CODES OF ETHICS, DISCIPLINARY CODES, AND THE EFFECTIVENESS OF ANTI-CORRUPTION FRAMEWORKS: EVIDENCE FROM A SURVEY OF CIVIL SERVANTS IN POLAND

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INTRODUCTION

Since the Madrid summit in 1995, the European Union (EU) has included the development of a professional, impartial administration with effective anti-corruption tools as part of the administrative capacity criterion for countries wishing to join the EU. Though the beginning of an EU guided anti-corruption framework was slow to develop after 1995, disappointment with the performance of Bulgaria and Romania eventually pushed the EU into action, attaching anti-corruption requirements to the distributions of its funds (Vachudova 2009). To this day, the EU continues to evaluate candidate and potential candidate states in

Eastern Europe, provide advice, and pose requirements in relation to the development of their anti-corruption frameworks.

However, too little is known about the effectiveness of these recommendations. Indeed, we know little about *whether or not* anti-corruption frameworks lead to less corruption and *which* types of frameworks are effective under which circumstances. Existing studies tend to be case studies focused on how independent anti-corruption agencies can reduce corruption in their countries (e.g. de Speville 2010; Quah 2010). This approach, while valuable, is simultaneously too narrow and too broad. Theoretically, the approach is too narrow in its focus on agencies rather than giving due attention to the potential impact of other anti-corruption tools such as disciplinary codes and codes of ethics, ethics training, and ethical leadership. Empirically, the agency approach is too broad in its focus on entire countries. Theories of how anti-corruption tools work tend to take the individual as the unit of analysis, theorizing how individuals behave rather than entire countries. Consequently, it is problematic to conduct empirical analyses at the country level without taking into account the micro-foundations of how anti-corruption instruments work (Treisman 2007, 222). As a result, the conclusions of country level studies may be erroneous when tested at the individual level (Gingerich 2013).

In this article, we provide an explorative evaluation that addresses these limitations. We contribute to the literature in two ways. First, we change the focus from organizationally independent anti-corruption agencies to two commonplace anti-corruption tools that can be used in any public organization: disciplinary codes and codes of ethics and examine how they affect civil servants' experience with kickbacks as one form of corruption in their work environment. Second, we provide an empirical analysis using individual-level survey data of civil servants employed across central government in one former communist country: Poland.

To understand how disciplinary codes and codes of ethics may help contain kickbacks, we draw on a sizable literature on the consequences of these types of tools for ethical decision-making, employee performance, and unethical behaviour. We test to what extent civil servants – when directly asked about their day-to-day experience at the workplace – link the use of disciplinary and codes of ethics to preventing the payment of kickbacks in their work environment. This focus on a particular subtype of corrupt behaviour, while potentially a disadvantage for the generality of our conclusions, is necessary for individual-level research, as it makes the issue concrete for respondents.

When considering how anti-corruption tools work from an HRM perspective, disciplinary codes function by requiring compliance on the part of employees subject to a threat of punishment. By contrast, codes of ethics act as guidelines that essentially appeal to the better nature of employees (e.g. Meine and Dunn 2013). In this article, we examine how disciplinary codes and codes of ethics influence kickbacks in public administration. We argue, in particular, that disciplinary codes and codes of ethics reinforce each other to contain kickbacks in public administration.

We assess this claim using data from a survey of ministerial civil servants in Poland. Poland emerged from communism between 1989 and 1991 and engaged in civil service reform and the establishment of anti-corruption frameworks in the context of preparation for accession of the EU, which it joined in 2004 (Palidauskaite 2006). Our analysis shows, first, that disciplinary codes and codes of ethics on their own are not statistically significantly related to the perception of kickbacks in public administration. This finding mirrors findings from other studies in different settings (Garcia-Sanchez et al. 2011; Stevulak and Brown 2011). However, we show that disciplinary codes and codes of ethics may support each other to reduce kickbacks. More specifically, consistent application of codes of ethics, along with disciplinary codes, together reduce perceptions of kickbacks by civil servants in these organizations.

The findings of the article are relevant in a number of respects. First, it provides new evidence on the effectiveness of disciplinary codes and codes of ethics in a Central and Eastern European country. Neither Poland nor the region have been subject to empirical investigation at the level of individual civil servants. Second, our findings indicate that disciplinary codes and codes of ethics work inter-dependently. The article hence confirms the importance of thinking in terms of configurations or systems of anti-corruption instruments (OECD 2000, Pope 2000, Six and Lawton 2013). Moreover, the findings provide guidance for policy makers concerning the effectiveness of codes of ethics and disciplinary codes.

The article proceeds as follows. The first section outlines existing findings related to both corruption and unethical decision-making and proposes three hypotheses. The second section discusses methods and data - in particular, the survey of ministerial civil servants. The third section presents the results of the analysis. Finally, we conclude with recommendations to both future scholarship and policy makers.

REGULATION, ETHICS, AND CORRUPTION

The literature on government ethics addresses a range of tools and institutions, including disciplinary procedures, codes of ethics, ethics guidelines, ethical leadership, and employee motivation (e.g. Huberts 2014, Menzel 2015; Kwon 2014). There is convincing evidence that ethical leadership matters for intended employee behaviour in the US context (Hassan et al. 2014; Wright et al. 2016). By contrast, the evidence on public sector disciplinary codes and codes of ethics, which are the focus of this article, remains scant.

DISCIPLINARY CODES

Disciplinary codes are documents, typically incorporated in civil service legislation, that define procedure(s) for determining sanctions for civil servants in response to wrongdoing,

misconduct, or other forms of behavior specified by government as unwanted.[i] Sanctions are decided following a disciplinary meeting and typically range from warnings to dismissal from the civil service. Civil servants have the right to appeal against the outcomes of a disciplinary decision.

The reason disciplinary procedures are believed to reduce the extent of unwanted behaviour is simple: If rules regulate against a type of behaviour and enforced sanctions are applied to violators, the unwanted behaviour becomes less attractive to employees. This approach certainly does seem to work at times. For example, Klitgaard (1988, chapter 3) discusses how increasing oversight and effective penalties for employees engaging in corruption, nepotism, and other incursions on standards of impartial government reduced the prevalence of such practices in the Philippine internal revenue service. Importantly, Klitgaard (1988) notes these punitive anti-corruption policies worked not merely because they helped rid the organization of corrupt and particularistic employees. Instead, effective implementation of punitive measures showed employees not directly affected by interventions that the service's leadership was serious in the fight against particularism and hence deterred unwanted behaviour.

However, punitive measures may not suffice. As Menzel (2012, 38) writes, "[t]here is precious little empirical evidence that ethics laws, ordinances or boards have given us good government."[ii] Policy makers and managers, at least in some organizations, seem to be aware of this and have attempted to change ethics systems accordingly to include "softer" ethics tools such as codes of ethics, appeals to ethical leadership, ethics workshops, and ethics training programs (e.g. Beeri et al. 2013; Hassan et al. 2014). Despite these developments, the punitive compliance approach remains popular. A fifth of American managers surveyed by Bowman and Knox (2008, 629) reported that organizations have a "blame/punishment approach" to ethical issues, while half report that organizations have no consistent approach to such issues.

Moreover, Stevulak and Brown (2011) have argued the compliance-based approach has found an eager audience and wide application in former Soviet Republics. However, they also suggest that, on their own, compliance tools have remained largely ineffective.

While disciplinary codes are unlikely to deter unethical behaviour completely, the compliance approach may still have some truth to it. Trevino et al. (1999, 138, 143) report that compliance-based programmes correlate positively with desirable outcomes in their sample of employees from large American firms, even though their findings also indicate that rewards for ethical behaviour seem to work better than sanctions for unethical behaviour. Since we are still short on evidence whether disciplinary codes are effective tools to combat corruption and achieve impartial and honest behaviour in a public sector setting, not to mention the context of developing and former communist countries, we include an examination of disciplinary codes in our analysis. As we explain in more detail below, we focus empirically on rumors about the payment of kickbacks as one form of corruption in public administration and examine the following hypothesis:

H1: In our respondents' perceptions, the active application of a disciplinary code is negatively related to rumors of kickbacks in public administration.

In other words, we expect our civil servants' answers to reflect the connection that Klitgaard (1988) saw in the Philippine revenue service. It is important to note, however, that typically disciplinary codes are not applied evenly within or across organizations in an administrative system. Managers are ultimately responsible for the application of the code and its sanctions but not all managers do so equally. Some will view disciplinary codes as an unwanted obstacle separating them from their employees, others will wilfully protect select employees from sanctions, and others still will simply not want to go through the trouble of applying disciplinary sanctions. What motivates these choices is secondary for our purposes.

We simply note that disciplinary codes will vary in the severity and thoroughness of their implementation and application. Therefore, we examine our hypotheses, including H1, using individual civil servants as the unit of analysis.

CODES OF ETHICS

Codes of ethics differ from disciplinary codes in that they typically define the official values and standards of behaviour for civil servants (Moilanen and Salminen 2006, 10).[iii] These codes provide guidelines for proper conduct and outline duties and obligations officials ought to obey but they do not include enforcement mechanisms.[iv] Instead, employees are expected to aspire to the behaviour described in the codes on their own accord or with help from training, seminars, and workshops.

Codes of ethics rest on the assumption that the attention of employees can be steered, and ignorance of the right course of action avoided, by presenting employees with information and encouragement (e.g. Meine and Dunn 2013). The motivational assumption is two-fold. First, public officials are genuinely public spirited and capable of high-level moral reasoning. Second, limitations on resources may compel or force public officials to make decisions that do not include ethical reflection of which they may otherwise be capable. Codes of ethics may then help raise expectations of employee ethical behaviour. Presenting even basic core values and basic ethical guidelines in writing may give legitimacy (DeHart-Davis 2009a; Borry et al. 2018). Expectation and legitimation steer employees' search among viable choice alternatives towards ethically sound decision-making by clarifying what such decision-making entails and by internalizing ethically sound values (Beeri et al. 2013; Trevino et al. 1999; see also Bazerman and Tenbrunsel 2011).

The first of the two motivational assumptions seems plausible. At least previous studies, also in the East European context, have found that public officials are capable of higher-level moral reasoning (Stewart et al. 1997). The second assumption also seems plausible based on findings in the existing literature. In the American context, Bowman and Knox (2008, 630) suggest that the ASPA code of ethics affects administrative practice. However, they also

suggest that more than 80 per cent of the managers they survey report that further ethics training would improve compliance with ethics standards. Beeri et al (2013) show, using a panel of Israeli regional council employees, that an implemented ethics program has consequences for both employee beliefs and behavior. Borry's (2017) findings indicate that codes of ethics, to the extent they are capable of shaping employee perceptions of which other rules and procedures have ethical content, can reduce rule bending, a conclusion that might sensibly be expected to apply to rule violations such as kickbacks and other forms of corruption. More immediately related to corruption, McKinney and Moore (2008) find, using a vignette design, that employees in American firms with implemented codes of ethics are significantly less likely to view international bribery as acceptable.

Like disciplinary codes, codes of ethics are likely to be implemented unevenly across sectors, levels of the hierarchy, and organizations. In addition, employees may simply not be aware that a code of ethics is in effect at their place of work or what this would entail for their behaviour. Like for disciplinary codes, much depends on management. The intention behind codes of ethics is likely to be for naught, even if a code of ethics is in force, if employees do not know about it, do not understand it, or fail to see how it serves its purpose.[v] Against this background, it may not be surprising that Garcia-Sanchez et al. (2011) find no statistically significant correlation between adopted codes of ethics and corruption in their cross-country comparison. It is important to recognise that the adoption of a code of ethics is merely a first step. What really matters is whether they are implemented, understood, and used within and across administrative organizations.

Considering the emphasis on disciplinary tools in former communist countries, the application and effectiveness of codes of ethics where they are applied merits much further examination. Focusing again on rumors about the payment of kickbacks as one form of corruption, we propose the following hypothesis:

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H2: In our respondents' perceptions, the active application of a code of ethics is negatively related to rumors of kickbacks.

Assessing the impact of disciplinary codes and codes of ethics on kickback perceptions in public administration independently is an important first step for our understanding of the effectiveness of different anti-corruption tools. Yet, theoretically, these tools may not shape the thinking and the behaviour of civil servants in isolation but can be expected to work together. The question is hence how they interact with each other to contain corruption in public administration. Based on existing literature, disciplinary codes and codes of ethics could be expected to reinforce each other in that one supports and augments the consequences of the other for employee decision-making and behaviour. Indeed, a common view in the ethics literature is that both potential sanctions and appeals to ethics are important elements of an overall ethics framework (e.g. Meine and Dunn 2013; Trevino et al. 1999).

Disciplinary tools are sometimes argued to be the "low road" to building ethics management systems (Rohr 1989; Menzel 2012). Disciplinary codes give employees red lines that they cannot cross. However, because regulation cannot possibly address every possible instance precisely, it becomes possible to "game the system" and engage in behaviour that is unethical, particularistic, or corrupt without ever transgressing on the precise rules contained in regulation. With a code of ethics, however, the aim is to make employees adhere to ethical principles rather than, or as well as, rules. The rules contained in disciplinary codes, to the ethically aspiring, may become lighthouses that they avoid instead of going to the limit of what they permit. Disciplinary codes and codes of ethics, from this perspective, are at least in part social documents, which not only place barriers and sanctions for transgressions of those barriers, but also may mould prevailing conceptions of right and wrong – and for which choices these conceptions are relevant - in an organization (Borry 2017).

Additionally, since codes of ethics attempt to teach employees to consider the ethical dimensions of their choices, they may provide employees with increased information and an increased understanding, which makes unethical choices stand out more clearly in decision making processes. Finally, codes of ethics might make it harder for employees to justify unethical behaviour within the confines of existing regulation to themselves, thereby avoiding rationalized moral hypocrisy (Bazerman and Tenbrunsel 2011) or, conversely, rationalizing rule abidance (DeHart-Davis 2009a). On this background, we examine the following hypothesis.

H3: In our respondents' perceptions, the active application of a disciplinary code moderates the relationship between active code of ethics application and rumors of kickbacks.

Specifically, we expect a stronger negative relationship between the active application of a disciplinary code and the perception of kickbacks, the more respondents report the active application of a code of ethics in their organisation. The application of code of ethics is conceptualised as the moderator and we report findings accordingly in the results section below. However, it is equally meaningful to consider disciplinary code application as the moderator. The resulting model is identical and so our findings do not hinge on the choice of moderator, as both perspective result in the understanding that the combined application of codes of ethics and disciplinary codes reinforce each other to lower the perception of kickbacks in public administration.

DATA AND METHODS

We proceed with the presentation of data and methods in two steps. First, we outline the Polish code of ethics to argue why studying public officials in this setting permits us to study how codes of ethics and disciplinary codes interact with each other to contain corruption.

Second, we discuss measures of the active application of disciplinary and codes of ethics and kickbacks as assessed by individual respondents in central government ministries in Poland.

Poland transitioned from communism to democracy between 1989 and 1991. In 2004, it joined the European Union. The Polish government adopted a disciplinary code and a code of ethics in the context of civil service reforms, which have their origins in the mid 1990s.[vi] The first civil service reform was passed in 1996 and already included a disciplinary code. However, the implementation was suspended after a change of government in 1997. A new civil service law including a disciplinary code was adopted in 1998. The Code of Ethics was added in 2002. The Civil Service Act has since undergone two major revisions. However, the essentials of the disciplinary code have remained in place. The code of ethics was re-adopted in 2011 by a government ordinance but not substantively amended. Moreover, the re-adoption occurred after our survey of ministerial civil servants was conducted.

The Civil Service Act establishes a standard approach to disciplinary liabilities of civil servants. In essence, the law lists penalties and defines procedures for their application in the event of civil servants breaching their duties as defined by law. Penalties range from reprimands to dismissal from office in case of the severe violation of duties. According to the 2006 law that was in force at the time of taking the survey, institutions appoint Disciplinary Commissions that consist of ten members. In addition, a High Disciplinary Commission appointed by the Prime Minister and managed by the Civil Service Department rules in second instance cases. Disciplinary decisions can be appealed to the courts.[vii]

The Polish Civil Service Code of Ethics stresses impartiality and the rule of law as core values of the civil service. Similar commitments are widely found in codes of ethics in Central and Eastern Europe as well as specific features of aspirational codes of ethics (see Palidauskaite 2006). The code of ethics aims to inspire and guide rather than regulate the behaviour of civil

servants. It lists six principles – decency, public service, loyalty, neutrality, impartiality, and fairness – each of which is followed by specifications on the meaning of these principles.

Most important for the present purposes, the code includes neither enforcement mechanisms nor any references to compliance, enforcement, or sanctions (see also Palidauskaite 2006). This does not mean that violations of the code of ethics would remain without any consequences. When asked by the Group of States Against Corruption evaluation team, Polish authorities explained that "any flagrant infringement on the Code, being a violation of the provisions of the Act [on the Civil Service] at the same time" (GRECO 2003, 12) could lead to the imposition of sanctions. Whether this is true or not is, for our purposes, beside the point. Based on formulation and structure the Polish Code serves an aspirational purpose first and does not formalise its own set of potential sanctions on transgressors.

THE SURVEY

The survey was conducted in the spring of 2011 in the context of a SIGMA-led project on civil service professionalisation in Central and Eastern Europe and the Western Balkans.[viii] The Polish government does not (yet) conduct regular employee surveys. The survey was one of the first opportunities to survey civil servants employed across central government ministries and across managerial and non-managerial ranks of the civil service. It was conducted as an online survey, which has advantages in terms of efficiency and potentially reaching a large number of respondents. However, it is often difficult to maintain control over the pool of respondents and hence the ability to later precisely determine the response rate and representativeness of the sample.

To address these challenges, we worked closely with our counterparts in government in relation to the distribution of the online survey and to ensure a consistent collection of survey responses. We met and explained the content and purpose of the survey to central civil service

management departments located in the Prime Minister's Office. Our contact points then sent the survey link together with instructions to Directors General as the top-ranked responsible personnel managers of central government ministries. They then distributed the survey link to the civil servants employed within the core structure of their institution. The survey therefore enables us to capture differences in the perceived application of disciplinary codes and codes of ethics within and across institutions and differences in the perceptions that civil servants have with respect to kickbacks in their work environment.

Data on the number of employees and demographic characteristics of employees is notoriously difficult to obtain in Eastern Europe. However, we were able to receive basic data from the Civil Service Department. It indicates that, when taking the overall number of central government staff as a benchmark, the estimated response rate is approximately 9 per cent. However, this includes a likely large, but unknown, proportion of employees who were never invited to participate in the survey. Consequently, the 9 per cent establishes a lower bound for our response rate. While our response rate hence is potentially quite low, this does not automatically imply that our estimates are inadequate. This depends equally on how representative our respondents are of the population.

Looking at the representativeness of the sample, then, men are slightly over-represented in our sample compared to the target population (42 per cent as opposed to 40 per cent in the Polish civil service). Furthermore - as one would expect from an online survey - young respondents are somewhat over-represented (29 per cent of the respondents were under 30 years as opposed to 23 per cent in the Polish civil service). In the analysis, we account for potential biases resulting from a lack of representativeness by controlling for these and additional demographic factors. We return to the implications of our survey distribution strategy and response rate in the conclusion.

MEASURES

Obviously, for issues such as corruption, social desirability bias is a concern. For this reason, we do not ask respondents whether they themselves have been the recipient of a corrupt transaction. Instead, as is common in research on business ethics (for instance, Weaver and Treviño 1999) and in surveys on corruption among firms (for instance, European Bank for Reconstruction and Development, see http://ebrd-beeps.com), we asked indirectly. Specifically, we ask respondents to evaluate the organization they work in on the assumption that by doing so we receive replies related to their immediate environment, including themselves.[ix]

Consequently, to measure employee perceptions of corruption – our dependent variable – we use an item from the survey asking respondents to agree or disagree on a five-point Likert scale with the following statement: "In the past 12 months, there have been rumors of kickbacks in my ministry" (referred to as *kickbacks* below). The item is coded from 0 (strongly disagree) to 4 (strongly agree) with a middle category of neither agree nor disagree. Thus, a higher score on the dependent variable indicates stronger agreement that there are rumours of kickbacks in a given ministry.

We recognise that kickbacks and corruption are not the same. Specifically, kickbacks form a proper subset of corrupt acts: While not all corruption is kickbacks, all kickbacks are instances of corruption. While we recognise that a focus on kickbacks potentially limit the conclusions we can draw for other types of corruption, specificity is necessary to make survey items concrete and answerable to respondents. On balance, then, we are satisfied that our kickbacks measure allow us to shed some light on the relationship between (one form of) corruption, codes of ethics, and disciplinary codes. We return to the consequences of this choice in the conclusion.

To measure employee perceptions of the application of disciplinary codes and codes of ethics, we use two items from the survey. For disciplinary codes, we ask: "My ministry applies a clearly defined disciplinary code" (*disciplinary code* below). For codes of ethics we ask: "My ministry applies a code of conduct, which provides clear guidance on how officials behave with integrity" (*code of ethics* below). Both items span a five-point scale from 0 (strong disagreement) to 4 (strong agreement).

We recognise that single-item measures of our key variables may lead to error propagation and threaten our estimates (e.g. Kline 2010). However, we opted for single-item measures given five premises: Our relatively narrow conceptual interest in the implementation of codes (as opposed to broader management concepts); the absence, to the best of our knowledge, of an established or reliable battery of corruption measures; the exploratory nature of our study; the relative commonality of single-item measures in related literature (e.g. Kwon 2014; Wright et al. 2016); and not least the practical need to limit survey length and the number of sensitive questions.

In all models, we include the following variables in control functions in addition to our two core independent variables measuring application of disciplinary and codes of ethics. We include a variable measuring the degree to which respondents view recruitment in the organization to be based on merit. We do this in an attempt to separate the consequences recruitment of ethically minded personnel, and the potential subsequent development of an ethical ethos in government, from those of disciplinary and codes of ethics (Menzel 2012, chapter 2; Menzel 2015, 351), on the assumption that employing the best and brightest also entails recruiting people with ethically-minded values. The variable is measured using the following five-point Likert item scaled from 0 (strongly disagree) to 4 (strongly agree): "Civil servants in my institution are recruited on the basis of qualifications and skills."

In addition, we include as control variables respondents' gender, university education, and whether respondents manage people as part of their tasks in addition to age and years of service in public administration. The three former items are included as dichotomies with 1 indicating female, university graduate, and managerial responsibilities. Age and years of service are included in bands ("less than 30","31-50","50 or older" for age and "less than 5 years", "5-10 years", "10-15 years", and "more than 15 years" for years of service).

DESCRIPTIVE STATISTICS

Descriptive statistics for all variables are shown in Table 1. With regard to the dependent variable, it indicates that, on average, civil servants disagree with the statement that there are rumors of kickbacks in their institution. [x] It suggests that a large proportion of civil servants in the ministerial bureaucracy do not have any, or at least very little, direct or indirect contact to kickbacks as a specific type of corruption. However, as the standard deviation indicates there is variation to be explored and some officials do have such contact. At the same time, Table 1 indicates that the disciplinary code and code of ethics, our main independent variables, are widely applied in central government ministries in Poland.

<insert Table 1 about here>

Figures 1 to 3 present the means for the main variables by ministry.[xi] Comparing the three figures, differences between ministries are larger for our kickback measure than for the application of the disciplinary code and code of ethics. Civil servants in the Ministries of Finance, Agriculture, Labour and Social Affairs report on average relatively high on our kickbacks measure, indicating that there are *more* rumors of kickbacks in their ministries. By contrast, Ministries of Justice, Regional Development and Foreign Affairs report lower scores on average, indicating that there are fewer rumors of kickbacks in these ministries.

This should not be surprising. Especially the Ministry of Regional Development and key sections of the Ministry of Foreign Affairs are primarily responsible for the coordination of EU policies and the implementation of EU structural funds at a time when institutions strongly exposed to EU policies were widely seen as 'islands of excellence' that were more professional and known to experience less corruption (Meyer-Sahling, Lowe and Stolk 2016).

Looking at our two types of codes, civil servants' mean perception of the application of disciplinary codes is lower in the Ministries of Finance and Culture, while it is highest in the Ministries of Justice. This descriptive result is very plausible in that civil servants in justice ministries can be assumed to place greater emphasis on the application and compliance with legal standards. Perceptions vary less across ministries with regard to the application of codes of ethics. In the case of this variable, the Ministries of Justice and Agriculture stand out with higher means, while Ministries Interior and Finance are found at the lower end.

Simply eye-balling the three figures, the means suggest that, at the ministry level, there is some negative relationship between our rumors of kickbacks measure, on the one hand, and disciplinary codes and, to a lesser extent, codes of ethics, on the other. The Ministry of Finance, for instance, stands out with low means for both the application of disciplinary codes and codes of ethics, while respondents report more rumors of kickbacks relative to other ministries. However, the figures do not provide any indication with regard to our third hypothesis, which expects that the interaction of disciplinary and codes of ethics is associated with fewer rumours of kickbacks as perceived by civil servants. Moreover, as argued in the introduction, such aggregate comparisons may lead to seriously flawed conclusions.

<insert Figures 1 – 3 about here>

Clearly, our data are not without limitations. One additional concern deserves further discussion: all our measures come from the same survey, which leads to a risk of common

source bias. Given the nature of our data, there is not much we can do to mitigate this concern. This means that our evaluation of H1 and H2 should be interpreted with some caution. However, this need for caution induced by common source bias concerns is less acute for our interactive model. Siemsen et al. (2010) show analytically that interaction terms cannot be inflated (but can be deflated) by common source bias even if their base variables are affected. From this perspective, the conclusions on our interactive hypothesis (H3) should be consistent despite the potential for common source bias.

To test our hypotheses, we proceed in two steps. First, we estimate a model for our respondents using multiple ordinary least squares (OLS) regression in order to test if we find the expected negative relationships between our rumors of kickbacks measure on the one hand and our core independent variables – perceived active application of disciplinary codes and codes of ethics – on the other.[xii] A negative relationship between our respondents' perceptions of disciplinary codes application and the kickbacks measure supports H1. A negative relationship between perceived codes of ethics application and the kickbacks measure supports H2.

Second, we include an interaction term between our disciplinary code and code of ethics application variables in the equation. If H3 is true, we expect the interaction term to be negative in our sample, since we expect the code of ethics to reinforce the disciplinary code and increase its effectiveness as an anti-corruption tool.

RESULTS

In this section, we report results from our models. Table 2 shows our main results. In model 1, we show the estimated relationships between our kickbacks variable and perceived disciplinary

code application (H1) and code of ethics application (H2). In model 2, we introduce the interaction term to test whether the two types of codes reinforce each other (H3).[xiii]

<insert Table 2 about here>

In model 1, no estimates are statistically significant at the 0.05 level. We find some evidence that disciplinary code implementation may be negatively related to our rumors of kickbacks measure (estimate = -0.088, $p_{two-sided} = 0.08$). However, the data do not compellingly support H1 or H2.

Once we include the interaction term, we uncover a small, negative, and statistically significant interaction (estimate = -0.093, $p_{two-sided} = 0.01$). The negative sign of the interaction is consistent with H3. In substantive terms, in our respondents' perceptions, the relationship between the application of disciplinary codes and rumours of kickbacks is more strongly negative the more actively the code of ethics is applied. That is, appeals and threats appear to support each other.

To be more precise, as figure 4 shows, in our respondents' perception, codes of ethics need to be actively applied in practice in order for disciplinary codes to be effective against corruption.[xiv] At the same time, further analysis indicates that disciplinary codes are needed for codes of ethics to be effective (see figure A1 in the Appendix for a marginal effects plot). In other words, codes of ethics need disciplinary codes to reduce kickbacks in public administration as much as disciplinary codes need codes of ethics.

<insert Figure 4 about here>

Overall, the data hence only provide strong support for our reinforcement hypothesis (H3). At the same time, we do not find strong support for H1 and H2 in our sample of Polish civil servants. This means that if we do not take the configurational character of anti-corruption

frameworks into account, it may be that, to our respondents at least, none of the anti-corruption tools are effective on their own. This is an important insight that speaks directly to existing prescriptions in academic and practitioner circles thinking of anti-corruption frameworks in terms of configurations (Six and Lawton 2013), pillars, or integrity systems (Pope 2000; OECD 2000). Stated succinctly, corruption needs to be attacked from multiple sides using multiple tools at once.

In addition, the support for our reinforcement hypothesis (H3) is good news from a practical standpoint. Contrary to the pessimism found elsewhere in the literature (e.g. Garcia-Sanchez et al. 2011) we find evidence that employees believe disciplinary codes and codes of ethics to be negatively related to kickbacks if they are applied together. At least, this pattern holds in the Polish setting, where the integrity systems has been built to have internal synergies.

CONCLUSION

In this article, we have presented the results of a study of disciplinary codes and codes of ethics in Poland. We set out to examine whether these codes may help reduce civil servants' perception of kickbacks as one form of corruption in their work environment. The central parameters in our argument have been the extent to which managers implement disciplinary codes and codes of ethics in our respondents' place of work. In addition, we have proposed that disciplinary and codes of ethics may interact to reinforce each other.

Based on existing work in the public integrity and management literatures, we proposed that both disciplinary codes and codes of ethics can help contain corruption. Moreover, we proposed one hypothesis on how disciplinary and codes of ethics interact to curb kickbacks in public administration. The hypotheses find mixed support in our data. First, without considering their interaction we find only somewhat suggestive evidence that either

disciplinary codes or codes of ethics are negatively associated with kickbacks. Second, at least in Poland, where the ambition of the code of ethics is primarily aspirational, our data and interaction model suggest that punitive and aspirational approaches support each other in the fight against corruption, specifically against perceptions of kickbacks in central government ministries.

These findings have at least three significant implications. First, contrary to existing country-level studies (e.g. Rubin and Whitford 2008; Garcia-Sanchez 2011) our data indicates that the organization of civil service systems, including integrity management of civil servants, can help in the fight against corruption. This could mean that the way forward in studying these issues is not more country-level analyses but more fine-grained data that permits analyses to tease out actionable remedies and suggestions for improving public sector governance. This, in any case, would be a welcome development in a literature that in part remains focused on difficult-to-change societal, or impossible-to-change historical, facets of entire countries rather than on institutions of government and their internal operations (see Treisman 2007).

Second, Six and Lawton (2013) suggest that the use of punitive tools such as disciplinary codes may crowd out the aims of codes of ethics. In our analysis we do not find evidence supporting this. We did not design our study to test their argument and, therefore, cannot definitively counter it with our evidence. Nevertheless, our data suggests the opposite: Disciplinary and codes of ethics can support each other. This by no means implies that there are no costs and trade-offs in the struggle against corruption. Budgets, effectiveness, employee motivation, even rule abidance, may still suffer from overly rigid and controlling integrity management systems (DeHart-Davis 2009a;b). There is still much research to be done on these costs. From a practitioner standpoint, we need to know whether the benefits of anti-corruption tools can balance the harm these tools may do to government organizations and their employees.

Third, we cannot assume that the supportive interaction between disciplinary codes and codes of ethics applies in other settings. The association, in all likelihood, depends on whether the applied code of ethics strives to deter employees from unethical behaviour or inspire them to aspire employees to ethical behaviour as well as on the implementation by managers. Consequently, we hesitate to claim that our findings are generalizable to other settings, in Central and Eastern Europe or elsewhere, where codes of ethics have different content.

In policy terms, our data lend themselves to recommendations. In particular, disciplinary codes appear to help good government but they do so more effectively if supported by codes of ethics. In the context of EU integration, these findings are currently at best partially incorporated in current EU policy on anti-corruption in accession countries. The SIGMA Principles of Administration, which guide public administration reform policy in accession countries, have been in operation since 2014.[xv] They include a section on integrity management (Principle 7) that explicitly requires accession countries to adopt a disciplinary code. Codes of ethics are mentioned as a component of an 'effective public service integrity system'. However, the Principles of Administration do not provide a rationale for having both and for implementing them properly to make them work effectively.

Our study faces a few notable limitations. First, we have focused on central government institutions in one particular country and on kickbacks as one particular form of corruption. This means that we cannot be certain that the patterns we have revealed and the conclusions we have drawn are valid in other countries, at other levels of government, or in other contexts where codes may have different goals and designs or where compliance approaches are more unilaterally favoured. As noted, Brown and Stevulak (2008) argue that the disciplinary approach to ethics management is not effective. Given that this finding contrasts at least partly with ours, it poses questions about the extension of our conclusions to very different social, political, and economic contexts. Similarly, our conclusions may be different had we studied

public service providers, who are famously very difficult to monitor and prevent from engaging in unwanted behaviour except in the, very common, instances where they are intrinsically motivated to avoid such behaviour (e.g. Brehm and Gates 1997). Moreover, our focus on kickbacks, while making the relevant survey item understandable to respondents, may limit our ability to conclude or make recommendations vis-à-vis other types of corruption, even in central government.

Second, while taking the perspective of the individual official rather than the country in which he or she works is advantageous, it comes with a set of challenges. Our measure of corruption is not without problems. In particular, because it has been designed to diminish social desirability bias, it is more indirect than we would ideally prefer. Furthermore, since both our independent and dependent variables stem from the same survey, our conclusions may suffer from common source bias, although, as noted, we do not consider common source bias a major threat to our interactive estimates. Finally, a multiple-item measure would present an improvement on our design, though it would compound the two other measurement issues.

Third, our survey employed an indirect distribution strategy utilizing contact points in individual ministries to distribute invitation links. As a result, we are only able to establish a lower bound of 9 per cent on our response rate. Low response rates do not necessarily result in biased estimates, and our sample broadly mirrors administrative data on key observables such as gender. Nevertheless, our under-identified, and potentially quite low, response rates raise concerns regarding the representativeness of our sample. As a result, our findings and recommendations should be read with an appropriate level of caution.

Noting these limitations, we see our study as a step towards a deeper understanding of how organizational tools and their interaction can help contain corruption in government. Our purpose was chiefly exploratory, and our findings are unlikely to be the final say on the matter.

Nevertheless, we are cautiously optimistic from our data's indication that the anti-corruption efforts and recommendations of the EU, the OECD, Transparency International, and others, though not always effective, can be effective given the right setting and the right mix of tools.

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TABLES AND FIGURES

Table 1: Descriptive Statistics

Statistic	N	Mean	Std.Dev.	Min	Max
Kickbacks (*DV*)	581	0.833	0.854	0	4
Code of ethics (*InV*)	747	2.564	0.927	0	4
Disciplinary code (*InV*)	739	2.631	0.894	0	4
Merit recruitment	914	2.598	1.046	0	4
Gender	1,147	0.576	0.494	0	1
University education	1,082	0.929	0.257	0	1
Managerial responsibility	1,145	0.183	0.387	0	1
Age (bands)	1,152	-	-	0	2
Years of service (bands)	1,082	-	-	0	3

Notes: DV: Dependent variable. InV: Main independent variables.

Table 2: Main Results

	Model 1	Model 2
Code of ethics	-0.035	0.202**
	(0.048)	(0.101)
Disciplinary code	-0.088*	0.131
	(0.052)	(0.097)
Merit recruitment	-0.269***	-0.276***
	(0.045)	(0.045)
Gender	0.001	-0.005
	(0.083)	(0.082)
Age (30-50 years)	0.216*	0.243**
	(0.111)	(0.111)
Age (50 years or older)	0.301*	0.345**
	(0.160)	(0.160)
Years of service (5-10 years)	-0.094	-0.145
	(0.109)	(0.110)
Years of service (10-15 years)	-0.035	-0.078
	(0.142)	(0.143)
Years of service (more than 15 years)	-0.035	-0.078
	(0.162)	(0.143)
University education	-0.214	-0.205
	(0.171)	(0.170)
Managerial responsibility	-0.080	-0.078
	(0.107)	(0.169)
Code of ethics × Disciplinary code		-0.093***
		(0.035)
Constant	2.297***	1.808***
	(0.232)	(0.309)
N	445	445
Adjusted R^2	0.127	0.139

Note: OLS estimates with standard errors in parentheses. Kickbacks is the dependent variable is both models. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$
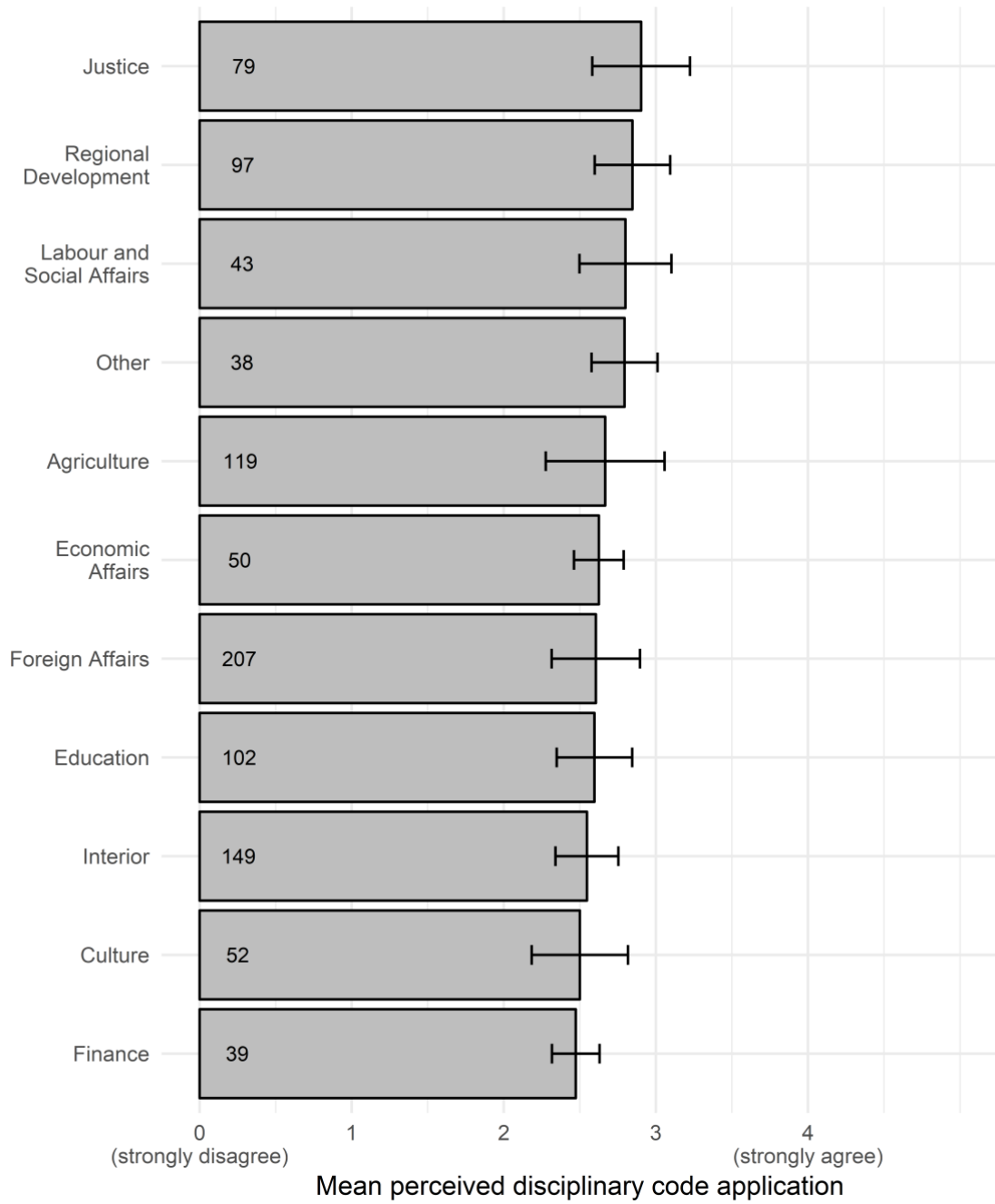
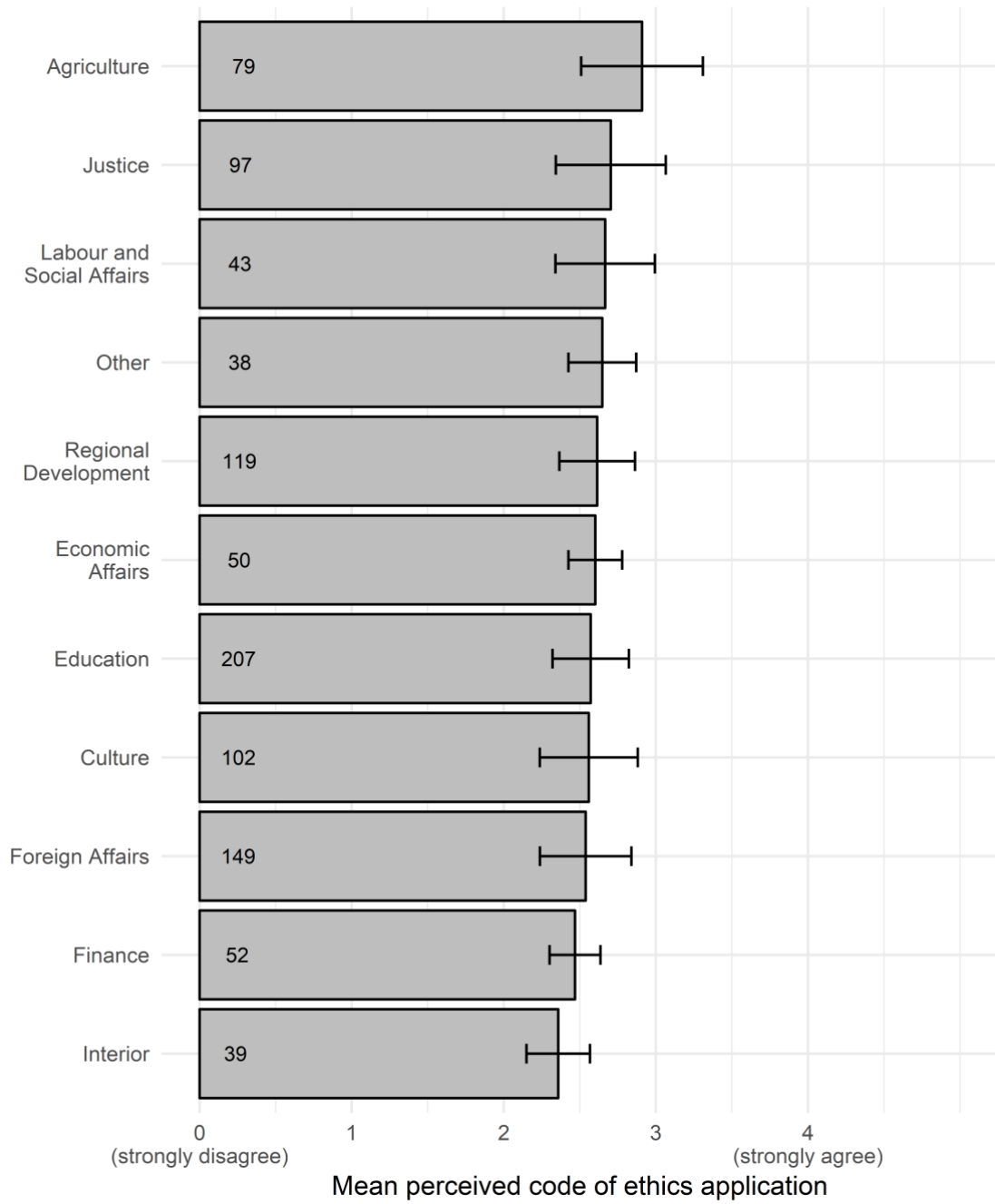**Figure 1**: Mean rumours of kickbacks by ministry
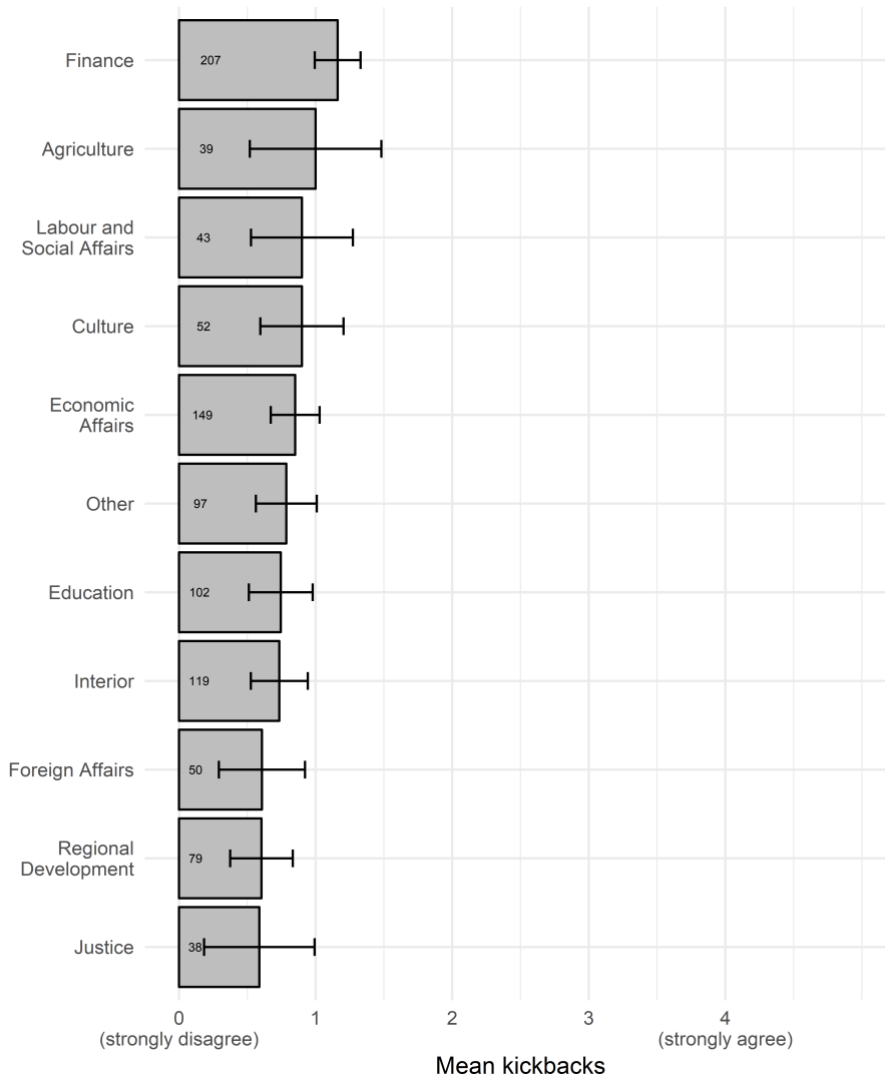
Notes: Estimates with 95 per cent confidence intervals. Number of respondents reported within each bar. Verbal anchors from the survey item are attached to the response scale extremes.

Figure 2: Mean perceived disciplinary code application by ministry

Notes: Estimates with 95 per cent confidence intervals. Number of respondents reported within each bar. Verbal anchors from the survey item are attached to the response scale extremes.

Figure 3: Mean perceived code of ethics application by ministry

Notes: Estimates with 95 per cent confidence intervals. Number of respondents reported within each bar. Verbal anchors from the survey item are attached to the response scale extremes.

Figure 4: Marginal Effects Plot for the Interaction Model
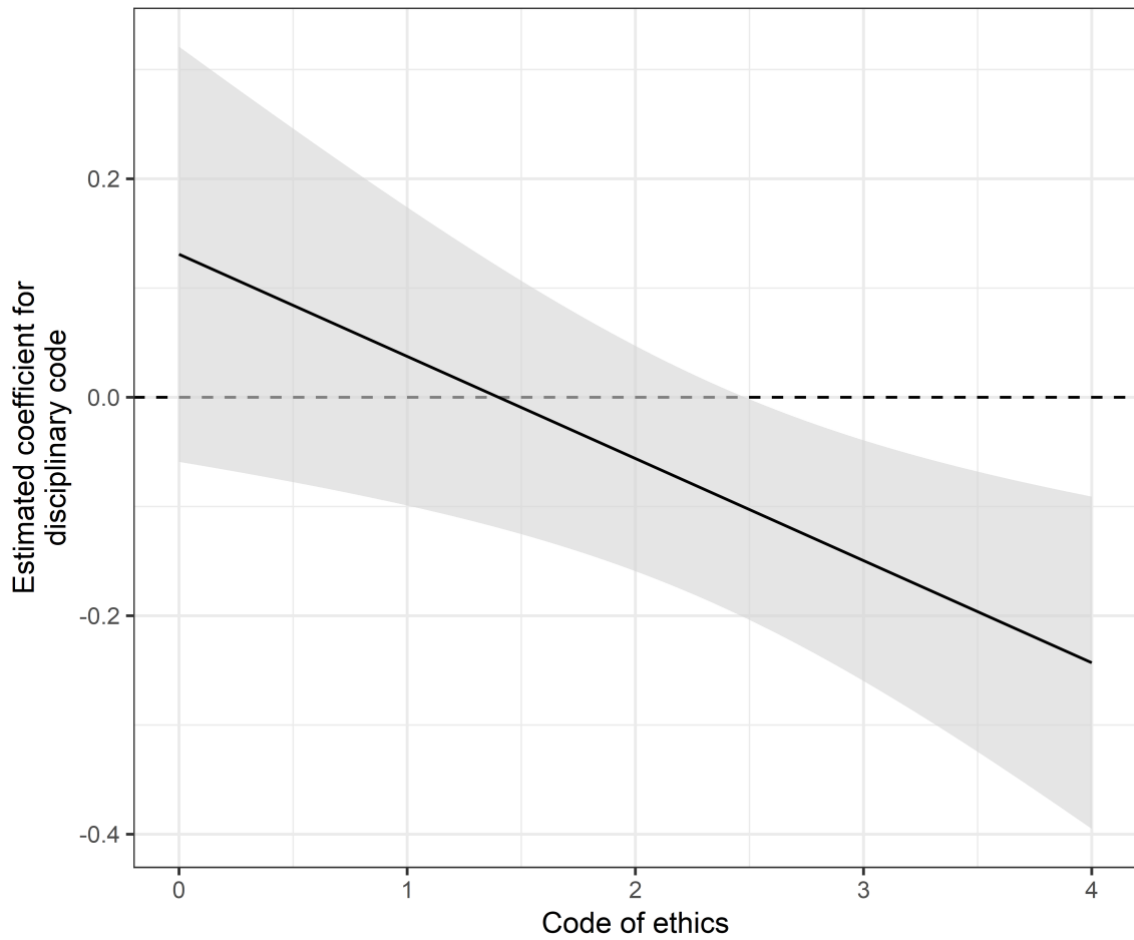
Note: Estimates from OLS regression with 95 per cent confidence interval. N = 455. As previously, 0 indicates strong disagreement that a code of ethics is applied, 4 indicates strong agreement with the same. The dependent variable is reported rumors of kickbacks, with higher scores indicating more rumors.

[i] Disciplinary codes are a fundamental element of public service integrity systems but they are rarely explicitly defined by the literature on anti-corruption and ethics management (Demmke and Moilanen 2010, Huberts 2014).

[ii] For a similar point, see Boateng and Cox (2016) who argue that organizational rules and codes may limit flexibility of administrative discretion and, as a by-product, ethical behavior in decision-making.

[iii] Codes of ethics are rarely explicitly defined in the literature on government ethics. For an exception, see Borry (2018, 300) who suggests that '[g]enerally, these codes seek to encourage behavior by public officials that serves the public interest'.

[iv] Meine and Dunn (2013) distinguish two types of codes of ethics. First, operational codes of ethics have inbuilt enforcement mechanisms and can act as punitive tools, deterring employees from unwanted behaviour. They are assumed to work, by and large, like disciplinary codes. Second, aspirational codes of ethics require a separate set of arguments to be appreciated. As the Polish code of ethics is aspirational in nature, these are the arguments we present in the main text. Moreover, whenever we refer to codes of ethics in the discussion we mean 'aspirational' codes of ethics.

[v] The argument resonates with Borry et al's (2018, studies 2 and 3 in particular) finding that the consistency of rule application affect rule following by public servants. DeHart-Davis (2009a), by contrast, do not find significant results for consistent rule application. The difference between these findings may in part be due to Borry et al's (2018) experimental design and focus (in their study 2) on rule application by supervisors, which renders their finding particularly relevant for code implementation where, as, noted, rule application by managers is central.

[vi] Poland also established an Anti-Corruption Agency, the CBA, in 2006. For details regarding the establishment of anti-corruption agencies in Central and Eastern Europe, see Batory (2012).

[vii] For details, see the Civil Service Act of 2006 and the assessments by SIGMA (2003: 16) conducted in the context of monitoring public administration reform for EU accession.

[viii] SIGMA stands for Support for the Improvement of Governance and Management. It is a joint initiative of the OECD and the EU, principally funded by the EU. It has its main role in advising and monitoring public administration reform in accession states on behalf of the EU.

[ix] Our approach cannot directly examine the behaviour of civil servants but an experience with their immediate environment. While our measure is hence a perception-based measure, which are ubiquitous in the study of good government, it does at least directly speak to the theoretical propositions we outlined at the individual level.

[x] As Table 1 makes clear, quite a few of our respondents chose to not provide an answer to our kickbacks item, leading to relatively high item non-response. To tackle this issue, we implement a version of our interaction model estimated using full information maximum likelihood (FIML). As an alternative to listwise deletion, this estimation technique adjusts the likelihood function such that each case contributes information on variables that are not missing for it. Through this, all the available information is used in the model. As table A1 in the appendix shows, this model qualitatively sustains our conclusions in the main text. Note that FIML estimation assumes that data is missing at random; an assumption that may be violated in our case (but is weaker than the parallel assumption for listwise deletion).

[xi] We collapsed responses from ministries in which fewer than 30 respondents answered our survey into a residual category "Other".

[xii] We recognise as a possible limitation that OLS regression treats our Likert scaled variables as if they were continuous. In the appendix (model 5 in table A1), we re-estimate our model using polychoric correlations to treat our dependent variable as an ordered categorical indicator of a continuous latent variable. This model sustains our main conclusions.

[xiii] Models 1 and 2 are replicated as models 1 and 2 in table A1 in the appendix. In this table, we also show – in model 3 - that our results are reasonably consistent, albeit at 10 per cent confidence, in a model imposing fixed effects for ministries (estimate = -0.07, $p_{two-sided}$ = 0.07). As noted, a full information maximum likelihood (FIML, model 4 in table A1) and treating the dependent variable as ordered categorical (using maximum likelihood estimation, model 5 in the A1) both sustain our conclusions at an even stronger level of confidence.

[xiv] In fact, we uncover some evidence that codes of ethics may be associated with *more* corruption when respondents strongly disagree that managers implement disciplinary codes in their work place. In addition, in one model in the appendix (model 4 in table A1), we find disciplinary codes to be associated with *more* corruption when respondents strongly disagree that managers implement codes of ethics. One possible explanation for these findings are that, as DeHart-Davis (2009a, 904; 2009b, 369-370) notes, under-controlling may lead to an impression that rules are mere window dressing and expressions of hypocrisy, leading to a sense of normlessness and less abidance to either rules or norms. We hesitate to accept this line of argument at this stage, however.

[xv] SIGMA (2014) *The Principles of Public Administration*. Available at
http://www.sigmaweb.org/publications/Principles-Public-Administration-Nov2014.pdf#page=10