two years after the unethical behavior are not taken into consideration. Furthermore, the Council can make an ex-officio examination. The Council uses this authority when it is learned that a public official who is in the Council's

scope of review has acted contrary to the ethical attitude principles (Article 36 of the Regulation). Also, when an application does not bear the procedural conditions such as lack of name-surname of the applicant, yet this application has serious allegations and has documents attached, or upon the news in media, the Council decides to examine the file via ex-officio examination. Moreover, an ex-officio examination can be made about the issues that can be examined ethically, although there is no legal irregularity sent to the Council by institutions (2021 Activity Report of the Council).

4.2.2.5. Sanction Mechanism of the Council

The only sanction that the Council has was the fact that decisions related to violation of ethical principles were being published in the Official Gazette. However, as it was mentioned, this authority was canceled by the Constitutional Court. Apart from this, the Council has the authority to examine the declaration of property by public officials, the authority to decide the scope of the ban of getting a present which is regulated in the 29th Article of the Civil Servants' Law, and the authority to request the list of presents got by the public officials who are a general manager or at the similar level at the end of the calendar year (Baydar Akgün, 2007). Unlike other regulatory bodies in Turkey, the Council cannot implement legal sanctions on public administrators, such as administrative fines or punishments, as a consequence of its decisions (Çelik, 2016).

4.2.2.6. Activities of the Council

The basic activities of the Council are as follows according to the 2021 Activity Report of the Council:

- examining, investigating, and deciding on ethical violation allegations on applications or ex-officio
- organizing awareness activities and doing projects in order to establish an ethical culture in the public

- determining ethical attitude principles for some professional groups or institutions in addition to general ethical principles
- arranging ethics training to increase ethical awareness of the public officials

In this context, the institution's activities can be listed as training, determining the ethical attitude principles, and examination activities. The Council performs its duties within a division of labor. This division of labor is made by the assignment of the Chairman of the Council. Accordingly, the reporters carry out examination and research activities; the experts carry out the projects. Besides, training experts of the Council and other trainers from other institutions that the Council assigns are responsible for training activities. (2021 Activity Report of the Council). In this regard, firstly, the activities for establishing the ethical culture will be presented, and then the investigation and research activities will be put forward later in the following pages. The third duty of the Council, which is determining the ethical principles, has been fulfilled with the publication of the Regulation in 2005. However, the improvement of these principles, the elimination of the hesitations encountered in practice, and the guidance of individuals and institutions in this regard continue as a permanent duty of the Council (2005-2015 Activity Report of the Council).

The activities for establishing ethical culture consist of training, ethics platform meetings, and projects basically. Working towards establishing and developing an ethical culture in the public sector is one of the most important duties and responsibilities of the Council. Also, it is responsible for supporting the related studies (2021 Activity Report of the Council). The Council organizes activities such as basic training, in-service training, congresses, symposiums, panels, conferences, and seminars in order to develop and expand the ethical culture. It organizes these activities in cooperation with institutions, professional organizations, universities, and non-governmental organizations (2005-2015 Activity Report of the Council). Also, the other activities the Council makes are ethical awareness projects, defining ethical attitude principles to some

professional groups and institutions besides general ethical principles. In addition, it makes research, publications, surveys, scientific meetings and so on (2021 Activity Report of the Council). The Council has arranged so many basic training and in-service training since 2008. The primary function of the training is to realize character and values education for individuals. It also aims to develop knowledge and skills (2005-2015 Activity Report of the Council). In training, there are presentations about the ethical principles and rules in public administration and the procedure for the applications to be made with the claim of violation of ethical behavior principles (2005-2015 Activity Report of the Council). Between 2008 and 2019, the total number of personnel that participated in the training program was 46452. These personnel were from ministries, affiliated and relevant institutions, governorships and district governorships, provincial and sub-provincial municipalities, and other institutions.

The main two training programs are training for raising ethics trainers and ethics leadership training. The training for raising ethics trainers consists of two parts. In the first part, there are the presentations of academicians who study subjects such as conflict of interest, mobbing, business ethics, and general ethical attitude principles. The second part is about how to give training. Moreover, the ethics leadership program is held with the purpose of raising awareness in the institutions. It is thought that this is possible with ethical leadership. The main purpose is to provide guidance to public officials in order for them to perform their duties and responsibilities in line with ethical attitudes and behaviors (2017-2021 Activity Report of the Council). Also, during the process of the pandemic, a distance education video which was about public ethics was prepared and presented to the usage of public officials. Moreover, e-learning studies have been made. Besides, with many online meetings, ethics training has continued (2020 Activity Report of the Council).

The Council also holds ethics platform meetings. The ethics platform also targets to raise awareness in public institutions. It has been established for the

cooperation of the public institutions, professional organizations with public institution status, unions, and non-governmental organizations. It meets at least twice a year (2020 Activity Report of the Council). Since today, 11 ethics platform meetings have been held. Besides these, as it was mentioned, the Council holds a number of panels, symposiums, conferences, and alike. Some of them are as follows (2005-2015 Activity Report of the Council):

- Panel on Ethical Behaviors in Our Culture
- Symposium on Ethics in Politics and Administration
- Panel on Ethics in Administration
- Presentation Competition about Business Ethics
- Conference on Ethical Leadership in Public and Change Management
- Second Applied Ethics Congress
- Public Officials Ethics Seminar
- Conference on Combating Corruption and Prevention of Corruption
- International Conference on Prevention of Corruption and Establishment of Ethical Culture
- Panel on Development of Ethical Culture and Transparency

Another pillar of establishing ethical culture is the projects that the Council makes. The first significant project was the "Ethics Project for Prevention of Corruption in Turkey." It was realized with the support of the European Union with a budget of 1,5 million Euro. This project was implemented between the years 2007 and 2009. To support the working of the Council, to strengthen the ethics commissions, to inform the administrators and the members of the ethics commissions in the provinces and the center, to prepare an educational packet and the distribution of it, to make academicians research the sectors where corruption is high, to examine the effectiveness of the legislation about combating corruption and lastly to improve the coordination between institutions were among the targets of the project. The main purpose was to prevent corruption in Turkey with international and European standards and to contribute

to increasing trust in public institutions through a more effective reflection of ethical rules in practice and ethical awareness. With this project, educational material has been prepared, study visits were carried out to Ireland and Holland, trainers have been raised, ethical leadership seminars have been given, academic research has been done, workshops have been held, and lastly, System Workings Reports and Corruption Report has been prepared (2005-2015 Activity Report of the Council).

Another critical project was the "Needs Analysis Project for Ethics Commissions." Both quantitative and qualitative methods have been implemented for this project, and eight provinces have been examined. The data were collected from face-to-face interviews, working notes, focus groups, e-mails, and surveys. In the scope of the project, the bureaucratic problems that ethics commissions face were analyzed, data was collected to define the deficiencies in the legislation and the problems in practice, the duties that are given to ethics commissions were reassessed, and the expectations of public officials from ethics commissions were determined. The structures of the commissions were reevaluated. At the end of the project, workshops have been held, and how the commissions can be made active has been discussed (2005-2015 Activity Report of the Council).

"Project on Strengthening Ethics in the Public Sector," carried out in coordination with the European Commission and with a budget of 1,5 million Euro, was another project that the Council carried out. This project was realized between the years 2007 and 2009. The general purpose was to strengthen ethical culture in public institutions and society and contribute to preventing corruption in line with international and European standards. Specifically, the purposes were to implement and spread ethical principles in the public sector and to support ethics commissions to develop an ethical culture in their institutions. The last project between 2005 and 2015 was the "Prevention of Corruption and Promotion of Ethics." Again, it was targeted to prevent corruption in Turkey in line with international standards. Also, supporting the non-governmental

organizations working on ethics and corruption was targeted (2005-2015 Activity Report of the Council). This project started in 2015. In 2016, a study visit was organized to Austria, workshops regarding non-governmental organizations, unions, and employee associations were held, and a workshop regarding ethics values story books was arranged (2016 Activity Report of the Council). Also, study visits to Sweden and Slovenia have been realized (2017-2021 Activity Report of the Council).

Another big project with a budget of 1,8 million Euro from the European Union was the "Technical Support Project to Raise Awareness of Elected and Appointed Public Officials in Local Governments." This project started in 2019 and ended in 2021. The purpose of the project was to detect the unethical conduct that emerged in the local governments in line with the international and European standards, to take measures to prevent these behaviors, to define professional ethical codes for the elected and appointed public officials and to increase ethical awareness of those who work in this area and the stakeholders (2019 Activity Report of the Council). In the project's scope, there were activities such as identifying issues that lead to ethical violations, developing solutions for ethical problems in the field, and making preventive studies and activities to increase ethical awareness. Eight workshops have been held to define ethical principles for the local governments (2019 Activity Report of the Council). In 2019, a study visit to Germany was made. At the beginning and end of the project, surveys were conducted, and national and international research was made (2019 Activity Report of the Council). Also, another activity in the scope of the project was legislation analysis. The Council has done research in order to detect the gap in the legislation that leads to unethical behavior. In the first step, the experts examined the legislation and prepared a report. Subsequently, workshops on legislation gap analysis and workshop on implementation strategies were arranged in 2020 with the implementers. In the end, the implementers prepared a final recommendation document. (2020 Activity Report of the Council). In 2021, many online and face-to-face activities were organized, including conferences and training. (2021 Activity Report of the

Council). Moreover, an “ethics guide” and “a public service announcement” have been prepared (2020 Activity Report of the Council). Lastly, a “Strengthening the Institutional Capacity of the Council of Ethics for Public Service” project was expected to begin in 2022. The budget is 1 million Euro, and the application will take approximately 15 months. The purpose of the project is to increase the institutional capacity of the Council and to strengthen the human resources and legislative infrastructure (2021 Activity Report of the Council). It is planned to make a gap analysis regarding changing the articles of Law No. 5176, prepare legislation recommendations, establish a coordination mechanism and monitoring mechanism, make study visits to European countries, and so on (2020 Activity Report of the Council).

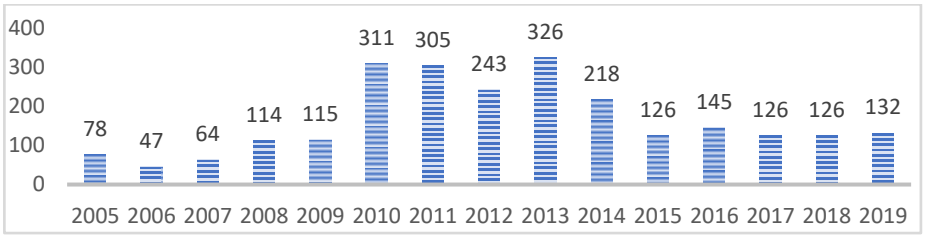
The Council has been engaged in lots of other activities. For example, it is currently striving to change Law No. 5176. In the activity reports, it is accepted that some arrangements should be made in the Law for the Council to fulfill its mission best. It is desired to have a separate organization, independent public legal personality, and enough personnel and budget. In line with this, a draft law has been prepared (2021 Activity Report of the Council). Furthermore, the Council makes coordination with lots of public institutions. For instance, the Council has made judiciary and legislation ethics studies to coordinate with Political Ethics Studies implemented by the Turkish Grand National Assembly. Also, it made studies about auditing ethics with the supervisory board managers of public institutions. Moreover, it defined the ethical principles for those who give education services (2005-2015 Activity Report of the Council). Furthermore, the Council has participated in the symposium called Ethical Business-Ethics in Business (2019 Activity Report of the Council). Furthermore, it provides training programs by going to various public institutions. The Council is in contact with lots of public institutions. It both visits other institutions and is visited by them.

The third activity which the Council is responsible for is research and investigation. In this part, the decisions given by the Council will be presented,

and the statistics will be evaluated between 2005 and 2019. First of all, the decisions that the Council can make should be put forward. In accordance with the Regulation, at the end of the investigation and research that is carried out upon application or ex-officio, as a result of the information and documents obtained and the defense of the public official, a decision is made as to whether the alleged attitude or behavior is against ethical principles (2021 Activity Report of the Council). There are types of decisions. Firstly, if the alleged attitude or behavior is determined and evaluated to be against the ethical principles, the decision on ethical violation is given. However, if the Council concludes that in the case, the public official's attitude or behavior is not against the ethical principles, then the decision that there is no ethical violation is given. On the other hand, if there is not enough information or documentation, or if it is understood that the public officials that are complained about are not responsible, then the decision which is stating that there is no room for a decision in terms of violation of ethical principles, is given. Also, when the application does not meet the procedural requirements such as name, surname, address, or clear and concrete indication of alleged attitude or behavior, it is decided to reject the application in terms of procedure. If the application goes to the judiciary, there are two options. First, suppose it is determined that there is a lawsuit filed by the judicial authorities on the subject when the application is made. In that case, the application in question is rejected in terms of a procedural aspect due to the transfer of the subject to the judiciary. However, if a judicial remedy has been taken in the process of investigation and research, it is determined to stop the process (2021 Activity Report of the Council).

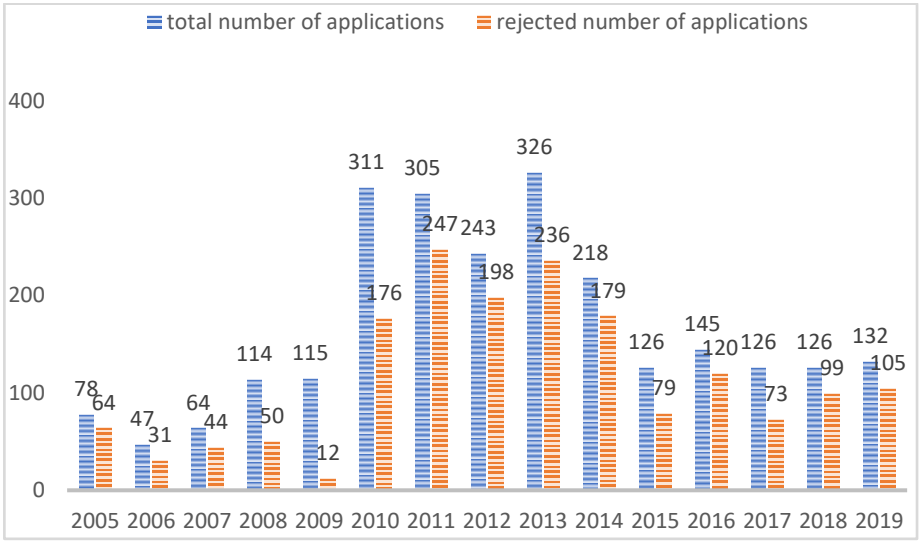
Until the end of 2019, the Council has received 2476 applications in total. The distribution of them according to years is given below. Also, in Table 4, the number of rejected applications among all the applications can be seen.

Table 3. The Number of Applications to the Council between the years 2005-2019



Source: www.etik.gov.tr

Table 4. The Number of Applications Rejected by the Council on the Grounds of Procedural Violation Between the Years 2005-2019



Source: www.etik.gov.tr

In the first years of the Council, the number of applications is really low. This may be interpreted as the recognition rate of the Council being low. However, it is possible to infer that the applications in 2005 were higher than in 2006 and 2007, indicating that the expectations from the Council were high initially but started to decrease in 2006 and 2007. As can be seen, the Council received the most application in 2010. Among the applications, a total of 1713 were rejected due to procedural reasons. While there are files in which ethical violation decisions can be made, applications were not examined only for procedural reasons. The reasons for the rejection are given in the table below.

Table 5. The Distribution of Reasons for the Rejection of Applications Between the Years 2005-2019

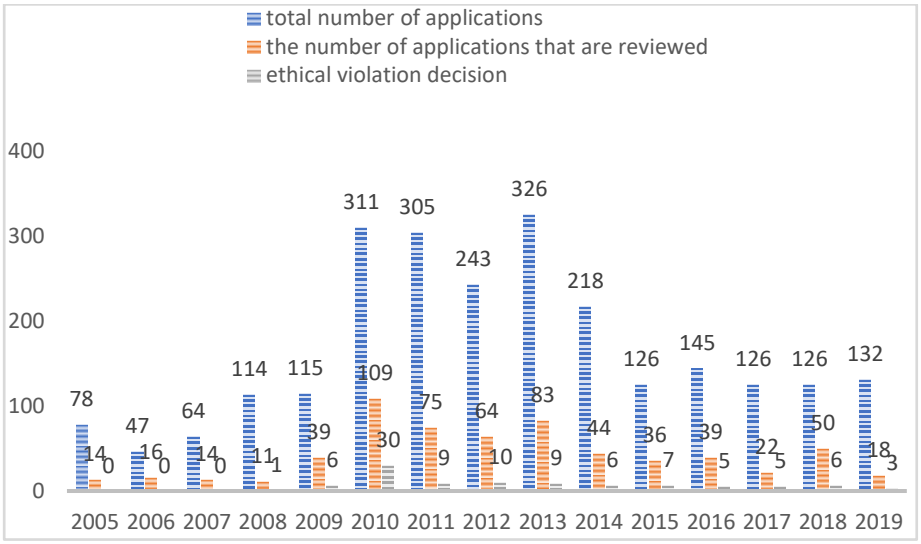
the reasons	**the number of applications rejected**
being below the general manager or equivalent authority of the complained officer	734
lack of name, surname, and title of the complainant	382
the complained officer is not within the scope of Law No. 5176	299
the subject of the complaint does not fall within the jurisdiction of the Council	137
the subject of the application has been referred to the judiciary	219
lack of concrete information and document in the application	115
due to referral to the relevant institution	86
absence of the applicant's name, surname, and address information	72
the two-year statute of limitations	65
lack of additional information and document to the previous decision	32
the complainant is not a public official	35
since the person requesting an opinion from the Council is a real person	16
the applicant is a legal person	23
withdrawal of complaint	13
the complaint is made for defamation	5
applying with a fake name and id number	9
other reasons	72

Source: www.etik.gov.tr

In total, 734 of them were rejected based on being found below the position of general manager or its equivalent. Also, 299 of them were rejected because the complained officer is not within the scope of Law No. 5176. This means that almost half of the applications were made for public officials about whom the Council cannot conduct an ethical review. It can be inferred that the scope of the

public officials that can be examined constitutes a major obstacle to the Council's ability to function. In this manner, the Council has limited capacity to make the necessary investigations because the Law only applies to senior public administrators. Moreover, it is clear that society expects the Council to be broader in scope. Also, 219 applications were rejected since the subject of the application was brought to the judiciary. It seems that the number of applications that are examined is lower than the number of applications rejected. Furthermore, most applications were made with the claim of violating the general ethical attitude principles between 2005-2019 (www.etik.gov.tr, 2022). It shows that the Council is successful in placing the ethical principles. This number is followed by allegations of favoritism/discrimination with 380. Moreover, the third issue with the highest number of applications is the allegations that the duties and authorities are used to gain benefits, with 341 applications. The most common ethical violation decisions are made for Articles 9 and 10, which are 'honesty and impartiality' and 'respectability and trust,' with 68 ethical violation decisions according to the statistics on the website (www.etik.gov.tr, 2022).

Table 6. The Number of Reviewed Applications and the Number of Ethical Violation Decisions Between the Years 2005-2019



Source: www.etik.gov.tr

Among all the applications, the number of applications reviewed is 634 in total between the years 2005 and 2019. Only 97 of them are decided to violate the ethical principles. The Council did not give an ethical violation decision in the first three years of its existence. The increase in the number of applications in 2008 and 2009 can be explained by the fact that the Council started to give ethical violation decisions in 2008, and its recognizability increased. 2010 is the year that the most ethical violation decision was given. 109 out of 311 applications were reviewed, and 30 were decided to violate the ethical principles. After 2014, a significant decrease in the number of applications and the number of reviewed applications is seen. According to the statistics on the website of the Council, a total of 296 of the cases reviewed were found not contrary to the ethical principles. The number of decisions stating that there is no room for a decision in terms of violation of ethical principles is 35. Besides, 206 applications were started to be examined; however, since they were brought to the judiciary, their examination was stopped. This number is high and can mean that people are looking for a solution in the judiciary instead of the Ethics Council.

Lastly, when the distribution of the ethical violation decisions is examined, it is seen that the most ethical violation decisions were made for the metropolitan municipality mayors of the opposition parties. This may show that there is political tension, and the Council may not be able to maintain its neutrality. The second highest number of ethical violation decisions were given for the title of general manager.

Overall, when the functions of the Council are evaluated, it is seen that the Council comes to the forefront mostly with educational activities. It seems that it is a successful trainer in the field of ethics and regularly arranges activities to place the ethical culture in public administration and in society in general. However, it seems that the Council cannot realize what is expected from itself regarding research and investigation activities. First of all, the scope of the law is really narrow. A certain part of the public administrators was excluded from the very beginning. It is understandable that lower-ranking public officials are excluded from the scope of review in terms of the workload of the Council. However, this problem originates from the insufficient personnel capacity of the Council. Also, the inclusion of out-of-scope of review titles within the scope of Law No. 5176 will not overwhelm the capacity of the Council. Besides, the Council's inability to look at the files that are brought to the judiciary also narrows its scope of review. So, its effectiveness is questionable, according to Usta and Arslan (2020). As seen in the tables, there has been a decrease in the number of ethical violation decisions in the last few years (Usta & Arslan, 2020). Secondly, although the number of applications is high compared to the first years, ethical violation decisions are made about very few of them every year. In addition, the high number of applications indicates that the Council has not made any headway in preventing unethical behavior. Thirdly, it is seen in the 2021 Activity Report that the background of the experts is diverse. For example, some are trade experts. However, it can be said that it would be better for the Council to have its own experts trained in ethics. Lastly, after the decision of the Constitutional Court, the Council began to function as a detecting authority, and it has ceased to be a deterrent to public officials. Also, it does not have a direct

preventive function on those transactions and actions. So, this situation causes the duty of the Council to conduct investigation and research within the framework of ethical behavior principles to be questioned (Akdeniz, 2016).

With a brief general examination these criticisms can be made about the Council of Ethics for Public Service. However, a more comprehensive evaluation of the Council in particular and on the Turkish ethics system in general will be provided in the following chapter.

CHAPTER V

AN EVALUATION OF THE ETHICS SYSTEM IN TURKISH BUREAUCRACY

As it was discussed throughout the thesis, it is reflected in the literature that the interest in public administration ethics has significantly increased in recent years. Studies related to ethics in public administration have grown in the academic sense. In practice, there have been developments showing that the importance given to ethics in public administration has grown, for example ethical codes have emerged and new institutions have been created as discussed before. Also, as it has already been indicated, there were theoretical and practical grounds for this process. Initially, the advocates of the new public management, and the public choice theory, as one of the foundations of NPM, necessitated ethics as a control mechanism for the state and its bureaucrats. Furthermore, increasing rates of corruption have also forced governments to take various measures and tighten the regulation of public life.

As shown in the thesis, Turkey was not exempt from this process, and also implemented a regulation for the establishment of the Council of Ethics for Public Service, for the purpose of institutionalizing the country's ethical infrastructure. This entity, which was tasked with determining ethical principles, controlling compliance with these principles, and placing ethical culture is the core of ethical management.

This institution should therefore be thoroughly examined in order to make accurate inferences. In this context, a twofold method was devised whereby the literature on ethics in public administration and Ethics Council, in particular, would be examined. An evaluation would then be made based on the documentation, applicable legislation and activity reports of the Council. Such

an analysis, however, would be incomplete without collecting empirical data. For this purpose, the in-depth interview method was considered appropriate for this study to obtain the sincere opinions of the people in a detailed manner.

It was planned to conduct interviews with all of the Ethics Council members. However, this request was turned down by the head of the Council. Instead, a number of the experts working in the institution were tasked with answering 11 questions that were planned to be asked during the interviews. Nevertheless, their documented response did not go beyond giving already known explanations. It was informative but insufficient in terms of answering the research questions. That can be thought of as a significant limitation of this study.

Nevertheless, the researcher was able to conduct interviews with three experts who are working in the institution, and their ideas related to the 11 questions were sought. (These participants will be mentioned as Participant 1, Participant 2, and Participant 3). The purpose was to understand the opinions of the experts about following questions:

- Do you think that the legal infrastructure and the duty, authority, and sanctions of the Council are adequate to prevent unethical conduct?
- Does the Council need an improvement?
- Do you think that the public officials know the ethical principles?
- Are ethical principles and sanctions aversive?
- Is the decision of the Constitutional Court proper?
- What is the effect of the international organization on the Council?
- Do you think that the ethics commissions are functional?
- How the educational activities of the Council are?
- Do you think that the criticisms towards the Council are justified?
- What needs to be done if a reform movement comes to the fore?

In this framework, in this part of the thesis, the Council will be evaluated overall, and the empirical findings mentioned above will be used to make a detailed analysis on the Council. It is thought that these empirical data will take the study one step further.

It should be taken into consideration that this regulative Council is not free of deficiencies. This thesis has so far presented the Council and explained its activities. It has also shown that this Council primarily focuses on training activities. In this part of the thesis, the deficiencies of the Council will be elaborated on, and it will be suggested that the Council should continue focusing on its training activities.

When the deficiencies of the council are examined, a threefold analysis may provide a meaningful foresight for the factors affecting the failure. This classification can be made on the basis of empirical data provided by the interviews with the experts and the theoretical background which was asserted to be effective in the establishment of the Council. First, as it was discussed there is an ideological foundation related to establishment of the Council, while this dimension also leads to failure of it. What is meant from ideological is that this Council does not merely adopt universalized ethical principles. Yet, this Council at the same time serves to structure the public administration in Turkey in a way that supports or maintains the organization in line with NPM perspective. In other words, NPM is the ideological foundation which is at the base of today's public administration in Turkey, and which legitimizes the ethical principles and control mechanisms. In light of these, the first category will be the ideological factors. Secondly, there are structural problems that make this Council a symbolic one. In this part, basically the organization of the Council will be examined. This includes a discussion on the lack of autonomy, scope of review and personnel system of the Council. This section also highlights the absence of an institution which will work under the Council. Moreover, there will be a debate on the effects of transition to the presidential executive system in this part. All of these will be analyzed under the heading of structural factors. Lastly,

there are problems related to Council's jurisdiction. In this section, the responsibilities and authorities of the Council will be questioned. One of the duties of it – defining the ethical attitude principles – will be criticized in the first place. Also, ethics commissions as important mechanisms to help one of the duties of it – placing ethical culture – will be questioned in this part. Lastly, relationship of the Council with the judiciary and the sanctioning mechanism of it will be touched upon. In this part of the thesis, it is asserted that given the reasons that can be gathered under these three headings, the regulation in the field of public administration ethics in Turkey has failed. In the conclusion part, some suggestions are provided to improve the existing structure.

5.1. Ideological Factors

When evaluating the Turkish ethics system in general, and its Council of Ethics for Public Service, it should be noted that this regulative approach is driven by ideological factors which underly and account for its ultimate failure. As specified in chapter three, new public management and public choice theory were influential throughout the process that led to the establishment of the Council. This institution is a product of new public management understanding and its reflections on Turkish public administration, having been established under pressure from international organizations, which were themselves prominent disseminators of the NPM and the new ethics system.

In the General Preamble of Law No. 5176, it is possible to encounter traces of new public management understanding. As it was known, NPM tries to create a favorable environment for the business world. Therefore, in the general preamble, we read that "honest, reliable, and fair public service not only increases public confidence but also creates a favorable environment for the business world, thereby contributing to the well-functioning of markets and economic development." It is a clear statement which supports the process of globalization and the recommendations of international organizations.

In OECD reports, recommendations were made to regulate the ethical infrastructure and overcome bureaucratic obstacles faced by the private sector (Baydar Akgün, 2007). As it is known, NPM understanding is also market-friendly, and it regulates the public sector in a way that the private sector can be paved. The Turkish Council of Ethics for Public Service can be considered as an essential tool of the new public management approach, as it presents an open, accountable, participatory, democratic, and decentralized structure. This council is crucial for the concrete functioning and acceptance of the new public management rather than a discourse or a policy (Doğan, 2015). The usage of expressions such as "constant development" in the 5th Article, "focusing on the results of services" in the 6th Article, "compliance with determined standards and processes" in the 7th Article, and "commitment to the mission" in the 8th Article, "evaluation of the file and performance of the personnel in terms of compliance with ethical principles" in the 23rd Article shows that a new language was used in the writing of the Regulation. This, actually, is a documentary reflection of the change in the mentality (Arap & Yılmaz, 2006). According to Arap and Yılmaz (2006), this mentality is repeated through new meanings that are loaded with concepts such as "transparency" and "accountability" and supported by concepts such as "good administration," "quality," "standard," and "governance" in the preamble. Also, phrases like "creating an environment conducive to the business world" and "good functioning of the market," which are in the general preamble, are concrete indicators of this mentality (Arap & Yılmaz, 2006).

A new understanding of public service was also mentioned in the Prime Ministry Circular on the Council of Ethics for Public Service (2005). Further to this, expressions in the Circular, such as "citizen orientation" and "cooperation with non-governmental organizations," support this view. Moreover, in the Regulation, in line with the new public management understanding, the principle of "devotion to the mission" has been adopted with a market-based approach, contrary to the classical public administration understanding adopted as "allegiance to the state" in the Civil Servants Law.

On the other side, it was argued that this Council was established in an attempt to satisfy the demands of international organizations. This dimension is not independent of the NPM understanding because these organizations support this understanding and try to spread it all over the world for the proper functioning of the market mechanism. The effects of international organizations can also be seen from the references made in the General Preamble of Law No. 5176. However, the experts, when asked, "how would you evaluate the work of international organizations in the field of ethics and their impact on Turkey?" approached the question from a different angle. Participant 1 stated that international organizations are very effective, and they are in cooperation with them. He gave the example that GRECO makes studies related to Turkey and the Council contributes to them. Moreover, he gave examples of projects undertaken with the European Union. Also, Participant 2 stated that international organizations contribute to studies made about the Council at all levels; including the international. In the document prepared by the experts, it was stated that

> Ethical problems are similar even though the region and the geography vary. For this reason, every study in the field of ethics benefits not only that country but also every country. Our Council follows the works of international organizations, and they are utilized on the ground that they will be beneficial to our country.

More specifically, when the question about their impact, especially on the establishment phase, was asked, Participant 1 basically said, "they are so effective." Moreover, Participant 2 accepted that it is a well-known fact that the Council was established as a result of an OECD report.

It is evident that even if one of the experts indicated that she is aware of the fact that OECD was influential in the establishment process, the question was misunderstood by other experts. They mainly emphasized the cooperation between them and international organizations and the importance of the universality of ethical studies. However, what was meant in the question was to know to what extent this Council is a product of the discourses of international

organizations. Especially when the documents are examined it is clear that the recommendations of these organizations are taken seriously, and they were influential in defining Turkey's ethical codes. Also, as shown in the Turkish Public Administration and Ethics chapter, they can be considered as the actual builder of the ethics system in Turkey. For example, Turkey had to implement their recommendation because she had to obtain loans from international creditors. On the other hand, Turkey wants to be a part of the European Union. It was also influential in this process because the EU makes many ethical regulations a precondition for joining the Union.

Overall, Turkey institutionalized the ethics system due to pressures from international organizations at the practical level. However, the real factor behind this was a paradigm shift in public administration at the theoretical level. As was indicated, NPM makes establishing an ethics system mandatory because it sees the state and its bureaucrats as entities that should be controlled. This control can only be ensured with a universal ethics understanding that champions ethics codes' existence. As it was indicated in chapter two, a new ethics system was built upon codes of ethics. This brought ethics closer to the deontological understanding. Certainly, there should be laws regulating public officials' behavior. However, the existence of ethics codes is against the rationality of ethics itself. To what extent ethics can be regulated is a controversial issue in this sense. Actually, the regulation is contrary to the nature of ethics and fails to influence ethical culture in the public sector.

Özkal Sayan (2020) also touches upon this issue. She (2020) states that today's ethics is a professional ethics. By professional ethics Özkal Sayan (2020) means an ethical understanding that is normed and read through codes of conduct. She argues that today's administrative paradigm sees morality as relative and ethics as universal. So, this universal ethics is normed as professional ethics and codes of conduct which should be obeyed. Hence, public administration ethics, which is a professional ethics and bares universality, is one of today's fashion concepts. However, this ethics is not a branch of philosophy, but is a professional ethics

only. As it was explained in chapter one, ethics cannot produce norms, and cannot say what should be done or is valid in any situation.

Professional ethics needs to be produced and many "ethical reports" are published for the continuation of public life. However, these documents are generally far from being philosophical and scientific as they were prepared with the aim of "reforming" the public administrations of states (especially of those that are underdeveloped) all over the world (Özkal Sayan, 2020). Özkal Sayan (2020) states that they are mainly prepared with economic concerns therefore it would not be appropriate to discuss them under the heading of "ethics". When "public" and "ethics" are thought together, it is boiled down to codes of conduct that should be implemented in public and its ties with philosophy are discarded. Public administration ethics is thought something like this in today's world. After 1980, when it was considered as one of instruments of transforming the state in line with the needs of neoliberalism and its ideological structuring, its connection with philosophy was completely broken. Therefore, ethics is built upon not philosophical values but on the priorities of neoliberalism (Özkal Sayan, 2020). When it is thought so, it is not possible for public administration ethics to become successful.

In sum, in the background of today's ethics, there was the ideology called new right and the theory called NPM supported by this ideology. This institution is precisely a product of this understanding in the public sector. This can be seen in the documents for the case of Turkey. On the other hand, it becomes apparent when the ideological meanings loaded with the principles are considered. Actually, the principles such as transparency, openness, accountability, and alike are there for the functioning of the market mechanism as the new right ideology emphasizes. NPM approaches public officials as entities that should be controlled and gives importance to regulation in the field of ethics. International organizations also play an essential role in promoting this idea. Their policies and discourses gain importance in this sense. These institutions are disseminators of the NPM in reality. From this view, it is seen that these institutions present

NPM-based ethics to the world, which in large part probably accounts for why their efforts have proved unsuccessful in Turkey. The regulation that they sought to undertake a savior role, and to treat ethics as an instrument of NPM only succeeded in moving ethics away from what it should be.

5.2. Structural Factors

Behind the failure of the Council, there are also several problems related to its structure. It has even been asserted in the literature that these are so severe that the council has become merely symbolic. In this part of the chapter, the issues with the structure of the Council will be elaborated on one by one.

A controversial issue is the autonomy of the Council. As it was indicated, it works under the Ministry of Labour and Social Security. It does not have a public legal personality. Also, it was emphasized that the members of the Council are appointed by the President of the Republic of Turkey, and they can be reelected at the end of their tenure. These situations injure the autonomy of the Council (Demirci & Genç, 2008). It may seem that the fact that members of the Council cannot be dismissed before their term of office expires provides autonomy for the Council. However, it is not autonomous because members are appointed by the executive instead of the legislative organ, and they can be reelected (TÜSİAD, 2005a). According to Koçak and Yüksel (2010), the Law can be criticized because the Council cannot be autonomous from executive power and cannot make objective decisions in this way. Arap and Yılmaz (2006) argue that in Turkey, one of the reasons why high-level bureaucracy cannot be controlled is that high-level bureaucrats are appointed by the political power. The Ethics Council, established to break this vicious circle, was appointed again by the political power. In addition, when they wrote their article, Arap and Yılmaz (2006) argued that this Council works like a unit of the Prime Ministry because it was established under the Prime Ministry, its budget was under the control of the Prime Ministry, the Prime Ministry fulfills its secretarial services, and the decisions of the Council were passed to the Prime Ministry. This criticism can

now be repeated verbatim for the Council is currently responsible to the Ministry of Labour and Social Security following the abolition of the Prime Ministry and its replacement by the Presidency.

Another issue regarding the Council is the scope of Law No. 5176. From the name of the Council, it is understood that it is authorized to make examinations about all public officials. In other words, Arap and Yılmaz (2006) think that the fact that the name of the Council is "Council of Ethics for Public Service" makes people think that it covers all public officials in the bureaucracy. However, as it was explained, the Council cannot examine the President of the Republic, members of the parliament, vice presidents and ministers, the Turkish Armed Forces, and the adjudication members of the judiciary and universities. This is seen as a significant deficiency (Demirci & Genç, 2008). In fact, in the General Preamble of Law No. 5176, it was mentioned that the implications of other countries were examined. However, our country's executive and legislative organ members are out-of-scope of review contrary to the Committee on Standards in Public Life in the UK, referred to in the General Preamble (Arap & Yılmaz, 2006). Arap and Yılmaz (2006) argue that actually, although there is an opinion that violations of ethical values are common in the public administration in our country, it is possible to say that this includes politicians as much as the bureaucracy or even more so. On the other hand, Usta and Arslan (2020) argue that ethical values must cover not only public officials but also politicians. As a matter of fact, in the 1998 recommendation titled "Principles for Managing Ethics in the Public Service," which OECD addressed the establishment of ethical standards, it was stated that political administrators constitute a representation for the public employees on ethics and, therefore, political leaders must fulfill their duties within certain ethical rules.

Contrary to this recommendation that is referred to in the preparation process of Law No. 5176, in the General Preamble, it has been pointed out that the inclusion of deputies and ministers within the scope of the Council's supervision may create various problems when the composition of the Council is taken into

account. In this context, the parliamentary subcommittee of the period decided that persons with a political identity in EU countries are subject to separate committees from the committees to which civil servants are subject and that a legal regulation should be made for deputies and ministers in Turkey. However, to date, no steps have been taken in this regard (Usta & Arslan, 2020). Furthermore, it is stated that the Turkish Armed Forces and the judiciary members are excluded because they have their own mechanisms. Universities are also excluded because they have a different texture and autonomous structure (TÜSİAD, 2005b). However, it is unclear whether academic or administrative units are excluded from the scope of the universities (Demirci & Genç, 2008). The opposition party also criticized the exclusion of the universities from the scope of the law, and the justification for excluding universities from the scope of review due to their autonomous nature was not considered reasonable. It was considered that the law does not restrict the autonomy of the universities. (TGNA, 2003).

As specified, at least the general manager or bureaucrats at a similar level are in the scope of Law No. 5176. Their examination to be done by the discipline committees in the institutions. This also brings about a restriction to the functioning of the Council. However, the institution's experts think this is an appropriate implication. Participant 3 thinks that without a change in the infrastructure of the Council, a change in the scope of review (inclusion of the bureaucrats who are at a lower level than the general manager) will be ungrounded. He stated that “for the lower-level bureaucrats to be included in the scope of review, the organization of the Council should be changed accordingly.” Also, he argued that there are many mechanisms to oversee ethical compliance for lower-level bureaucrats. Similarly, Participant 1 thinks that the important thing is the possibility of examining the upper-level bureaucrats because there is no other institution that can do so. Moreover, he said that the Council could decide to change the scope of review when necessary. For example, lieutenant governors were included in the scope of review by the decision of the Council. For him, the most important thing is that the governors,

mayors, and general managers are reviewable. Moreover, Participant 3 accepts that mobbing and other unethical conduct are common among lower-level bureaucrats. However, he also thinks that the important ones are the upper-level bureaucrats because the lower-level bureaucrats are reviewed in any case. Participant 2 also draws attention to the issue that no other institution is authorized to review the behaviors of upper-level bureaucrats. Overall, it can be said that the experts generally think that the scope of the law is appropriate.

Definitely, the fact that upper-level bureaucrats can be examined ethically is vital. Nevertheless, the Council should also have a way of influencing all public bureaucrats because corruption and unethical conduct are common among them. This was accepted by the experts, as well. The fact that no other institution can examine the upper-level bureaucrats is not a reason for not covering the lower-level bureaucrats. If the law covers the lower-level ones, it would still be possible to examine upper-level public officials. On the other hand, experts are correct in the sense that there should be an infrastructural change before a change in the scope of review because the structure of the Council is not appropriate in its current form to cover all the civil service. Moreover, although it was indicated that lower-level bureaucrats are reviewed in any case, it is evident that recent ways of controlling them are insufficient. This inference can be made by looking at the statistics of Transparency International. The report prepared by Transparency International Turkey states it is thought that by 74 % of society that corruption has increased in the last two years (TI Turkey, 2022).

What is meant here is that the experts' comments seem out of context. They mostly dwell on the importance of the reviewability of upper-level bureaucrats. However, the topic of discussion was the inclusion of lower-level bureaucrats in the scope of review. On the other hand, the assertion that the Council can change the scope of review is also out of context because it can only define what equals to general manager level. However, still, the bureaucrats that are at a lower level than the general manager cannot be examined according to the Law. For their inclusion, the Law must be changed.

In addition, an insufficient number of personnel tries to serve this limited scope of review. As it can be inferred, there are problems related to the personnel system of the Council. Arap and Yılmaz (2006) think that the Council has not been formed with the capacity to audit even its limited field of duty adequately. Moreover, it is thought that the increase in the workload causes problems in practice due to the low number of personnel performing the secretariat services of the Council (Baydar Akgün, 2007). Furthermore, the fact that experts come from different institutions and are not specialized in unethical auditing conduct can be criticized. However, the experts think differently. For example, Participant 2 stated that it seems like a disadvantage, but the problem is rooted in the abolishment of the Prime Ministry. She used expressions like “before the experts were the experts of the Prime Ministry. However, when the Prime Ministry was abolished, they were split into other institutions. That is why it seems like every expert comes from different institutions. In fact, the cadre of experts is mostly the same as when the institution was established.” Yet, she thinks it would be better if the staff were under a single administration to which the Council is tied.

Participant 1 also stated that the training programs are prepared for the experts, and such deficiencies are corrected. Participant 2 also mentioned that it would be better if the Council could select and recruit its own personnel and raise them. However, Participant 3 stated that this is impossible since the Council does not have its own public legal personality. On this subject, Participant 1 argued that an effort had been made to retain the experts in order not to lose institutional memory, and the experts have been the same since the onset. The overall opinion among the three participants was that the criticisms about the personnel system of the Council are not warranted. It was stated that the Council’s capacity is insufficient. Participant 1 stated, "we can handle everything; the allegation that the capacity is not enough is wrong; everyone is working hard.” Participant 2 also mentioned that every institution wants to increase the number of its personnel, and so do they. She said that “why not be better?” Participant 1 also said, "this is not a deficiency, but I said so just as a demand.”

As can be seen, the personnel structure of the Council is problematic. Firstly, the personnel are not the Council's own personnel. They work based on secondment. They are not persistent. Participant 2 thinks that the fact that every expert seems to come from different institutions is rooted in the abolishment of the Prime Ministry. However, even if all the experts were prime ministerial experts, that is to say, even if all of them come from the same institution, that would still be problematic. This is because, again, the experts would not be the institution's own experts. Therefore, the real problem is not that every expert comes from different institutions but that the Council does not have its own personnel. Moreover, the cadre of the personnel could be the same as when it was established. However, this does not mean that the experts can change. It seems that the experts are vary of accepting the problems related to the personnel system by stating that they are working hard and can handle everything. However, it is evident that the number of personnel is really low.

By looking at structural problems in general, it can be argued that these problems stem from the fact that an institutional type of mechanism was not preferred in the establishment phase. Instead, a Council was created. However, similar Councils in Turkey also have institutions associated to them. For example, the Ombudsman Council has an institution called the Ombudsman Institution, and the Turkish Human Rights and Equality Council also has an institution called the Turkish Human Rights and Equality Institution. Nevertheless, the Ethics Council does not have its own institution. Rather, it is structured under the Ministry. This brings about some problems. First of all, the Council is not autonomous and does not have its own budget. This limits the area in which the Council functions. Secondly, it does not have its own personnel. Since it does not have a public legal personality and its own institution, it cannot raise its own personnel. However, the experts working on examination and training activities must have been trained in this area since the beginning. Providing training programs for temporary experts is not sustainable. Thirdly, the fact that there is no autonomous institution prevents the institution from acquiring an institutional memory and culture. Even if the experts think it is provided by trying to keep the

same experts in the institution, unless there is an autonomous institution with permanent experts, the institutional culture and memory cannot be ensured.

Another issue regarding the structure of the Council is the transition to the presidential executive system. As was known, in 2017, Turkey changed its administrative structure and implemented the presidential executive system. The Council was under the Prime Ministry prior to this, and its members were being appointed by the government. Moreover, its name included the title “prime ministry.” When the activity reports of the Council are examined, it is noticed that no changes have been made except qqthe change in the appointment of the members. Now, its name is the Council of Ethics for Public Service, and the President appoints its members. In the activity reports of the Council, nothing specific is stated regarding the transition to the presidential executive system. While explaining the legal framework, only, it was indicated that the President makes the appointments. While explaining the structure, it was stated that the Council falls under the Ministry of Labour and Social Security. Apart from these, no changes stand out. The duties and authorities have not changed. No other regulation has been made related to the new system.

At this point, it should be noted that the President also has a political role in the new system. He is not symbolic, but he is the head of the executive branch as a political party member. Therefore, the fact that the President appoints the members of the Council might be thought problematic. This is because there may be political pressure on the Council, and it may work accordingly. An example of this is that before the Constitutional Court decision, all of the decisions published in the Official Gazette were about opposition metropolitan municipality mayors. This situation reflects the political impact of the executive branch. Therefore, it is not appropriate that this Council is structured under the executive system and within a hierarchical chain.

When these structural problems are considered, it can be argued that they are among the main reasons behind the failure of the Council. They make the

Council a symbolic one. In sum, most importantly, this Council is not an autonomous one with an autonomous budget and personnel system. Besides this, its scope of review is too limited to work actively. Also, there are serious problems regarding its personnel system. All in all, the structuring in the form of a council is not proper for it to work effectively and is the main reason behind the deficiencies of the Council.

5.3. Jurisdictional Factors

Behind the failure of the Council, there are also jurisdictional factors. First of all, one of the main activities of the Council is determining the ethical attitude principles. However, the ethical attitude principles, which need to be regulated by law, are regulated with a regulation that can be changed more easily than laws (Demirci & Genç, 2008). Ethics and codes of conduct are left entirely to the initiative of the Council to be established and the regulations to be prepared without specifying the basic criteria and values (Koçak & Yüksel, 2010). Koçak and Yüksel (2010) think that because ethical principles are not specified in the law, and the word 'ethics' is unclear, it is possible to see subjective and arbitrary evaluations and encounter severe problems in practice. The fact that the principles are determined by regulation is thought not to have the expected effect in practice (Baydar Akgün, 2007). Usta and Arslan (2020) also criticize the fact that the principles are regulated in the Regulation in response to the search for a guide to public ethics while they accept that it is, certainly, not possible for every issue to be regulated with the law due to the complex nature of public administration. Besides these, Koçak and Yüksel (2010) think that although the qualifications of the people who will serve on the Council may be sufficient in the field of application, they may not be sufficient in determining ethical principles. An advisory board could have been formed in this manner. Moreover, the ambiguity of the principles is also criticized in the literature. Arap and Yılmaz (2006) give examples of principles such as "compliance with the service standard, "commitment to the objection and mission," and "decency."

When the criticisms regarding this issue are considered, it is seen that they are valid ones. If a deontological understanding is adopted, then the rules should be clear and unmistakably so. Also, they should be precise, therefore, should have been regulated in the law. The parliament has left the determining of ethical attitude principles to the first Council, whose members are not experts in the field of ethics. However, when the members of the Council change, the ethical principles could change because they were regulated in the Regulation. This may bring about problems.

Besides the ethical attitude principles, the ethics commissions, which bare the purpose of helping the functioning of the Council, were not regulated in Law No. 5176 but were regulated with the Regulation on the Principles of Ethical Behavior of the Public Officials and Application Procedures and Essentials. Therefore, the Regulation created a structure that was not foreseen in the law, and the function of the aforementioned commissions was regulated with the Regulation. This is problematic in terms of legislation, making the ethics commissions functionless (Akdeniz, 2016).

As it is known, according to Article 23 of the Regulation, for public officials who do not fall under the jurisdiction of the Council of Ethics, “ethics commissions” are set up by the top executive of the institution in order to determine and guide the ethical principles within the institution they work for. However, despite the emphasis on “participation” in the legislation on ethics and the new public management approach, adopting a supervisor-centered approach to forming commissions is paradoxical (Arap & Yılmaz, 2006). However, the experts in the institution look positively on this issue. Participant 1 stated that ethics commissions are required to be appointed by the highest officials in the institution because their approach to ethics affects subordinates' ideas. Besides these, Participant 2 argues that they cannot use ethics commissions effectively and they should be reregulated. She thinks their jurisdiction is ambiguous, and they play the role of a representative between the institutions. Also, Participant 1 stated that what is expected of them is to establish an ethical culture. Moreover,

Participant 2 mentioned that the ethics commissions should be empowered and become functional when they were asked what they advise as a reform for the institution. In addition to these, in the document that the experts prepared, it is indicated that "these commissions have been given duties in line with the purposes specified in Law No. 5176, but no regulation has been envisaged on how they will fulfill these duties". Moreover, experts accept the need for a change in the legislation by arguing in the document that "no specific arrangement has been made except that they will consist of three people selected by the top executive in each institution; naturally, it would be assertive to say that they are functional in preventing unethical behavior, and a legislative change is required in this regard".

As it is seen, the problems related to ethics commissions are touched upon in the literature and accepted by the experts interviewed, as well. It seems that one of the most essential structures of the Council was not neatly arranged. Nevertheless, they undertake maybe the most crucial function of the Council at the level of institutions, which is establishing an ethical culture. However, they cannot go beyond regulating ethics activities in ethics week. Also, it is seen in the existing studies that these commissions do not work like a consultancy unit. Therefore, they seem functionless.

A further serious limitation regarding the jurisdiction of the Council raised from its relationship with the judiciary. According to the Regulation on this matter, no application can be made to the Council or the authorized disciplinary committees about the disputes being examined or decided by the judicial organs. The proceedings of the applications, which are understood to have been brought to the court during the examination, are stopped. Arap and Yılmaz (2006) think that the first one is a usual situation. However, in some matters that the judicial organ has decided, it may be necessary for the Council to step in because if the accused person is found not to be guilty, this does not necessarily mean that the situation cannot be examined in terms of ethics. Otherwise, the Council would lose its limited power (Arap & Yılmaz, 2006). Another issue related to the relationship

with the judiciary is that when the decisions of the Council and that of judiciary conflict, the reputation of the Council will be damaged. That is why the Council may drift into passivity and may tend to reject the applications (Arap & Yılmaz, 2006). Lastly, Arap and Yılmaz (2006) argue that when a situation contrary to ethics is detected in the institutions that fall under the jurisdiction of the Council, the fact that it is brought to the judiciary shows that the Council is actually in a secondary position in its field of duty.

In addition, the Council does not have a sanction mechanism like that of the judiciary. The authority to sanction is found inadequate in the literature (Demirci & Genç, 2008). As indicated, the institution does not have any sanctioning power because its decisions are not that of the judiciary. Also, when the Council detects anything, it notifies the parties but cannot give any penalty (TÜSİAD, 2005b). As it is known, the Council previously published its ethical violation decisions in the Official Gazette, however, this authority of the Council was found unconstitutional by the Constitutional Court in 2010. According to Usta and Arslan (2020), the Court stated that this situation would violate personality rights. Although the authority of the Council to detect behavior contrary to ethical rules and notify the relevant people about the results of the examination is deemed necessary for the establishment of an ethical culture in public, it has been reported that the publication of this decision in the Official Gazette, without gaining judicial certainty, will cause significant damage to human dignity, which is considered outside of all values, and to the material and spiritual existence of the person. Also, it was emphasized that the annulment of the decisions of the Council by the administrative court and the publication of this annulment decision in the Official Gazette would not completely eliminate the moral damage suffered by the people whose dignity was damaged due to previous publication and who were exposed before the public. That is why the Council's function is limited to notifying the decisions to relevant parties when it detects a violation of ethical rules.

In short, the Council has become a determining authority and has lost its ability to deter public officials (Usta & Arslan, 2020). Arap and Yılmaz (2006) think that this makes the Council symbolic instead of functional. On the contrary, the experts find this decision of the Constitutional Court appropriate. Actually, Participant 1 stated that they could not say that this decision was right or wrong, and they could not comment on it. However, it is an accurate assessment. Participant 2, on this issue, mentioned that "we fulfilled the decision of the Court; we just publish the ethical violations on our website with no personal information. Our primary purpose is that it will be a deterrent and it will constitute an example. Anyway, publishing the decisions in the Official Gazette was not a sanction. Only the release of the decision to the public has decreased. It cannot be evaluated as deprivation of authority". Participant 3 stated that there is no obstacle to the victim's disclosure of this; if he/she wants, he/she can publicize the decision of the Council. Moreover, Participant 1 stated that the publication of the decisions on the website of the Council also had been brought to the administrative court. However, it was found appropriate to publish the decisions without personal information. Besides these, when the experts are asked whether or not the ethical principles are deterrent, they stated in the document that ethical principles should be preventive instead of being deterrent. This means that experts are giving importance to preventive mechanisms and are not trying to find deterrents. However, aversiveness is a serious part of preventing unethical conduct. Definitely, being preventive is significant. Yet, when the Council does not have any sanctioning mechanism, at least aversiveness of the ethical principles could be beneficial in preventing unethical conduct.

With an overall evaluation, it can be put forward that the Council has failed to prevent unethical conduct. This is seen in the number of applications and the number of ethical violations. The ethics violations are not significantly decreasing. There are mainly three areas affecting this. To sum up, first of all, since this Council is a product of new public management understanding, it brought about a deontological approach to ethics. However, ethics is actually an

area that should not be or cannot be regulated. Secondly, there are serious structural factors behind why this Council has failed. It is not an autonomous institution and does not have its own budget and personnel. It is under the hierarchical chain. Also, it has a too limited scope of review. Lastly, there are problems with its jurisdiction. Firstly, the ethical attitude principles are determined with a regulation instead of law, which is the first significant activity of the Council. Secondly, its relations to the judiciary are problematic. Lastly, the absence of a sanction mechanism makes this Council functionless.

Apart from these limitations, it should not be forgotten that the Council is very successful in establishing ethical culture with its educational activities. It was shown in the previous chapter that it seriously focuses on such activities. As it is known, the Council arranges many courses for public servants. According to Baydar Akgün (2007), these services show that the Council primarily focuses on the establishment and training of ethical culture and the training of personnel. She thinks that in addition to establishing the legal framework, it is also essential to transfer ethical principles and standards to the individual through professional socialization mechanisms. Similarly, Doğan (2015) argues that arranging symposiums, seminars, and informative meetings is a great gain in establishing ethical culture. Moreover, the experts, according to the document prepared, stated:

> In our country, '25 May Ethics Day' and '25-31 May Ethics Week" are celebrated every year. In this direction, all public institutions and organizations are informed about their participation in the event held this week. For ethical training, articles are written to public institutions and organizations in January every year, stating that they can receive ethical training. As a result of both projects and planned activities, ethics trainers are raised in cooperation with institutions, and the number of ethics training staff is increased.

As it can be seen, the experts gave already-known explanations when their ideas related to ethical training were asked. Also, when they are asked whether or not the duties, authorities, and sanctions are adequate to prevent unethical behavior, the experts mention the importance of ethics education. They stated that:

> As in every field where there is a human element, people can choose the right or wrong way in the field of ethics. In order to direct people to the good and right, each country has determined effective methods according to its own society. These methods vary: detection, warning, types of punishment etc. However, when we look at the essence of the word 'ethics,' it is seen that it does not fully comply with penal sanction practices. Instead, with a proactive approach, we should have a vision of preparing individuals in society for the future, first in the family environment, then in education and business life, as people who have the ability to choose the truth.
>
> When we look at the Turkish legal system, it is seen that the judiciary and disciplinary law are processed and applied in great detail. If we approach ethics with the same logic, the ethical legislation takes its place in the libraries alongside the judiciary and discipline books we have mentioned, and as a result, far from the desired is encountered. We are trying to be constructive, prevent mistakes before they occur, and take an inclusive role for a reliable public administration that produces more qualified service by spreading good practices and developing employees, especially with the task of establishing an ethical culture and raising ethical awareness given to our Council.

From these expressions, it is seen that how the Council gives importance to training civil servants. With a general evaluation, it could be said that the Council should focus more on its educational activities. So, sustainable public ethics can be ensured in this way.

CHAPTER VI

CONCLUSION

It is widely accepted that the oil crisis in the 1970s led to the formation of a new world order that emerged as countries sought to ameliorate the crisis by changing the way society and its economy was administered. Some have argued that this was a necessary shift, away from the old understanding of an interventionist state to one which works to ensure the market is liberalized, the economy is opened up to the outside, and the state withdraws from production. In other words, neoliberal ideology had begun to dominate the Western world. It can also be argued that international organizations have imposed this ideology on developing countries through their policies, as they were obliged to seek economic aid and loans and had to follow the advice of these institutions.

Indeed, most countries' public administrations have since been arranged according to this new world order. During this period, many reforms were made, laws were changed, and new institutions were established as shown in the study. In the background of this transformation, there emerged the administrative paradigm called new public management.

Ethics was included on the agenda for two main reasons. Firstly, the theory mentioned above has made ethics compulsory for public administration because bureaucrats and the state are not trusted in this approach. According to NPM, an oversized public bureaucracy was responsible for the malfunctioning of the state and was the main culprit behind increasing corruption. This situation thus necessitated ethics in public administration. Secondly, a series of corruption scandals in the 1980s revealed that corruption was an international problem, not confined to the developing world. At that time, it was accepted that corruption should be eliminated for the proper functioning of the new system. So, ethics in

public administration has been championed especially by international organizations, as a precondition for international aid and financing.

During this process, the meaning of public administration ethics was changing and even ethics was being sacrificed for the well-functioning of the new world order. In line with this, it has turned into a concept filled with ideological meanings, particularly when reevaluated with concepts compatible with free market principles. The ethical principles of bureaucracy in countries today are compatible with market values, as seen. So, a redemptive role has been attributed to ethics of public administration in this transformation. One of the areas to be regulated became the field of ethics in this restructuring process, in line with the changing understanding. It has gained a universal character with the savior role it has undertaken.

Besides the ideological meaning loaded to ethics, it started to resemble law at the same time because universal codes of conduct have been applied, and it has gained a deontological character. However, ethics is a personal issue and must come from the inner side of people. The extent to which these externally imposed rules are internalized is not questioned. Actually, ethics should be a mechanism that guides public servants on how to act when they face ethical dilemmas. However, rather than such an understanding, people who were under control were needed in the neoliberal world. That is why neoliberalism loaded new understandings to ethics and started to use it as a means of controlling public servants. Thus, neoliberalism which does not accept any intervention in the lives of individuals in any matter contradicts itself and legitimizes the imposition of new ethics in public administration. However, public administration ethics is not a field that can be controlled from outside. As it was discussed in chapter two, it remains deeply personal, is related to conscience, preferences, character, or the behavior of human beings. Attempts to regulate ethics only serve to remove individual choices and bring it closer to law, despite the fact that ethics is not necessarily equal to what is written in law. If the law could solve the problem of unethical conduct, then ethics would not be needed.

Neoliberalism's mistake was to equate the law with ethics, which served to overcome the deficiencies of law in areas where it remains insufficient to regulate every situation. However, public administration ethics did not emerge as something different from law. Ethical codes do not offer solutions for ethical dilemmas, but they blend what the laws say with market values and put them forward again. However, it was assumed that ethical codes would miraculously solve ethical problems and do what the law could not do. At this point, it should be stated that sanctioning unethical conduct is not a duty of ethics. It is the task of law. Instead, ethics should be something learned. For this reason, countries should focus on the training and personal developmental aspects of their ethical councils.

Within such a framework, the concept of ethics and its place in public administration was questioned in this study in a general manner. As proposed in the first chapter, one of the main research problems of this thesis was to identify the factors, aside from dissemination by international organizations, that brought about this shift in public administration ethics. It was thought that and discussed that there are both ideological and practical reasons for this. This study also discussed how ethics, an individual and social phenomenon, has turned into a recipe offered from outside under the influence of neoliberalism and globalization. It was shown that a wholescale structuring has started all over the world.

In exploring this transition process, Turkey has been chosen as an example because it is one of the developing countries that sought to internalize the process and regulated ethics in public administration with the insistence of international actors. However, it was asserted in this study that the regulation related to ethics in public administration in Turkey has failed and the Council of Ethics for Public Service is dysfunctional. The present study also sought identify possible reasons for this failure and found that there are ideological, structural and jurisdictional problems with the Council. The study involved consulting the existing literature, the entirety of legislation related to the ethics system in

Turkey and undertaking interviews with experts employed in the institution. However, the fact that the members of the Council could not be interviewed can be thought a significant limitation of the study. Interviews with the members could have provided insights about the functioning of the Council and the problems it faced. For further research would benefit from being able to incorporate their views and experiences. On the other hand, this study is different from other studies because it approaches the issue of ethics in public administration critically and does not take it as it is by accepting the existing ideological background of the issue. It approaches critically the fact that the boundaries between law and ethics have started to disappear. Also, it has provided new opinions from the experts working in the institution. This practical side makes this study different to previous ones.

To make a summary of what is told in this thesis, ethics is actually a system of control over the people living in a society. It regulates the behavior of people and their interpersonal relations. It sets forwards what is good to do and what is bad. However, it is different from the other social control mechanisms, which are morality, religion, and law, even though it bears similar characteristics. Ethics, which is the philosophical study of morality, is different from it, in fact. It carries similar characteristics to religion. While for one group of people, religion is the source of ethics, it may be thought irrelevant to ethics by those on the other side of the spectrum. At the core of ethics, there is conceptual and rational thinking, unlike religion. Most importantly, ethics differs from the law because the latter sets rules with an external approach. However, ethics should be internal. Obeying the law is compulsory in a given society, whereas the sanction of unethical acts is regulated by personal conscience.

When the issue of ethics is discussed in a philosophical sense, it is seen that since ancient times, many thinkers have considered various philosophical questions and developed theories in the field of ethics. Although, it is possible to trace back the administrative ethics to these times, it is rather affected by the modern philosophical approaches. When the philosophical roots of

administrative ethics – defined as the set of rules that the public officials are expected to obey – are examined, it is seen that there are basically two philosophical approaches affecting it in the modern world, which are consequentialist ethics and deontological ethics. The first one is, as the name suggests, based on the consequences of the actions, and decides the rightness or wrongness of it on this basis. The most prominent representatives of this approach are Jeremy Bentham and John Stuart Mill. They basically defend that happiness is a unique good and people should do what brings happiness to them and their society. On the other hand, deontological ethics refuse this idea by stating that happiness cannot be the measure of goodness. However, the rightness of an action is defined according to obedience to a principle called categorical imperatives. In this approach, whose representative is Immanuel Kant, an action is correct only if it is done out of duty. It is possible to see the effects of both in today's public administration. However, it should be noted that when the new position of ethics is considered, today's administrative ethics are closer to the deontological one. Clearly, in the neoliberal world, ethics became something that is presented through ethical codes of conduct, especially through the efforts of international organizations. They are a systematic endeavor to define acceptable conduct. However, it should not be forgotten that codes of ethics are not sufficient on their own to prevent unethical conduct and corruption. They should be supported with ethical training.

The emergence of ethics codes is a result of the increasing importance given to ethics in public administration. Actually, there are significant factors affecting this rise. Surely, in the background, there were theoretical and practical reasons for this. First of all, the new world order shaped by neoliberalism has presented a new theory in the field of public administration. The paradigm called new public management has reorganized the structure of public administration and transformed it. In this sense, ethics became a part of this restructuring. On the practical side, there were increasing rates of corruption all over the world. In such an atmosphere, ethics was seen as a remedy for the failures of classical public administration and the problem of corruption. As a result, a reform

movement started around the world, and regulations started to be reformed according to ethics codes that emerged and were disseminated through the policies of international organizations. This was followed by the establishment of local institutions to oversee their compliance with them.

In this framework, Turkey has also experienced similar processes. Actually, corruption and unethical behaviors have existed in the history of Turkey since Ottoman times and have been inherited from it, according to some authors. In the history of the Republic, they also persisted. Since the end of the 1970s, parallel to other countries, Turkey also experienced ethical crises. Indeed, with the advent of the public management, corruption and unethical behavior was seen to increase. In the years following the 24 January Decisions, the country has gone on to undertake far reaching transformations. Turkey's economy opened up, the liberalization process started, and privatization gained speed. In this context, public administration has also entered into a reform process and similar to many other countries, it has been regulated according to market rules.

The reform process gained even more speed with the succession of the JDP government in the 2000s. The party, which came to power alone, carried out many reforms easily without looking for alliances. Especially the creditor institutions such as the IMF and WB, in addition to the EU, of which Turkey wants to become a member, have been the driving force behind a number of reforms that have greatly affected public administration in Turkey. Such evidence suggests that NPM understanding has settled in Turkey and ethics has become one of the most critical components of this reform process. Many steps have been taken. All of them was by a self-proclaimed ethical administration. Indeed, the fight against corruption became one of the most important elements of JDP's election propaganda.

After they came to power, an action plan was adopted, including a series of measures to combat corruption. Indeed, a parliamentary commission has been established to search for corruption. Consequently, an urgent action plan has also

been entered into force. Besides these well publicized efforts, a host of legislation studies have been carried out in addition to existing legal infrastructure, which draws the boundaries of an ethical administration before. Seemingly, the most significant step in this fight against corruption was the establishment of the Turkish Council of Ethics for Public Service with Law No. 5176. This would operate alongside the coming of this institution would complement Turkey's the existing legal infrastructure, including the Turkish Constitution, Civil Servants Law, and Turkish Penal Code and complete its ethical infrastructure along with a regulation that sets out the ethical attitude principles that Turkish public servants should obey.

However, the coming of the Council of Ethics has not been thought successful in the sense that it could neither eliminate nor solve the problem of unethical behavior in the public sector. This institution is a symbolic one and has failed for ideological factors to begin with, as a product of NPM understanding. This becomes evident in the ideological terms it uses that are derived from the NPM approach so favored by international organizations that were influential during the Council's establishment phase. This is seen in its undertakings which attempted for it to play a savior role, and a remedy for unethical conduct and corruption in public life. However, the public administration ethics in NPM is a professional ethics whose ties with the philosophy were severed when it became an instrument of neoliberalism. When so considered, the possibility of it ever being successful cannot be thought.

Secondly, there are structural factors for the failure of the institution in that it does not have a public legal personality; neither does it have its own budget nor its own personnel. It is not autonomous at all. Another problem is the Council's jurisdiction is limited in scope of review that the institution's function cannot to be entirely fulfilled. Unethical conduct is also common among lower-level bureaucrats. Also, as seen in the history of Turkey, corruption incidents have occurred at the level of ministers and parliamentarians. Moreover, the exclusion of universities and armed forces limits the Council's scope of review.

Thirdly, there are problems related to its jurisdiction. Firstly, the fact that ethical attitude principles were defined through the Regulation is problematic in terms of the production of effective legislation. The Council is secondary to the judiciary, and it prevents Council from examining judicial cases brought to the judiciary also limits the functioning of the Council because people may prefer to go to the judiciary directly. Furthermore, the lack of a sanctioning mechanism has proved to be problematic in the sense that while ethics should ideally be something that comes from the inner side, the establishment of such an effective deterrent mechanism has been handicapped by the omission to even define what would constitute deterrent factors.

Today's ethics commissions seem very dysfunctional, as can be seen in the literature and from the assertions of the experts working in the institutions. All these deficiencies show that this Council exists mostly on paper. While it has been able to fulfill some of its mandate, the deontological character of the Council and the fact that it was established under the compulsion of international organizations has been no guarantee of success. It remains particularly ineffective in terms of its review function. Therefore, it would be more appropriate to concentrate on training activities for the Council.

Looking ahead, it may be that some benefits could flow from developing the existing ethical infrastructure in Turkey. In this sense, some recommendations can be made. Today, if a reform package is presented, it should include the following:

- First, the administrative and financial autonomy of the Council should be ensured by amending the "Law Related to the Establishment Council of Ethics for Public Service and Making Modifications on Some Laws" (Koçak & Yüksel, 2010). The Council, like its counterparts in other countries (for example, The Office of Government Ethics in the USA, The Committee on Standards in Public Life in the UK, or The Office of Ethics Counselors in Canada), should be made independent (Önen &

Yıldırım, 2014; Ekşi Çaylak, 2014). In this sense, the Council should be separate from the executive and acquire a legal personality. In addition, presenting its decisions and activities to parliament directly, as in Canada (Önen & Yıldırım, 2014), rather than the Ministry, and the appointment of its members by the parliament instead of the executive will make it more autonomous. Besides, the Council should be supported in terms of personnel and budget. Once independent, the Council with a separate budget will be more autonomous and work better. In addition, when it has its own legal personality, the Council will have the opportunity to select, recruit and train its own staff. Thus, it will continue in its own way with more expert staff in the field. When the Council has its own budget, it will be possible to increase the number of personnel, and thus it will be easier for the Council to do its work. All in all, it can be said that these changes were seen necessary by the Council, as well. It was mentioned above that the Council has prepared a draft law for itself. In this draft law, all of these issues were mentioned.

- Second, the Council's scope of review should be changed. Members of parliament and ministers should be included as in other countries such as the UK and USA (Baydar, 2005; Önen & Yıldırım, 2014). In addition, as mentioned in the study, there is no harm in including the Turkish Armed Forces and the universities. Expanding the scope of review of the Council will increase its function. These were also mentioned in the reports prepared by the European Commission. Besides these, the Council will be able to supervise lower-level public officials if the number of personnel increases and the necessary ground is established. At least, it may be meaningful to expand the public officials who can be examined to the head of the department and the upper level (Akdeniz, 2016). Actually, when the public is taken into consideration, it must be said that it has also such an expectation. This can be inferred from the rejected applications made to the Council. To remind, a significant number of applications

were made concerning public officials who serve in posts below general manager level.

- Third, in order to eliminate the problem in terms of legislation, the ethical attitude principles determined in the Regulation should be determined by law (Akdeniz, 2016). Being specified in the Regulation has created problems in terms of legislation. Legal definition would protect them from arbitrariness. Also, it should be considered that experts in ethics in public administration should take part in this process of defining new ethical codes. Furthermore, a clear definition of the concept of ethics and principles should be made in the Law and in the Regulation. The principles of ethical behavior need to be rearranged in the light of concrete criterias (Usta & Arslan, 2020).

- A legislative change that is in line with the new situation in Turkey, called the presidential executive system, should be made. As it is known, Turkey has changed its administrative structure. This is a radical change, but it has affected neither the structure of the Council nor its duties, authorities, and activities. Only the affiliated institution have changed. However, the Council's operation should be reviewed and updated in line with the dynamics of this new system. For example, the appointment method should be changed because, as indicated above, the President is not a neutral actor in this system. That is why the appointment by the President may have a political effect on the Council. Their appointment should be made by the Parliament. Also, as it was explained in the first advice, this institution should become an autonomous one. An adaptation study should be made in general.

- Ethics commissions, which were also regulated in the Regulation, should be regulated by law, and Ethics Commissions should be made more functional. In addition, their duties and authorities are ambiguous and need to be clarified. This situation was frequently expressed by the experts working in the institution. Actually, the Council is aware of the

deficiencies of the ethics commissions such that a project was made on this issue as demonstrated in the activities of the Council part. In the scope of this project, how they can be made active has been discussed. In addition, as seen in the literature, the awareness about ethics commissions is very low, and they usually remain at a symbolic level. In this respect, a change should be made; ethics commissions should be given a function beyond the ethics training given only during the ethics week in institutions. They should become organizations that are consulted in case of ethical dilemmas by public administrators. Also, in the reports by European Commission, it was stated that The Council still does not have the capacity to monitor and coordinate the work of these commissions. Maybe in the division of labor, some of the experts can be tasked with only monitoring the activities of ethics commissions and improving their function. If possible, an extra unit for this purpose can be established because these commissions are tasked with the core role of establishing ethical culture in public administration.

- A change should be made regarding the sanctioning power of the Council regarding ethical violations. The aforementioned decision of the Constitutional Court should, definitely, be taken into account when making this amendment. However, the relationship of the Ethics Council for Public Service with the judiciary should be reconsidered. The inability to examine ethically the fields that the judiciary has decided on should be removed because, as stated before, the determination of innocence by the judiciary does not mean that there is no violation of ethical principles. Beyond this, it may be an option to turn decisions of the Ethics Council into disciplinary punishment after they are finalized by the judiciary or to consider this situation in appointments to senior levels (Akdeniz, 2016).

- The Council's publication of ethical violation decisions on its website is far from being an effective sanction. From this point of view, the Council

> has no deterrent effect. In this regard, Akdeniz's (2016) proposal is to turn the Council into an administrative unit and abandon research and examination activities and focus on activities such as training, determining ethical principles, organizing projects, and preparing guides which the Council is more successful. So, the Council will turn into a preventive and encouraging mechanism rather than a punitive mechanism. Thus, the motivation of the Council will be higher, and it will also specialize in one area. In addition, the prestige and awareness of the Council will increase, and it will be more effective. (Akdeniz, 2016).

These recommendations will be a step in improving the existing ethics system in Turkish bureaucracy. As explained in the thesis, there were ideological and practical reasons behind the establishment of this Council. In line with those reasons, the regulation has been made, and practice has been shaped. However, it is not proved to be an ideal arrangement. These advices are there for development in the sense of enhancing the existing system. Nevertheless, the question of whether ethics is something that can be regulated stands there. When the philosophical and theoretical side of ethics in public administration is considered, even if the distortion in the system is cured, the regulation of ethics in public administration is an issue that needs to be emphasized. It was discussed in this study that this distinction in the ethics literature is meaningful for the philosophical side, however it becomes particularly problematic when public administration is considered. The example of Turkey has underlined this failure to be effective at the intended level. Of course, there are advantageous aspects of deontological ethical understanding, yet there should be a point that is between these two philosophical stands. It can be argued that a fully consequentialist approach will also be far away from realizing the expectations. This is because, the consequentialist theory actually foresees that the ultimate goal of the bureaucrats is to maximize their own benefit. This is legitimized through public choice theory as well. Surely, the public bureaucrats should consider the consequences of their actions. However, the consequence that matter should be the public interest instead of bureaucrats' own benefits. The consequences

should be calculated in such a way that the actions that will enhance the well-being of the public.

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APPENDICES

A. APPROVAL OF THE METU HUMAN SUBJECTS ETHICS COMMITTEE

UYGULAMALI ETİK ARAŞTIRMA MERKEZİ
APPLIED ETHICS RESEARCH CENTER

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20 HAZİRAN 2022

Konu: Değerlendirme Sonucu

Gönderen: ODTÜ İnsan Araştırmaları Etik Kurulu (İAEK)

İlgi: İnsan Araştırmaları Etik Kurulu Başvurusu

Sayın Mustafa Yılmaz ÜSTÜNER

Danışmanlığını yürüttüğünüz Bengünur Bozoğlu'nun "An Analysis of Turkish Council of Ethics for Public Servants: A Reform Proposal" başlıklı araştırması İnsan Araştırmaları Etik Kurulu tarafından uygun görülerek gerekli onay **0332-ODTUİAEK-2022** protokol numarası ile onaylanmıştır.

Bilgilerinize saygılarımla sunarım.

Prof. Dr. Mine MISIRLISOY
Başkan

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Üye

B. TURKISH SUMMARY / TÜRKÇE ÖZET

1. GİRİŞ

Etik kamu yönetiminin önemli bir bileşenidir. Etik konusundaki tartışmalar 1980'lerde yoğunlaşmıştır. Önceden sadece az gelişmiş ülkelere özgü bir problem olarak görülen etik dışı davranışların, ortaya çıkan skandallarla birlikte bütün dünyanın problemi olduğu anlaşılmıştır. Böylece kamu yönetiminde etik, önleyici bir mekanizma olarak ortaya çıkmış ve ülkelerin gündeminde yerini almıştır.

Etiğe gösterilen ilginin artması dünyada bazı dönüşümlerin olduğu yıllara denk gelmektedir. Petrol krizini takip eden yıllarda dünyada çeşitli alanlarda birçok değişimin olduğu ve neoliberal ideolojinin yaygınlaşmaya başladığı bilinmektedir. Bu süreçte kamu yönetimi de ciddi bir dönüşüm içerisine girmiştir.

Kamu yönetimi alanında ortaya çıkan ve özel sektörün üstünlüğünü benimseyen yeni kamu işletmeciliği (YKİ) yaklaşımı, etiğe verdiği önem açısından önemlidir. Bu yaklaşımla birlikte etik dışı davranışları ve yolsuzlukları önlemek için bürokratların kontrol edilmesi gerektiği anlayışı ortaya çıkmıştır. Kamuda etik kodları ön plana çıkmış ve uluslararası örgütler tarafından yayılmaya başlamıştır. Bu kurallara riayet edilip edilmediğini gözetlemek amacıyla da yeni kurumlar oluşturulmuştur.

Ancak etiğin düzenlenebilir bir alan olup olmadığı tartışılmalıdır. Kamu yönetiminde etiği yalnızca etik kodlara indirgemek onun içinin boşaltılması anlamına gelecektir. Halbuki, doğası gereği kamu yönetiminde etik -hukuktan farklı olarak- düzenlenebilir bir alan değildir aksine insanların iç dünyasıyla alakalıdır ve dışarıdan empoze edilebilir nitelikte değildir.

Bu tez temelde biri teorik biri pratik olmak üzere iki ana parçadan oluşmaktadır. İkinci kısımda yukarıda anlatılan süreçten bağımsız olmayan bir ülke olarak Türkiye incelenecektir. Türkiye de 1980'lerde diğer ülkeler gibi köklü bir değişim geçirmiştir. Kamu yönetimi de bu değişimden nasibini almış ve YKİ ilkeleri ile tekrar düzenlenmiştir.

Aslında bu dönüşümden önce de Türkiye'de kamu yönetiminde etiği düzenleyen birçok yasal çerçevenin varlığından bahsedilebilir. Ancak, tıpkı diğer ülkelerdeki gibi Türkiye'de de etik kodlar yükselişe geçmiştir. Türkiye uluslararası örgütlerin baskısı ile etik konusunda da reformlar gerçekleştirmiştir. Bu reformlarla birlikte o da etiği kurumsallaştıran ülkeler arasında yerini almış ve 5176 Sayılı Kanun ile Kamu Görevlileri Etik Kurulu'nu (KGEK) kurmuştur. Ancak, bu tezde Türkiye'deki etik regülasyonun etik dışı davranışlar ve yolsuzluğu önleme konusunda başarılı olmadığı iddia edilmektedir.

Günümüzde, etik kamu yönetiminin ayrılmaz parçalarından birisi haline gelmiştir ve etik kodlar neredeyse bütün ülkelerde kabul edilmiştir. Bu tezin iki temel amacı vardır. Birincisi etiğe gösterilen ilginin 1980'lerden sonra artmasının arkasındaki nedenleri incelemek ikincisi ise Türkiye'de bu etik regülasyonun başarısız olmasını etkileyen faktörleri keşfetmektir. Bu bağlamda, sürecin arka planı uluslararası bir boyutta incelenecektir ve örnek ülke olarak Türkiye'nin etik regülasyonu analiz edilecektir. Türkiye ile ilgili geniş perspektifli bir değerlendirme yapmak amacıyla mevzuat, Kurul'un faaliyet raporları ve istatistikleri incelenmiş, ek olarak da Kurul'da çalışan 3 uzman ile görüşmeler yapılmıştır. Tezin sonunda ise var olan etik sistemi iyileştireceği düşünülen bazı önerilerde bulunulacaktır.

2. TEORİK VE KAVRAMSAL ÇERÇEVE

Sosyal kontrol mekanizmalarından birisi olan etik, insanların sahip olduğu çeşitli değer kümelerinin incelenmesi olarak düşünülebilir (MacKinnon & Fiala, 2015). Etik, insanların nasıl yaşaması gerektiği; iyi, doğru ve yanlış gibi kavramlarla

ilgilenen felsefe dalıdır (Pojman, 2005). Normatif prensipler üretmekle birlikte bunu yapan tek alan etik değildir. Ahlak, din ve hukuk da insan hayatını düzenlemeye çalışır ve normatif prensipler üretirler. Bu üç alan da bir kontrol mekanizması olarak düşünülebilir. Her üçü de daha iyi bir yaşam için kurallar koyar. Ancak, her ne kadar etik ile benzerlikler taşısalar da farklılıklarının da vurgulanması gerekir.

İnsanların yönetimin merkezinde olduğu düşünüldüğünde, etik, yönetim için de önemli hale gelmektedir. Öktem ve Ömürgönülşen'e (2005) göre yönetsel etik, kamu hizmetinde etik anlayışı ve ahlaki değerler sistemini ifade eder. Kamu görevlilerinin bu anlayış ve değerler çerçevesinde kamu hizmetlerini yerine getirirken karar alma ve yönetsel süreçlerde uyacakları ilke ve kuralları içerir. Etik felsefenin bir dalı olduğundan yönetsel etik de geniş bir felsefi geleneğe dayanmaktadır. Literatürde bu alanda birbirine zıt iki anlayış yer almaktadır. Bunlardan birincisi Bentham ve Mill'in öncüsü olduğu teleolojik yaklaşım, diğeri ise Kant ile bilinen deontolojik yaklaşımdır. Teleolojik yaklaşımda bir eylemin ahlaki standardı sonuçlara göre belirlenir (Pops, 2001). Hatta bu yüzden teleolojik teori aynı zamanda sonuçsalcı yaklaşım olarak da bilinir (Cevizci, 2021). Bu anlayışa göre, bir eylemi gerçekleştirirken güdüler değil, sonuçlar önemlidir (Robinson & Garatt, 2003). Teleolojik yaklaşımın karşısında bulunan deontolojik yaklaşım ise davranışın sonuçlarından ziyade doğru davranış problemine odaklanır. Bu yaklaşıma göre bir eylemin ahlaklılığı bir ilkeye uymaktan gelir (Geuras & Garofalo, 2005). Kantçı etikte temel kavram ahlaki olarak doğru ve yanlışın belirlendiği ödevdir (Cevizci, 2002). Kant'a göre ahlaki bir davranışı ahlaki olmayandan ayıran şey ahlaki davranışın ödev duygusundan kaynaklanmasıdır. Kant'ın felsefesinde bir ödevi yerine getirmek kesin buyruk denilen zorunlu ahlaki yasalara uymak anlamına gelir (Robinson & Garatt, 2003).

Bu ayrım felsefe açısından anlamlı görünse de kamu yönetimi açısından sıkıntılıdır. Bu iki yaklaşımın da avantajları ve dezavantajları bulunmaktadır. Ancak, kamu yönetiminde deontolojik yaklaşım daha baskın görünmektedir ve

bu da daha çok dezavantaj getirmektedir. Elbette kamu yönetiminin deontolojik bir temeli vardır ve olmalıdır da. Kamu görevlilerinin davranışları kanunlar ve kurallar tarafından belirlenmektedir. Ancak, mesele etiğe geldiğinde deontolojik anlayışın dezavantaj getirmesi normaldir çünkü kamu yönetimi etiği doğası gereği düzenlenebilir bir alan değildir. Bu gerçek göz ardı edilerek bütün dünyada etik kodlar ve bu kodlara uyumu gözetlemek için kurumlar oluşturulmaya başlamıştır.

Pratikte her iki yaklaşım da kamu yönetiminde etkilidir. Elbette kamu görevlileri siyasal aktörlerdir ve siyasal kararlar verirken taktir yetkisi kullanırlar. Diğer yandan bürokratlar her davranışının sonucunu hesaplayamayacağından yanlış sonuçlar ortaya çıkabilir. Ancak, günün sonunda bürokratlar, var olan kurallara uymak zorundadırlar.

Yine de genel bir bakışla bugünün kamu yönetimi etiğini pratikte deontolojik yaklaşımın domine ettiğini söylemek mümkündür. Dünyanın her yerinde bürokratlardan benzer davranışlar beklenmektedir. Dolayısıyla etik kodların varlığıyla kamu yönetiminde etik evrenselleşmektedir. Kabul edilebilir davranışları belirlemeye yönelik sistematik çabalar olarak tanımlanabilecek (Plant, 2001) etik kodlar, belirli durum ve koşullarda kamu görevlilerinden beklenen doğru davranış türlerine işaret eder (Ciğeroğlu Öztepe, 2013). Kamu görevi sırasında bürokratlar birçok etik ikilem ile karşı karşıya kalır. Garcia-Sanchez ve diğerlerine (2011) göre etik kodlar bu ikilemlerle başa çıkmak için somut birer adımdır. İlk etik kodun varlığı 1920'lere dayansa da 1970'lerden sonra Watergate skandalı ile birlikte bir etik kod dalgası yayılmıştır (Plant, 2001). Sonrasında ülkeler uluslararası örgütlerin de desteklemesiyle etik kodları benimsemeye başlamışlardır. Ancak, etik kodlar tek başına yeterli değildir. Çünkü onların salt varlığı daha fazla etik davranışa yol açmayacaktır (Garcia-Sanchez ve diğerleri, 2011).

3. KAMU YÖNETİMİNDE ETİK

Akademisyenlerin ve gazetecilerin yayınlarının yanı sıra resmi araştırmalar ve raporlar, hükümetteki etik konulara ilişkin bilgi ve anlayışı önemli ölçüde arttırmıştır (Kernaghan, 1980). Bu yüzden modern anlamda kamu yönetiminde etik tartışmaları 1980'lerde önem kazanmaya başlamıştır. Bunun arkasında teorik ve pratik nedenler yer almaktadır. Unutulmamalıdır ki yönetim etiğine gösterilen ilginin arttığı yıllar neoliberalizmin de yayıldığı yıllara tekabül etmektedir. Neoliberalizmin kamu yönetimi üzerindeki yansıması olan YKİ de etiğe ilişkin bir öngörüye sahiptir. Bu yaklaşım 1970'lerdeki krizlerin etkisiyle eleştirilere konu olmaya başlayan refah devleti anlayışına bir seçenek olarak ortaya çıkmıştır. Bu süreçte özel sektörün kalkınmanın dinamiği olarak görülmesi bir dönüm noktası olmuştur. Böyle bir çerçevede YKİ anlayışı ortaya çıkmıştır. Özel sektör yönetim tekniklerinin kamuya uyarlanmasına işaret eden bu anlayış elbette kamu yönetiminde etiğe bakışı da değiştirmiştir.

YKİ literatürü açık bir şekilde etiğe değinmemektedir. Ancak YKİ reformlarının kaçınılmaz olarak etik davranışa yol açacağına inanılmaktadır (Maesschalck, 2004b). Etik davranış, YKİ'nin 3E mottosuna ek dördüncü E olarak karşımıza çıkmaktadır. Bilhim ve Neves'e (2005) göre, YKİ paradigması sorgulanamaz bir biçimde yönetsel etiğin arkasındaki itici güçtür. Onlar, Weberyan modelden YKİ'ye geçişle birlikte yeni etik meselelerin ortaya çıktığını da düşünmektedirler. Bu geçişle beraber, yeni özerk yapılar ortaya çıktıkça bürokratların rollerini belirlemek ve onların üzerinde kontrol sağlamak güçleşmiştir. Bu noktada klasik kamu yönetimi anlayışı ile YKİ anlayışı arasında bir gerginlik meydana gelmektedir. Bu gerginlik en çok bürokratlara ilişkin etik kurallar üzerinden gözlemlenebilmektedir. Bürokratlar üzerinde aşırı kontrol daha az inisiyatif alınmasına ve performans açığına neden olurken, denetim eksikliği de kamu görevlilerinin çıkar çatışmalarında yer almasına ve haksız kazanç elde etmesine zemin hazırlamaktadır. Bu sebeple YKİ anlayışına uygun etik ilke veya standartların belirlenmesi ve bu ilkelere uyulup uyulmadığının izlenmesi esastır (Canan, 2004). Kısacası, YKİ'yi benimseyenler bürokratları

girişimci olarak görmektedirler. Ancak, bürokratlara tanınan bu özgürlük alanı kontrol mekanizması gerekliliğini de doğurmaktadır. Aksi halde etik ihlalleri ortaya çıkacaktır. Ayrıca, bu yeni anlayış, klasik kamu yönetiminde hâkim olan kamu görevlilerinin etik anlamda tarafsız bireyler olduğu görüşüne karşı çıkmaktadır (Bilhim & Neves, 2005). Bu sebeple de onların kontrol edilmeleri gerektiği savunulmaktadır.

Yolsuzluk da YKİ ile etik arasındaki ilişkinin ikinci ayağını oluşturmaktadır. Kamu yönetimini yolsuzluk ve rüşvet gibi kötü yönetim pratiklerinden arındırmak için kurumların açıklık, şeffaflık, demokrasi ve etik prensipleriyle yeniden yapılandırılması gerektiği savunulmaktadır. YKİ bu prensipleri yerleştirmek ve devleti kötü yönetim pratiklerinden arındırmak noktasında kritiktir (Doğan, 2015). Temelde bu prensipler uluslararası örgütler tarafından tanımlanmış ve ülkeler tarafından kabul edilmiştir. Halbuki pazar ekonomisine ilişkin etik ilkelerin kamuda benimsenmesi bazı problemleri de beraberinde getirmektedir. Kamu görevlisinin temel değeri kamu yararı olmalıdır. Ancak, YKİ ilkelerinin kamuda benimsenmesi, kamu yararının bir kenara konulması anlamına gelmektedir.

YKİ reformları yeni etik problemler ortaya çıkarmıştır. Aslında, YKİ reformlarının yolsuzluk gibi davranışlar için fırsat oluşturduğu ve bunu haklı çıkaracak ahlaki zemini sağladığı düşünülmektedir. YKİ reformlarının daha kolektif ve hatta sistematik bir biçimde etik dışı davranışlara yol açması beklenmektedir. Söylenmesi gereken şudur ki kamu ve özel sektör farklı alanlardır ve ilkeleri de birbirinden farklıdır (Frederickson, 1997). Özel sektör ilkeleri kamuda uygulanmaya başlarsa bürokratlar kamu yararından çok kârlılığı düşünmeye başlayacaktır.

YKİ için bir temel oluşturan ve yeni sağ ideolojisinin önemli ayaklarından biri olan kamu tercihleri kuramı (KTK) da kamu yönetiminde etik için kritik bir bakış açısıdır. Temelde insanların kişisel çıkarlar üzerine odaklı rasyonel ekonomik aktörler olduğunu öngören (Terry, 1998) bu yaklaşım, kamu

görevlilerini de tıpkı diğer insanlar gibi kendi çıkarı peşinde koşan varlıklar olarak görmektedir (Zengin, 2009). Dolayısıyla devlet ve kamu görevlileri kamu yararını maksimize etmeye çalışmamaktadır (Aksoy, 2012). Bürokratların kendi çıkarları peşinde koşması normal ve rasyonel bir davranıştır (Aksoy, 2012). Hatta, aksini beklemek mümkün değildir. KTK de kamu görevlileri için özerk bir alan tanır. Böylece kamu görevlileri de tıpkı özel sektör çalışanları gibi kendi çıkarları peşinde koşan bireyler haline gelirler. Böyle olunca, kamu görevlilerinin doğaları gereği fırsatçı olma, kendi çıkarlarını maksimize etme ve ahlaki tehlike oluşturacak şekilde davranma eğilimleri vardır. Dolayısıyla onlara güvenilmemelidir ve onların kapsamlı bir şekilde kontrol edilmesi gerekmektedir (Terry, 1998). Bu noktada kamu yönetimi etiği hayati bir rol oynar, çünkü bu kontrolün önemli bir parçasıdır. Dolayısıyla bu yaklaşım etik için kurumsallaşmayı önermektedir.

Özet olarak bu iki yaklaşım da klasik kamu yönetimi yaklaşımını eleştirmekte ve ahlaki çöküş için büyük ve hantal kamu yönetimini sorumlu tutmaktadırlar. Devletin aşırı büyümesi yolsuzluğun önünü açmaktadır ve etik dışı davranışı kolaylaştırmaktadır. Bu yüzden, bencil kamu görevlileri günah keçisi ilan edilmektedir. Bu noktada, kamu yönetimi etiği çözüme giden yoldur.

Yolsuzluk da kamu yönetiminde etiğe ilişkin artan ilginin arka planındaki pratik sebeplerden en önemli olanıdır. Yolsuzluk en genel anlamda gücü elinde bulunduranların kendilerine veya öngördükleri kişi ve gruplara belli bir menfaat sağlamak amacıyla bu gücü kullanmaları olarak tanımlanabilir (Gediz Oral, 2011). Yolsuzluk, ekonomik gelişmenin önündeki en büyük engellerden birisidir. Yatırımcılar yolsuzluğun yaygın olduğu ülkelerde yatırım yapmaktan kaçınmakta ve bu da ekonomik büyümenin yavaşlamasına neden olmaktadır (Çakır, 2013). Bu nedenle dürüst, güvenilir ve adil bir kamu hizmeti hem halkın güvenini arttıracak hem de iş dünyası için uygun ortamı yaratarak piyasaların sağlıklı işlemesini kolaylaştıracak ve ekonomik kalkınmaya katkı sağlayacaktır (Emek, 2005).

Bu kavram özellikle 1990'larda çok dikkat çekmeye başlamıştır. Yolsuzluğa olan ilginin artması akademik ilgiyi de arttırmıştır. Yolsuzluk olgusunun özellikle bu yıllardan itibaren kamu yönetimi alanında yapılan çalışmaların önemli bir kısmına konu olması tesadüf değildir (Ciğeroğlu Öztepe, 2013). Ciğeroğlu Öztepe'ye (2013) göre neoliberal politikalar ve bunlara uygun idari yapılar öneren yaklaşımlar, kamu sektöründeki yolsuzluk ve rüşvetin ana sebeplerinin başında gelmektedir. Neoliberal yaklaşıma göre devletin sosyo-ekonomik yaşama müdahalesi sona ererse ve toplumsal hayatın her yönü piyasa mekanizmasının düzenlemesine bırakılırsa yolsuzluk ortadan kalkar veya en aza indirilir. Ancak, yeni sağın uyguladığı minimal devlet anlayışının yolsuzluğu ortadan kaldırmadığı ortaya çıkmıştır. Aksine, bu uygulamanın çok popüler olduğu yıllarda yolsuzluk süreci evrensel ölçüde yoğunlaşmıştır (Şaylan, 1995).

Yolsuzluk konusu uluslararası örgütlerin de gündeminde önemli bir yer tutmaktadır. Bunun temel nedeni, neoliberal politikaların yıkıcı ve olumsuz etkilerini örtmek için yolsuzluk söylemini bir perde gibi kullanmalarıdır. Yani, neoliberal ideolojinin kendisinden kaynaklanan bir sorun olan yolsuzluk, aynı ideolojinin yayılmasına hizmet eden bir söylem olarak kullanılmaktadır (Ciğeroğlu Öztepe, 2013). Kamu yönetimi etiği bu stratejinin büyük bir parçasını oluşturmaktadır. Özellikle kamu hizmeti ilkeleri düşünüldüğünde, kamu yönetimi etiğinin neoliberal ideoloji ile uyumlu olduğu açıktır. Uluslararası örgütler yolsuzluk söyleminin yardımıyla neoliberal ideolojinin yayılmasında önemli bir rol oynamaktadırlar. Bu örgütler, yolsuzluktan kurtulmanın tek yolunun kendi önerdikleri politikaların uygulanması olduğunu öne sürerler. Halbuki arka planda neoliberalizmin evrenselliği vardır ve etik bunun bir parçası olmakta ve etiğin içi neoliberal terimlerle doldurulmaktadır.

Anlaşılacağı üzere bu teorik ve pratik gelişmeler bir etik düzenlemesini zorunlu kılmıştır. Bu da pratikte kontrol zorunluluğunu ortaya çıkarmıştır. Bu sebeple neredeyse tüm dünyada kamu görevlilerinin bu kontrole uyup uymadığını kontrol etmek için kurumlar kurulmuştur. Türkiye de bu süreçten bağımsız değildir.

4. TÜRK KAMU YÖNETİMİ VE ETİK

Türkiye'nin tarihinde yolsuzluk ve onu önlemeye ilişkin önlemlerin izini Osmanlı Devleti zamanına kadar sürmek mümkündür. Yolsuzluk cumhuriyet döneminde de devam etmiştir. Ancak, özellikle 1980'ler yolsuzluk açısından önemlidir çünkü bu yıllar Türkiye tarihinde yolsuzluğun en yaygın olduğu yıllardır (Özsmerci, 2003). Etik krizler neoliberal ekonomi politikalarına atfedilebilecek nedenlerle ortaya çıkmıştır (Olsson, 2014). Bu politikalar 24 Ocak Kararları ile birlikte ortaya çıkan yeni ekonomik düzen ile gelmiştir. Yeni düzen kamu yönetimini de etkilemiştir. Bu yıllar, kamu yönetiminin kamu işletmeciliği anlayışıyla yeniden inşa edildiği yıllardır. Özellikle 2000'lerde kamu yönetiminde kapsamlı bir dönüşüm başlamıştır ve YKİ'nin etkileri açıkça görülmeye başlanmıştır. Avrupa Birliği uyum süreci ve uluslararası örgütlerin baskıları daha şeffaf ve hesap verebilir bir kamu yönetimi anlayışını gerektirmiştir (Balcı, 1999). Söz konusu kapsamlı dönüşüm, etiğin kamu yönetimine katılması sonucunu doğurmuştur. Bu konudaki yasal düzenlemeler ve kamu yönetimi etiğinin kurumsallaşması bu yıllara tekabül etmektedir. Türkiye'de yolsuzluğa karşı savaş özellikle AKP hükümeti döneminde yoğunlaşmıştır. Bu dönemde eylem planları uygulanmıştır. Aynı zamanda, yoğun bir yasal süreç de başlamıştır. Yolsuzlukla savaş için bir kanun taslağı hazırlanmıştır. Ayrıca, bu konuda bir meclis araştırma komisyonu da kurulmuştur. Bunlara ek olarak Türkiye yolsuzlukla ilgili birçok uluslararası sözleşmeye taraf olmuştur.

Görüldüğü üzere Türkiye'de etik bir yönetime giden yolda birçok çaba sarf edilmiştir. Ancak, gösterilen çabalar ülkede neoliberal ideolojinin yaygınlaşmasına hizmet etmektedir. Türk kamu yönetimi bu bağlamda bir dönüşüm sürecine girmiştir. 24 Ocak Kararları ile birlikte Türkiye'de cumhuriyetin kuruluşundan beri etkili olan kalkınma stratejisinden vazgeçilmiş; liberalleşme, uluslararası ticarete entegre olma ve ithalata dayalı büyüme anlayışı benimsenmiştir. Bu kararlar kamu yönetimi de dahil olmak üzere hayatın her alanını etkilemiştir. Böyle bir ortamda YKİ reformları olarak adlandırılabilecek

idari reformlar gündeme gelmiştir (Sezen, 2011). Bu reformlar önce Anglosakson ülkelerde ortaya çıkmış ve uluslararası örgütlerin çabalarıyla dünyaya yayılmıştır. Bu bağlamda uluslararası örgütler Türkiye'nin kamu yönetimini de ciddi bir biçimde etkilemişlerdir. Bu örgütler arasında Avrupa Birliği'ni, Birleşmiş Milletler'i, Ekonomik İşbirliği ve Kalkınma Örgütü'nü, Dünya Bankası'nı, Uluslararası Para Fonu'nu ve Uluslararası Şeffaflık Örgütü'nü saymak mümkündür. Bunlardan özellikle Dünya Bankası ve Uluslararası Para Fonu ekonomik anlamda önemlidir, çünkü Türkiye bu kurumlardan kredi almaktadır ve bu kurumlar borç verme sürecinde ülkelerdeki yolsuzluk oranlarını dikkate almaktadır. Avrupa Birliği ise yönetsel anlamda özellikle önemlidir ve Türkiye'nin yönetsel reformlarının arkasındaki temel itici güçtür. Bu kurumların etkilerine 5176 Sayılı Kanun'un genel gerekçesinde de atıfta bulunulmuştur. Türkiye'nin etik ilkeleri Avrupa Komisyonu ve OECD ilkeleriyle benzerlikler taşımaktadır. Özetle, Türkiye'deki etik altyapının çoğunlukla uluslararası örgütlerin baskılarıyla ortaya çıktığı iddia edilebilir.

5176 Sayılı Kanun 2004 yılında anayasa ve belirli yasalar arasında dağınık halde bulunan etik kurallarını birleştirmiştir. "Bu kanunun amacı, kamu görevlilerinin uymaları gereken saydamlık, tarafsızlık, dürüstlük, hesap verebilirlik, kamu yararını gözetme gibi etik davranış ilkeleri belirlemek ve uygulamayı gözetmek üzere Kamu Görevlileri Etik Kurulunun kuruluş, görev ve çalışma usul ve esaslarının belirlenmesidir" (5176 Sayılı Kanun, 2004). Kurul Çalışma ve Sosyal Güvenlik Bakanlığı'na bağlı olarak çalışmalarını sürdürmektedir. Kanun cumhurbaşkanı, cumhurbaşkanı yardımcıları, bakanlar, Türk silahlı kuvvetleri, yargı üyeleri ile üniversiteler dışında tüm kamu görevlilerini kapsamaktadır. Kurul'un görev alanı en az genel müdür ve eşiti seviyedeki kamu görevlilerini kapsamaktadır. 11 üyeden oluşan Kurul'un üyeleri cumhurbaşkanı tarafından seçilmekte ve atanmaktadır. Üyelerin yeniden seçilmeleri mümkündür ve görev süreleri bitmeden üyeler görevden alınamazlar. Kurul'un sekreterya hizmetleri Bakanlık tarafından görülür. Kurul'un özerk bir bütçesi ve kamu tüzel kişiliği yoktur. Kurul'da çalışan personeller eski başbakanlık uzmanlarıdır. Dolayısıyla şu anda Kurul uzmanları farklı kurumlardan geliyor gibi görünmektedir. "Kurul,

kamu görevlilerinin görevlerini yürütürken uymaları gereken etik davranış ilkelerini hazırlayacağı yönetmeliklerle belirlemek, etik davranış ilkelerinin ihlâl edildiği iddiasıyla re'sen veya yapılacak başvurular üzerine gerekli inceleme ve araştırmayı yaparak sonucu ilgili makamlara bildirmek, kamuda etik kültürünü yerleştirmek üzere çalışmalar yapmak veya yaptırmak ve bu konuda yapılacak çalışmalara destek olmakla görevli ve yetkilidir" (5176 Sayılı Kanun, 2004). Kurul kararlarını Bakanlık'a bildirir ve web sitesinde yayınlar. Kurul'un belli bir yaptırım mekanizması yoktur.

Kurul'un temel faaliyetleri, eğitim, etik ilkeleri belirleme ve inceleme faaliyetleri olarak sınıflandırılabilir. Faaliyet raporlarından görüleceği üzere Kurul en çok eğitim faaliyetine odaklanmaktadır. Etik kültürü yerleştirmek amacıyla birçok eğitim, etik platform toplantıları ve projeler hayata geçirilmekte; seminerler, paneller, sempozyumlar, kongreler ve hizmet içi eğitimler düzenlenmektedir. Kurul'un eğitim alanında başarılı olduğu görülse de istatistiklere bakıldığında inceleme ve araştırma faaliyeti açısından kendisinden bekleneni yerine getiremediği aşikardır.

5. TÜRK BÜROKRASİSİNDEKİ ETİK SİSTEMİN BİR DEĞERLENDİRMESİ

Eğer Türkiye'deki etik regülasyona ilişkin genel bir değerlendirme yapılacak olursa, Kurul'un tam anlamıyla başarılı olduğunu söylemek mümkün değildir. Arka planda, bu başarısızlığı etkileyen üç temel faktör vardır. Bunlardan birincisi ideolojik faktördür. Açıklandığı üzere, bu kurum YKİ anlayışının bir ürünüdür ve Kurul'un başarısızlığın altında aslında bu neden yatmaktadır. Tüm bunlar 5176 Sayılı Kanun'un genel gerekçesinde de gözlemlenebilmektedir. Kanunun yazımında YKİ yaklaşımı ile uyumlu yeni bir dilin kullanıldığı görülmektedir.

Ayrıca Kurul, uluslararası örgütlerin talepleriyle kurulmuştur. Bu boyut YKİ yaklaşımından bağımsız değildir çünkü bu örgütler bu anlayışı desteklemekte ve yaymaya çalışmaktadırlar. Genel gerekçede söz konusu örgütlerden de

bahsedilmiştir. Kurumda çalışan uzmanlar da uluslararası kuruluşların Kurul'un kurulma aşamasında etkili olduklarını kabul etmektedirler. Bu kuruluşlarla iş birliği içerisinde çalıştıklarını da ifade etmişlerdir. Özetle, bu kuruluşlar Türkiye'deki sistemin gerçek kurucusu konumundadırlar. Genel olarak, uluslararası örgütler Türkiye'nin pratik düzeyde bir etik sistemi oluşturmasını zorunlu kılmıştır. Ancak asıl etkili olan YKİ anlayışıdır. Bu yaklaşımın savunucuları, denetim altında olan bürokratlar istemektedir. Dolayısıyla etiği deontolojik boyuta yaklaştıran bir anlayış ortaya çıkmıştır. Ancak etik kodların ve düzenlemelerin varlığı etiğin doğasına aykırıdır.

İkinci olarak, Etik Kurul'un başarısızlığına zemin hazırlayan ve onu sembolikleştiren yapısal sorunlar da vardır. Öncelikle Kurul'un kamu tüzel kişiliğinin olmaması, üyelerinin Cumhurbaşkanı tarafından atanması ve yeniden seçilmelerinin mümkün olması gibi özellikleri Kurul'un özerkliğini zedelemektedir. Kurul siyasal baskı altındadır ve objektifliğini koruyamamaktadır. İkincisi, Kurul'un faaliyet alanı ciddi anlamda kısıtlıdır. Kurul kamu yönetiminin belirli bir bölümünü inceleyememektedir ki bu da önemli bir eksiklik olarak görülmektedir. Ayrıca Türk Silahlı Kuvvetleri ve yargı mensuplarının da kapsama dahil edilmesinde bir sakınca yoktur. Ek olarak, üniversitelerin hangi bölümlerinin kapsam dışında tutulduğu açıkça belirtilmemiştir. Diğer yandan Kurul'un faaliyet alanı ciddi ölçüde kısıtlıdır çünkü yalnızca üst düzey bürokratların davranışları incelenebilmektedir. Diğerlerinin incelemesi disiplin kurulları tarafından yapılmaktadır. Bu aynı zamanda Kurul'un işleyişinde bir kısıtlamayı da beraberinde getirmektedir. Ancak uzmanlar önemli olanın üst kademelerdeki devlet görevlilerinin incelenebilmesi olduğunu söylemektedirler. Aslında, alt kademedeki kamu görevlileri arasında etik dışı davranış yaygındır ve bu kademeyi incelemenin yollarının yeterli olmadığı söylenebilir. İstatistikler incelendiğinde de bu gerçek açığa çıkacaktır. Tüm bunların yanında, Kurul yetersiz sayıda personel ile hizmet etmeye çalışmaktadır. Literatürde, Kurul'un bu sınırlı görev alanını bile yeterince denetleyecek kapasitede oluşturulmadığı ileri sürülmektedir. Ayrıca, iş yükünün artması da bu noktada sorunlara neden olacaktır. Diğer bir problem de

Kurul'da çalışan uzmanların farklı kurumlardan gelmesindedir. Uzmanlar, bu gerçeği reddetmekte ve başından beri Kurul'da aynı uzmanların çalıştığını söylemektedirler. Ancak, bunlar etik konusunda uzman olmayan geçici uzmanlardır. Kurul kendi personelini işe alıp yetiştirememektedir.

Bütün bu yapısal sorunlar kurum tipi bir yapılanmanın olmamasından kaynaklanmaktadır. Kurum tipi yerine kurul tipi yapılanmanın tercih edilmesi, Kurul'un özerk olmaması ve özerk bir bütçeye sahip olmamasıyla sonuçlanmaktadır ki bu da Kurul'un faaliyetlerini sınırlandırmaktadır. Kurul'un bu durumdan dolayı kendi personeli yoktur. Ayrıca bu durum kurumsal hafızanın oluşmasına da engel teşkil etmektedir. Buna ek olarak, cumhurbaşkanlığı hükümet sistemine geçiş de bu çerçevede düşünülmelidir. Yeni sisteme geçişle ilgili herhangi bir düzenleme yapılmamıştır. Sadece Kurul üyelerinin atanma sistemi değişmiştir. Ancak, bu durum Cumhurbaşkanı artık tarafsız bir aktör olmadığı için siyasi etkinin artmasına neden olmaktadır.

Üçüncü ve son olarak, Kurul'un faaliyet alanına ilişkin problemlerden bahsedilebilir. Her şeyden önce, etik davranış ilkeleri kanun yerine yönetmelikle düzenlenmiştir ki bu problemlidir çünkü yönetmelikler kanunlara göre çok daha kolay değiştirilebilmektedir. Etik kodların oluşturulması tamamen kurulacak ilk kurulun inisiyatifine bırakılmıştır. Ayrıca, temel kriterler kanunda belirtilmediği için "etik" kelimesi belirsizdir ve bu durum keyfiliğe yol açabilir. Etik davranış ilkelerinin yönetmelikle belirlenmesinin beklenen etkiyi yaratmadığı düşünülmektedir. Diğer yandan ilk kurul üyelerinin etik kodların belirlenmesi konusunda alanında uzman olmadığı da söylenmektedir. Ayrıca, etik ilkelerin muğlaklığı da eleştirilmektedir.

Etik komisyonlar da yönetmelikle düzenlenmiş ve kanunda öngörülmeyen bir yapı oluşturulmuştur. Bu, mevzuat açısından sorunlu görünmektedir. Ayrıca, uzmanlar etik komisyonların etkin kullanılmadığını da söylemektedirler. Etik komisyonların teşvik edilmesi ve etkili olmaları gerektiği uzmanlar tarafından belirtilmiştir. Uzmanlar ayrıca mevzuat değişikliği gerekliliğini de kabul

etmektedirler çünkü yönetmelikte özel bir düzenleme yapılmamıştır. Bu komisyonlar görüldüğü gibi Kurul'un belki de en önemli görevi olan etik kültürü oluşturmak görevini üstlenmektedirler, ancak etik haftalarında etik faaliyetleri düzenlemekten öteye gidememektedirler.

Kurul'un yargıyla ilişkisi de problematiktir. Literatürde, yargı tarafından karara bağlanan dosyalar açısından da Kurul'un devreye girmesi gerektiği, çünkü birinin suçsuz bulunmasının orada etik dışı bir davranış olmadığı anlamına gelmeyeceği söylenmektedir. Aksi taktirde, Kurul sınırlı gücünü de kaybedebilir. Ayrıca, yargı kararları ile Kurul'un kararları çeliştiğinde Kurul'un itibarı zedelenecektir. Kurul bu nedenle pasifleşebilir ve başvuruları reddetme eğilimine girebilir. Ek olarak, halkın Etik Kurulu yerine yargıyı tercih etmesi de Kurul'un ikinci planda kaldığını göstermektedir.

Son olarak, Kurul'un herhangi bir yaptırım mekanizmasının olmaması problemlidir. Ayrıca Kurul ceza veremez. Kararlarının Resmi Gazete'de yayımlanmasının anayasaya aykırı bulunmasıyla Kurul bir tespit mekanizması haline gelmiş ve kamu görevlilerini caydırıcı gücünü kaybetmiştir. Diğer yandan, bu durum uzmanlar tarafından uygun görülmektedir ve bu bir yetki kaybı olarak değerlendirilmemektedir. Uzmanlar Kurul'un caydırıcı değil önleyici olması gerektiğini düşünmektedirler. Ancak, caydırıcılığın etik dışı davranışları önlemenin ciddi bir parçası olduğu gerçeği de göz ardı edilmemelidir.

Genel olarak, Kurul'un etik dışı davranışları önleme konusunda başarısız olduğu söylenebilir. Bu durum başvuru ve etik ihlal kararı sayılarından da anlaşılabilmektedir. Ancak unutulmamalıdır ki Kurul, eğitim faaliyetleri ile etik kültür oluşturma konusunda oldukça başarılıdır. Kamu görevlilerine yönelik pek çok etkinlik düzenlenmektedir. Bakıldığında, Kurul'un daha çok eğitim faaliyetlerine ağırlık verdiği görülmektedir. Uzmanlar da bunu kabul etmekte ve etik eğitimlerinin önleyici bir mekanizma olarak önemini vurgulamaktadırlar.

6. SONUÇ

Yukarıda sıralananlar Kurul'un eksik yanları olarak düşünülebilir. Görülmektedir ki bu sistem Türkiye'de beklendiği gibi çalışmamaktadır. Kurul'un varlığı aslında başlı başlına yanlış bir uygulamadır ancak eğer Kurul var olmaya devam edecekse bir reform yapılması gerektiği aşikardır. Eğer bugün bir reform yapılacak olsa reform aşağıdaki noktalar dikkate alınarak yapılmalıdır.

- Öncelikle, 5176 Sayılı Kanun Kurul'un idari ve finansal özerkliğini sağlayacak şekilde düzenlenmelidir. Kurul, yürütme organından bağımsız olmalı ve tüzel kişilik kazanmalıdır. Kararlarını Bakanlık yerine doğrudan Meclis'e sunması Kurul'u daha otonom bir hale getirecektir. Ayrıca, Kurul bütçe ve personel açısından desteklenmelidir. Bağımsız olduğu zaman, kendi personelini işe alabilir ve yetiştirebilir durumda olacaktır. Bu meseleler Kurul'un kendisi tarafından hazırlanan kanun taslağında da değinilmiştir.
- İkincisi, Kurul'un kapsadığı kamu görevlileri değiştirilmelidir. İngiltere ve Amerika'da olduğu gibi meclis üyeleri ve bakanlar kapsam dahiline alınmalıdır. Ayrıca, Türk Silahlı Kuvvetleri ve üniversitelerin de kapsama dahil edilmesinde bir sakınca bulunmamaktadır. Kurul'un kapsamının genişlemesi işlevselliğini de arttıracaktır. Ek olarak, Kurul daha alt düzey kamu görevlilerine ilişkin şikayetleri de inceleyebilir hale gelmelidir. Bu noktalar, Avrupa Konseyi'nin Türkiye'ye ilişkin ilerleme raporlarında da değinilmektedir. Ayrıca, reddedilen başvurulara bakıldığında halkın da böylesi bir değişiklik beklediği aşikardır.
- Üçüncüsü, etik davranış ilkeleri yönetmelik yerine kanunla belirlenmelidir. Bu durum, keyfiliği önleyecektir. Aynı zamanda, etiğe ilişkin konseptlerin net bir tanımlaması da yapılmalıdır.
- Dördüncüsü, cumhurbaşkanlığı hükümet sistemine uygun bir mevzuat değişikliği yapılmalıdır. Kurul, yeni sistemin dinamiklerine göre güncellenmeli ve gözden geçirilmelidir. Örneğin, cumhurbaşkanı yeni

sistemde tarafsız bir aktör olmadığından atamanın meclis tarafından yapılması gerekmektedir.

- Beşincisi, etik komisyonları işlevsel hale getirilmelidir. Belirsiz olan görev ve yetkiler netleştirilmelidir. Bunlar, uzmanlar tarafından dile getirildiği gibi projelerin içeriklerinde de yer almışlardır. Etik komisyonlar kamu görevlilerinin karşılaştıkları etik ikilemlerde başvurdukları / danıştıkları kuruluşlar olmalıdır. Ek olarak, Kurul bünyesinde etik komisyonların işlevselliğini arttırmak için çalışacak bir birim kurulabilir.
- Altıncısı, Kurul'un yaptırım mekanizması da değiştirilmelidir. Kurul'un yargıyla olan ilişkisi tekrar gözden geçirilmelidir. Yargının karar verdiği alanı etik olarak inceleyememe durumu ortadan kaldırılmalıdır. Ayrıca, disiplin cezaları da bir seçenek olarak düşünülebilir. Yahut kamu görevlilerinin terfilerinde Kurul kararları dikkate alınabilir.
- Son olarak, Kurul caydırıcı bir etki taşımadığından idari bir birime dönüştürülmeli ve araştırma ve inceleme faaliyetlerinden sıyrılmalıdır. Kurul, daha başarılı olduğu eğitim alanına odaklanmalıdır. Böylece cezalandırıcı bir mekanizma olmaktansa önleyici bir mekanizma olabilecektir.

Bu tavsiyeler, Türkiye'deki sistemin iyileştirilmesine yönelik bir adım olacaktır. Sistem, bu çalışmada belirtildiği üzere ideolojik bir arka plana dayanmaktadır ve bunun ideal bir sistem olduğu kanıtlanmamıştır. Ancak, bunlar mevcut durumu iyileştirmede faydalı olabilir. Diğer yandan, kamu yönetiminde etiğin düzenlenebilir bir alan olup olmadığı tartışmaya açıktır.

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