

Civil Service Ethics in Germany from an International Perspective – Between a Role Model and Latecomer

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ABSTRACT

Purpose: The article evaluates how civil-service ethics are institutionalised and managed at federal level in Germany, and situates German practice within a broader European perspective. It addresses the conspicuous absence of empirical evidence on the effectiveness of ethics policies, despite the proliferation of governance indices.

Design/Methodology/Approach: The analysis draws on a 2025 EU survey on ethics policies in central public administrations. Twenty-six countries and all EU institutions contributed data, completing a seven-chapter, 59-question survey that covered rules, implementation, enforcement and emerging issues such as artificial-intelligence-related risks. Germany's responses are examined in detail and juxtaposed with international benchmarks for corruption, rule of law, good governance and impartiality.

Findings: Germany retains many "classical" bureaucratic features—lifetime tenure, hierarchical structures and a rule-oriented culture—yet scores consistently well on cross-national governance indicators. Fragmented responsibility and limited monitoring mean that hard evidence on policy effectiveness remains scarce, both in Germany and elsewhere. Nonetheless, the German system appears to deter misconduct effectively when compared with its European peers. New challenges linked to artificial intelligence, disclosure of interests and revolving-door movements are recognised, but comprehensive data and coordinated oversight mechanisms are still lacking.

Academic contribution to the field: The study provides one of the first systematic, data-driven assessments of civil-service ethics in Germany and enlarges the comparative evidence base for public-sector integrity research. It exposes methodological gaps in measuring ethics outcomes and underscores the need for interdisciplinary approaches that integrate legal, organisational and behavioural perspectives.

Originality/Significance/Value: By combining a rare national case study with a unique EU-wide dataset, the article challenges the assumption that

traditional, compliance-based systems are inherently obsolete. It demonstrates that Germany's ostensibly old-fashioned model performs robustly in practice, while highlighting structural and informational deficits that must be addressed if ethics policies are to keep pace with technological and organisational change.

Keywords: civil service, ethics, innovation in public administration

Etika javne službe v Nemčiji z mednarodnega vidika – med vzornikom in zamudnikom

POVZETEK

Namen: Članek ovrednoti, kako je etika javnih uslužbencev institucionalizirana in upravljana na zvezni ravni v Nemčiji ter nemško prakso umešča v širši evropski kontekst. Obravnava očitno pomanjkanje empiričnih dokazov o učinkovitosti etičnih politik kljub množici kazalnikov upravljanja.

Zasnova/metodologija/pristop: Analiza temelji na anketi iz leta 2025, ki jo je podprla EU in je obravnavala etične politike v osrednjih javnih upravah. Sodelovalo je šestindvajset držav in vse institucije EU, ki so izpolnile vprašalnik s sedmimi poglavji in z 59 vprašanji, ki je zajemal pravila, izvajanje, izvrševanje ter nova vprašanja, kot so tveganja, povezana z umetno inteligenco. Nemški odgovori so podrobno analizirani in primerjani z mednarodnimi merili za korupcijo, vladavino prava, dobro upravljanje in nepristranskost.

Ugotovitve: Nemčija ohranja številne »klasične« birokratske značilnosti – zaposlitev za nedoločen čas, hierarhične strukture in k pravilom usmerjeno kulturo – vendar pri mednarodnih kazalnikih upravljanja dosledno dosega visoke ocene. Razdrobljena odgovornost in omejeno spremljanje pomenita, da trdni dokazi o učinkovitosti politik ostajajo redki, tako v Nemčiji kot tudi drugje. Kljub temu se zdi, da nemški sistem v primerjavi z evropskimi primerljivimi sistemi učinkovito odvrča od neustreznega ravnanja. Priznani so novi izzivi, povezani z umetno inteligenco, razkritjem interesov ter prehodi med javnim in zasebnim sektorjem, vendar celoviti podatki in usklajeni nadzorni mehanizmi še vedno manjkajo.

Akademski prispevek k področju: Študija je ena prvih sistematičnih, na podatkih utemeljenih vrednotenj etike javnih uslužbencev v Nemčiji in razširja primerjalno bazo dokazov za raziskave integritete v javnem sektorju. Razkriva metodološke vrzeli pri merjenju etičnih rezultatov ter poudarja potrebo po interdisciplinarnih pristopih, ki združujejo pravne, organizacijske in vedenjske vidike.

Izvirnost/pomen/vrednost: Z združitvijo redke nacionalne študije primera z edinstvenim naborom podatkov EU članek izpodbija predpostavko, da so tradicionalni, na skladnosti utemeljeni sistemi po svoji naravi zastareli. Pokaže, da se navidezno staromodni nemški model v praksi izkaže kot zelo učinkovit, hkrati pa poudari strukturne in informacijske pomanjkljivosti, ki jih je treba odpraviti, če želijo etične politike slediti tehnološkim in organizacijskim spremembam.

Ključne besede: državna uprava, etika, inovacije v javni upravi

JEL: H11, H83

1 Introduction

Overall, the effectiveness of ethics policies and ethics management is under-researched. Grand exceptions concern Mackenzie (2002) and Anechiarico and Jacobs (1996) in the US and in Canada and Demmke and Moilanen (2012) in the European Union. The highly critical study by Mackenzie (2002) concludes: “Is there more integrity in government today than there was before 1961? No one knows because no one can measure what cannot be observed” (Mackenzie, 2002, p. 150). Anechiarico and Jacobs noted that “the public standard of morality has become much stricter, and the gap between the mythical system and the operating system much wider. Previously accepted conduct (...) is now deemed unethical, and previously unethical conduct is now deemed criminal...” (Anechiarico and Jacobs, 1996, 16). Demmke and Moilanen (2012) are less sceptical but conclude that ethics policies produce several side-effects, unintentional effects, and paradoxes. In the field of corruption, Johnston and Fritzen (2021) note: “We know far more about the issue than we did 30 years ago, and we have a network of policies, organizations, and researchers on a scale, and level of sophistication, few could have imagined in those earlier days (...). Still, most reforms have met stiff headwinds (for evidence suggesting that most countries have made little or no progress against corruption over the last 20 years...” (Johnston and Fritzen (2021, p. 5)). Also, in other policies, for example in the field of conflicts of interest, Peters and Handschin (Peters and Handschin, 2012) discuss trends towards the widening of the concept of conflicts of interest and the blurring of the concept with the notion of conflicting interests. Whereas in the past, the concept of conflict of interest focused on financial interests and how these could lead to a conflict between professional and private interests, today, all sorts of financial and non-financial interests, value conflicts, and role conflicts are discussed under the label of conflict of interest. As a consequence of the constant widening of the concept, it is impossible to assess the effectiveness of the concept. Similar methodological challenges exist as regards the concepts of (sexual) harassment, bullying, and anti-discrimination. Almost all researchers criticize the lack of data as a sore point in the research. Also, in our study, including Germany, many countries noted: *There is no data, information, or research available on this.*

2 Methodology

2.1 Ethics Policies in Central Public Administration

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

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

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

The choice for Germany as a case study has to do with the fact that very little research and evidence exist about ethics policies in the German public sector (Sommermann, 1998; Behncke, 2005 and 2005; Faust, 2008). If so, literature focuses on corruption Wolf, 2013; Wolf and Meyer, 2025).

Thus, our research suggests a re-opening of the debate about effective ethics policies (and, also, about German ethics policies)

2.2 Effectiveness as Goal Achievement – Focusing on the Prevention of Unethical Conduct

In the study, we decided to restrict our research interest to the study of goal achievement. As regards ethics policies, this means that we were mostly interested in finding out whether and how ethics policies contribute to the prevention (and reduction) of the different forms of unethical behavior.

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

1. Corruption: Misuse of (public) power for private gain: asking, offering, and accepting bribes
2. Favoritism: Decision-making and use of authority/position to favor family (nepotism), friends (cronyism), or party (patronage) – violation of merit-based principles
3. Fraud and theft of resources: Improper private gain acquired from the organization or colleagues and citizens

4. Conflict of (private and public) financial interest: Such as gifts, sideline activities, assets, or other financial interests the interference (or potential interference) of personal interest with the public/organizational interest because of gifts, services, assets, or promises taken
5. Conflict of (private and public) non-financial interest: Through job mobility (revolving door), professional activities, affiliations, memberships or other activities practiced outside the organization
6. Improper use of authority: The use of illegal/unethical means or methods to achieve organizational goals (sometimes for 'noble causes'), like surveillance, intrusion into privacy, control
7. Misuse and manipulation of information: Data and internet the intended or unintended abuse of (access to) online information, such as hate speech, internet aggression, disinformation, shit storms, violation of secrecy rules, breaching the confidentiality of information, or concealing information
8. Indecent treatment of colleagues, politicians, or citizens: Unacceptable treatment such as discrimination (based on gender, race, or sexual orientation), intimidation, sexual harassment, improper behavior like bullying (protection of personal dignity, vulnerabilities)
9. Waste and abuse of organizational resources: Failure to comply with organizational standards
10. Misconduct in private time: Conduct during private time that harms people's trust in the (public) organization

This definition by Lasthuizen, Huberts and Heres (2011) and Huberts and Lasthuizen (2014) was slightly adapted by the author to consider the most recent developments in the field of artificial intelligence and misinformation, fake information, and so-called post-truth (Farkas and Schou, 2024).

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

2.3 Research Questions

The study focused on civil service ethics (statutory staff and staff with a public law status) in the central public administrations. However, some countries (who do not apply status differences or differences in the field of public ethics for civil servants and public employees) focused on public employees on the central public administration level, or on

Our main research questions in this survey were the following:

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

2. What do we know about the effectiveness of individual ethics policies such as revolving door, disclosure policies, whistleblowing policies, and anti-discrimination policies?
3. What do we know about the effectiveness of instruments used in the field, such as ethical leadership, rules, codes of ethics, training, enforcement, behavioral instruments...?
4. What do we know about the effectiveness of ethics management and the institutionalization of ethics policies, such as centralization/decentralization, self-regulation/management vs. independent management, and coordination amongst ethics bodies?
5. What do we know about the effectiveness of measuring ethics policies (measuring corruption, measuring conflicts of interest, measuring harassment, etc.)?
6. What do we know about innovation/change processes of governance and public administration, and the impact on ethics and unethical behavior, such as outsourcing, public-private partnerships (PPP), collaborative forms of governance, and artificial intelligence?

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

2.4 Survey Methodology and Shortcomings of the Study

As already mentioned, the survey contained seven chapters and 59 questions. In the survey, central public administrations and the various responsible ethics bodies were asked to provide information, ranging from questions about the effectiveness of rules and instruments, the institutionalization of policies, the implementation and enforcement of ethics policies, and more forward-looking questions about how countries and institutions address new ethical challenges, e.g. arising from the introduction of artificial intelligence in the central public administrations. Overall, most countries answered most questions, but to a lesser extent, as regards questions regarding the effects of artificial intelligence. As regards the latter, Germany answered to all questions.

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

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

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

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

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

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

In this study, we noted that, overall, studying the effectiveness of ethics management requires an interdisciplinary and integrative approach. In the case of Germany, this means that only questions about corruption, fraud, and civil service ethics are the sole responsibility of the German Ministry of the Interior. Other issues, like conflicts of interest, anti-discrimination and bullying (and harassment) also fall into the responsibility of other administrations. Contrary to this, the implementation logic in the national administrations follows a so-called silo-approach. Whereas corruption, conflicts of interest, harassment, abuse of power, misconduct, discrimination, etc., are different forms of unethical behavior, they are all dealt with in a sectoral and fragmented logic. This, however, is an international phenomenon (and not only typical for Germany).

While analyzing the existing data, we took note that the concept of the effectiveness of ethics policies is highly contingent. It cannot be explained without considering the environmental legal, political, economic and cultural dimensions within the different countries. This makes research even more complicated. Whereas all experts commonly agree that ethics policies and ethics management cannot be effective as stand-alone policies (and must be integrated into other management logics and governance styles), this highly important insight is making research highly complex. Take only the case of state capture by influential super-rich people, companies, or political groups. In times of growing state capture and conflicting interests, it is unlikely that corruption and conflicts of interests can be reduced more effectively (Elizabeth David Barrett, 2023).

In this study, we focus on the institutionalization and the management of ethics policies in the (German) central public administration.

Here, our data illustrates that the effectiveness of ethics policies requires better coordination, integration and communication, as ethics policies are managed by different authorities, agencies, administrative units, and persons. The institutional landscape is highly fragmented. Most countries criticize that ever more ethics bodies are taking on ever more tasks. In the national central public administration, the (seemingly) integrated term “ethics policies” or “integrity policies” meets a highly decentralized and fragmented institutional landscape. In our survey, this is also confirmed by Germany. Often, the allocation of responsibilities and competences follows a so-called silo-thinking logic in the national public administrations. In the field of ethics policies, often, different institutions, organisations, agencies, committees, or HR offices are responsible for different policies. For example, corruption policies may be managed by ministries or specialized agencies, but conflicts of interest by auditing offices or human resource management offices. Moreover, organisations (or HR offices) have a high degree of autonomy in how to manage certain ethics policies, like for example revolving door policies, diversity policies, or disclosure policies. As regards the latter, these policies fall under the autonomy of each (organizational) employer. Especially, in more decentralized countries like Germany, Sweden, or Denmark, internal coordination challenges were extremely challenging. Some countries even responded that they would not be

ready, nor entitled, to respond for other administrations or organizations. As it turned out, in some cases, responsibilities in the field of public ethics are not only decentralized but also individualized. Every ministry, or every agency, pursues its own policies and adopts its own instruments. Thus, even if a huge number of public authorities contributed to this survey, this does not mean that we are able to present a full and coherent picture of the situation in central public administrations in all countries. Take the case of a more centralized country like France, which also reported that ethics and integrity is a shared responsibility between the Directorate General for Public Administration and the Civil Service (DGAFP), the High Authority for the transparency of the public life (HATVP), and the French anticorruption agency (AFA).

We therefore (and differently from the OECD) refrained from benchmarking countries, or ranking and rating countries.

Next to the coordination challenge, the most important challenge concerned access to reliable data about the various survey questions. The author of this EU study carefully avoided any overlap with other studies carried out by the OECD or the Council of Europe/GRECO. Instead, the objective was to generate new data and avoid double-work for the central public administrations. In our EU study, we noted that not only the availability of data, but also the reliability of data was a sore point in the development of this comparative work. We also noted that, despite the intensive work of the OECD in the field of integrity indicators, overall, data about the effectiveness of ethics policies is scarce, and it is also vulnerable to change and manipulation. We, therefore, decided to refrain from benchmarking countries and not to rank or rate national data. Instead, we opted for a comparative presentation of national answers to the various policies and topical issues. More concretely, this means that we reject any approach that compares a state-centric German “performance” with any other state-centric “performance” (in the field of civil service ethics).

3 Defining Ethics Management and the Institutionalization of Ethics Policies in Europe

Research on anti-corruption strategies and institutions (Marčetić, Džinić and Manojlović (2020), national and local integrity systems (Huberts et al., 2008), organizational integrity (Kaptein, 2024), and on specific integrity measures has resulted in many suggestions about what elements, components, or measures are needed that will enable organisations to achieve more ethicality (Hoekstra, Huberts and van Montfort, 2022; Huberts, 2014). Overall, experts distinguish between ethics management and organizational integrity, although the boundaries between both concepts are rather unclear. In this respect, ethics management can be described as the sum of consistent (systemic) efforts of an organization focused on promoting ethical behavior (integrity) (Hoekstra, Huberts and Gaisbauer, 2016, p. 16; Kaptein, 1998) or as the activities undertaken to stimulate and enforce ethical behaviour and integrity and prevent corruption and other integrity violations within a particular organization (Maesschalck and Bertok, 2008).

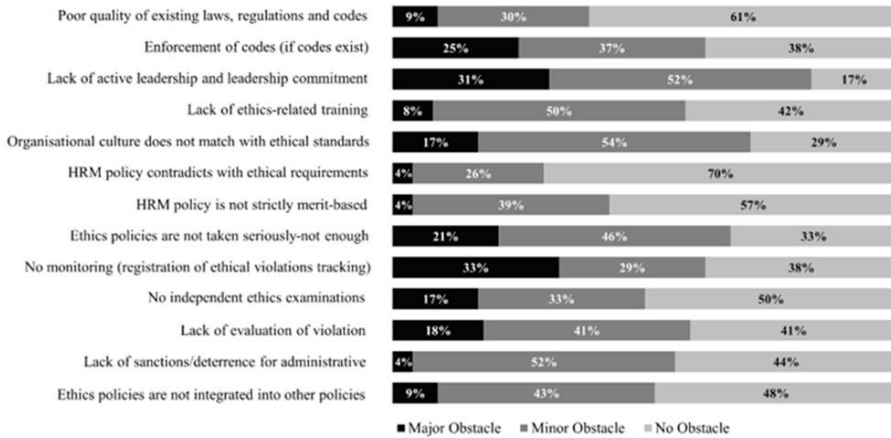
As regards the public sector, much of the literature assumes that the components of ethics management systems are universally applicable (OECD, 2020). For example, according to Huberts (2014), it is possible to stress the “basics of an integrity system”. Suggested instruments include the existence of rules, disciplinary policies, the setting of ethical standards, the adoption of codes of ethics and codes of standards, the introduction of an active value management policy, ethical leadership, effective whistleblowing opportunities, job rotation, risk analysis, training, integrity plans, integrity monitoring, scandal management, registers and disclosure policies, ethical climate surveys, self-assessments, integrity officers, ethics committees and good working conditions. Alternatively, Kaptein’s concept (2015) distinguishes amongst nine elements: a code of ethics, an integrity office (or officer), ethics training, an ethics hotline, the existence of accountability policies, oversight and monitoring, and conflicts of interest screening.

Next to these recommended ingredients of ethics management systems, the concept of organisational integrity is more complex and has many definitions, interpretations, forms, layers, and dimensions, and it contains many perspectives and ideas. According to Kaptein et al. (2024), organisational integrity is a multifaceted and inexhaustible subject to study because it can be explored in many ways and constantly leads to new insights” (Kaptein, 2024, 1). Kaptein’s “Research Handbook on Organisational Integrity” (2024) is, by itself, a great testimony of how research in the field has advanced.

Organisational Integrity is being examined from different perspectives, such as a virtue ethics perspective, a regulatory perspective, an institutional perspective, or a corporate governance perspective. There also exists a strong disciplinary influence from related concepts in the private sector like business ethics, compliance, corporate citizenship, corporate social performance (CSP), purpose driven management, value management, corporate social responsibility (CSR), corporate social responsiveness, responsible management, and sustainability (Trevino, L.K. and Brown, 2004; Windsor, in Kaptein et al, 2024).

Still, both ethics management and organisational theories are influenced by developments in the private sector. They are also highly inward-looking and focus on “ethics management”, instead of considering evidence from related fields like Human Resource Management or Organisational Behavior. Dysfunctions of ethics management systems are often explained by the fact that organisations have not yet fully implemented the menu of proposed components, elements and instruments, as discussed above (take, as example, Hoekstra, Huberts and von Montfort, 2023) about the evaluation of integrity systems in the Netherlands, Belgium and Germany). Thus, whereas research about organisational integrity and ethics management in the public sector is strongly improving (Kaptein (Ed.), 2024), many fields are still widely under-researched. For example, despite the introduction of the abovementioned universal components of an ethics management system, how to explain the huge variation of responses as regards national responses to the major obstacles and difficulties for an effective policy in the field of civil service ethics.

Table 1: Overall, what are the major obstacles and difficulties for an effective policy in your national civil service? N=24



Source: Author's own.

At the same time, little is known about “real life”, e.g., how European countries organize and manage ethics policies. One exception is a study by Marčetić, Džinić and Manojlović for the Croatian EU-Presidency (2020) that focused on codes of ethics, ethics bodies, and an analysis of the existing legal frameworks (Marčetić, Džinić and Manojlović, 2020, p. 1). The study concludes that European public administrations should (especially) work on continuous education and application of soft law mechanisms in the field of ethics, networking, and cooperation with other countries, the development of an administrative culture based on high levels of ethical standards, learning from own and other countries’ experience and keeping good communication with citizens” (Marčetić, Džinić and Manojlović, 2020, p. 27).

Also, little is known whether certain types of governance models, or administrative traditions, prefer certain ethics management models, or prefer certain instruments more than others. It also remains unclear how a coherent and systematic integrity approach fits into different organizational cultures, more or less politicized systems, or systems with more or less resources. Finally, little is known as regards institutional differences in managing ethics policies (like anti-corruption, conflicts of interest, and anti-discrimination policies), monitoring policies (like the monitoring of disclosure policies, or revolving door policies), and in the enforcement of policies (who takes responsibility in sanctioning misconduct?). Finally, how to interpret the different meanings of the same ethical concepts in different organizational cultures, like, for example, the meaning and importance of whistleblowing.

Throughout our comparative work, we could confirm the existence of a (surprisingly) huge variation of ethics management structures and practices. To start with: Ethics policies and ethics management do not only differ amongst the executive, legislative and judiciary sectors but also within sectors, (inde-

pendent) agencies, amongst categories of employment statuses (civil servants and public employees), categories of Holders of public Office (Ministers, Secretaries of State, Presidents of Courts, Banks etc.) and other categories of staff like Special Advisors, Directors-General and top-and middle level civil servants. To this should be added great differences on the sub-national level (Lapuente and Dijkstra, 2012, pp. 68–90).

On the central level, some countries have relatively centralized management systems (like Romania with the General Anti-corruption Directorate (DGA) the National Integrity Agency (ANI) (which is, exclusively responsible for disclosure policies), Latvia with the Corruption Prevention and Combating Bureau – KNAB, or France (where ethics and integrity is a shared responsibility between the Directorate General for Public Administration and the Civil Service (DGAFP), the High Authority for the transparency of the public life (HATVP), and the French anticorruption agency (AFA). Compared to France, the Dutch model can be defined as a hybrid integrity model, at least with some forms of centralized management and monitoring. However, since the Netherlands is a decentralized unitary state (and the public sector is divided into sectors), the levels of government have considerable freedom in the design of their policies. A case for a deconcentrated model is the Danish (but also the Swedish) model. In the central public administration in Denmark, the management of integrity policies is at the discretion of each individual employer (there exists no central employer for government employees in Denmark or a central institution that monitors or is responsible for anti-corruption measures for government employees, etc.). It is therefore up to the individual employer to assess the employee's behaviour and determine sanctions within the applicable rules. If the employee's behaviour violates the rules of the Danish Criminal Code, the responsibility lies with the police and the public prosecutor. In Denmark, there are no rules regarding 'revolving door' and 'non-financial conflict of interest' for government employees. Instead, it is the individual employer that is responsible for compliance with the guidelines, etc., as there are no such rules for public employees in Denmark. Also, in the field of disclosure policies, there are no central monitoring bodies in Denmark that monitor the above-mentioned interests of government employees. The Responsibility for ensuring compliance with applicable rules and guidelines lies with the individual employer. This, again, contrasts with the situation in Germany, where responsibilities for the federal level are vested in the German Ministry of the Interior.

Interestingly, all Scandinavian and northern states (Estonia, Sweden, Denmark, Finland and Estonia) have highly deconcentrated models. In these countries, each ministry manages ethics policies like revolving door and disclosure policies on its own. Also, disclosure policies are managed "individually". Likewise, these countries do not monitor ethics policies on a central level. All of these countries found it difficult to provide general answers to our survey. In the latter case, this does not only mean that no centralized rules exist on how to disclose interests, which interests, how to verify disclosure requirements, and how to sanction the violations of policy require-

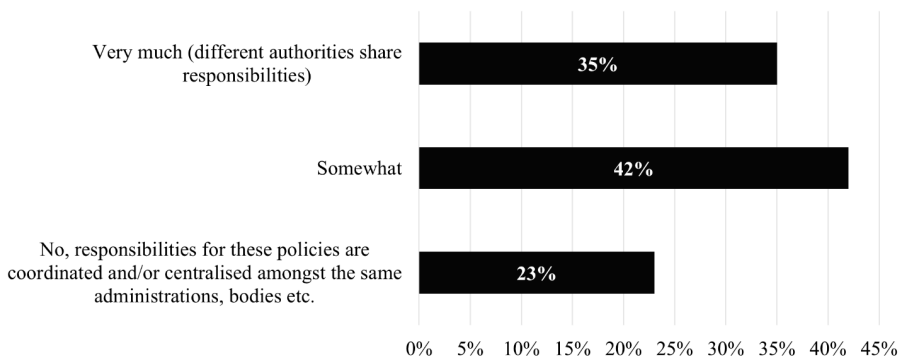
ments. In fact, this also means that ethics policies are not monitored and no cost assessments exist on the central level. Therefore, a standard answer from northern countries to our survey was the following: “*The effectiveness is not measured and we do therefore not have data to support a conclusion. Therefore, we cannot answer the question*”.

Similar “differentiation” trends can also be seen in the enforcement of ethics policies. Also, in this field, it would be wrong to assume that enforcement is only carried out by the judiciary and the police. In reality, enforcing misconduct has become the responsibility of a variety of organizations (and also a leadership responsibility). Overall, HR offices play a widely underestimated role in the monitoring (and enforcement) of ethics policies. Partly, HR offices also monitor and enforce side activities and gift policies for different categories of staff. However, it also happens frequently that different HR offices and HR officials in different ministries and agencies monitor revolving door policies, side-activities, and gift policies, although these issues relate to each other and should be managed within the same organization and office.

Thus, this great diversity of systems in Europe raises the question whether it is possible to classify national systems into typologies or to develop state-centric benchmarking models. As such, we note that, in all countries, monitoring practices, monitoring evidence, data, and measurement differ, sometimes from one organization to the next. Also, the choice of policy instruments is pluralist, non-deterministic, and flexible, and varies from one country to the next, from one institution to the next, and from one policy to the next. Here, there is no logic. For example, it is impossible to state that more bureaucratic, or countries with (rather) classical career systems, have also chosen a more centralized or decentralized approach in the field of ethics management. Likewise, it is impossible to state that, for example, revolving door policies are managed according to a specific public management or organizational model. Overall, most European countries agree that the institutionalization of ethics policies is highly fragmented and ineffective, especially in related policies like the management of side-activities, revolving door, and gift policies.

In addition, we note European-wide trends towards the proliferation of ethics bodies and ethics actors, but also the emergence of a great variety of administrative bodies and organisations, and no development towards one best-practice innovative organizational model. Therefore, most likely, the current trend is not toward one best-practice organizational model but rather towards a hybridization and differentiation of various ethics management systems. This also means that it is very difficult to determine the effectiveness of one national system by comparing it to another national system. Still, this does not mean, of course, that countries could benefit greatly if they were interested in exchanging experience, for example, as regards the management of revolving door policies.

Table 2: In the field of related policies, such as the management of gift policies, revolving door policies, and disclosure of (financial), administrative responsibilities are shared and fragmented, N=26



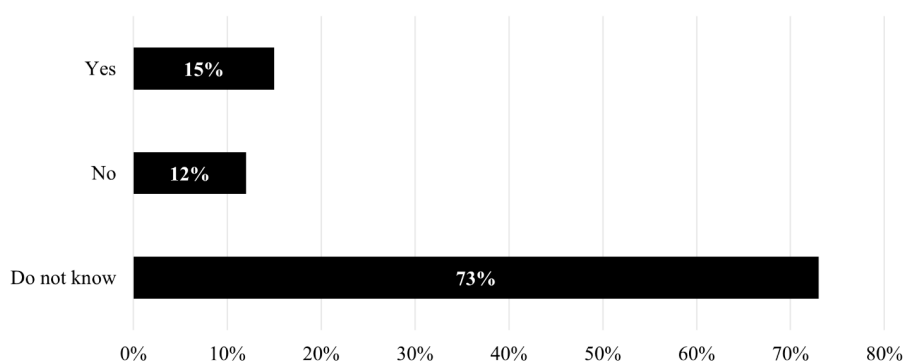
Source: Author's own.

Of course, it is hugely tempting to engage in the benchmarking of countries or even to rate and to rank countries, as regards certain ethics policies, instruments, processes, or procedures. However, after carefully studying the highly different institutionalization of ethics policies and the varying distribution of internal responsibilities, we have decided to refrain from benchmarking, ranking, and rating of countries.

In our EU study, countries responded that they have progressed in the field of measuring corruption, but not very much in other fields. They have no overview of the costs of ethics policies. Finally, politicians and public servants are not aware of the monitoring challenges of those who need to monitor disclosure policies. Overall, there seems to be very little communication amongst the (mostly HR) experts who are in charge of monitoring top civil servants. It is, therefore, not surprising that 73% of respondents to our study replied that they are not aware of (increasing) difficulties and technical challenges in the monitoring process. Also, in Germany, there exist no assessments about the costs (and benefits) of ethics policies on the federal level. Likewise, conflicts of interest policies are not monitored. Until today, there exist no studies or assessments about the monitoring of disclosure of interest policies (and the enforcement of these policies). If so, statistics are (sporadically) established in the various sub-fields, like in the field of revolving door policies.

Therefore, ethics policies present a huge paradox: For example, if disclosure policies are supposed to be effective, the management and monitoring require capacities, skills, personnel resources, and sophisticated and complex examinations into personal behavior (take the discussed case of requiring disclosure information from the "spouse"). If current trends have been towards more detailedness and individualization of monitoring requirements, this will also increase administrative burdens, complexity, and time-consuming monitoring processes.

Table 3: In the field of disclosure policies, do monitoring experts in your country report about increasing difficulties as regards the verification of disclosure information? N=26



Source: Author's own.

We are aware that these findings run counter to the present explosion of benchmarking studies, rankings and ratings, and trends towards the quantification of governance and – even of – ever more aspects of social life (Mau, 2020).

Benchmarking studies are attractive because statistics, rankings, and ratings enable easy comparisons, competition, the possibility for evidence-based learning, and the reduction of complexity. Figures and statistics promise objectivity. They also promise the possibility for fact-based learning. At present, one can observe the emergence of a truly globalised world of comparisons, scores, rankings, likes and grades. Because of data-driven benchmarking, ever-new rankings and ratings of various governance indicators come and go with remarkable rapidity, “New techniques come into fashion and old ones go out, much like the outfits modelled in Paris, Milan, and New York” (Aberbach and Rockman, 2000, p. 9). Benchmarking raises the question, which indicators and factors to use as the basic features for comparing policies, instruments, and structures? This again raises the question of whether and how some phenomena can be measured at all. Finally, we need data, comparable data, good data and data that is based on the same definitions, reliable and accurate data. In our study, most countries informed us about their challenges when monitoring ethics policies, the non-existence of data, and the challenges when it comes to measuring ethics policies. We also learned about the important link between national administrative culture and the management of ethics policies. Should we rank some countries better than others, because they have centralized monitoring structures or more detailed disclosure requirements or stricter revolving door policies than others, (in some instances, because they are more reluctant in the field because of privacy and data protection issues)? Should we applaud countries because they have adopted stricter legal requirements, introduced new ethics bodies, or have been ranked more positively in the Corruption Perception Index (CPI), or by the OECD (or by GRECO)?

These issues constitute only a fraction of the existing challenges in the field of comparing and analyzing the effectiveness of ethics policies. If we ranked countries in top-performers or low-performers, laggards and forerunners, we risk basing our judgments on problematic indicators, poor data, value judgments, unclear assumptions, and on different definitions. Again, take the case of disclosure policies in the field of conflicts of interest. Today, despite laudable progress in the field of corruption (United Nations Office on Drugs and Crime (UNODC), 2023), it remains an extraordinary undertaking to generate, measure, compare, and analyse data in conflicts of ethics policies. Thus, while we welcome any progress in the field of measuring integrity, we nonetheless remain cautious in our temptation to generate data-driven comparisons in fields where the quality of data is scarce, difficult to compare, or not yet fit for comparison. The decentralized and, often, individualized management of ethics policies has important implications for the quality of comparative and benchmarking studies and the possibility of measuring and monitoring ethics policies.

Consequently, the effectiveness of any particular institutional integrity system can only be determined by the degree of consistency amongst its proper constituent elements, practices, procedures, instruments and resources and how these fit into the specific constitutional-, legal-, and political system, the culture, organizational design, organizational culture and leadership styles.

Given the limited space in this paper, we will focus on the case of Germany (within the international context) and discuss the (in-) consistency of the German model.

4 Case Study: The Specifics of German Civil Service Ethics

In Germany, the belief is still very strong that government integrity flows from respecting and applying the rule of law, a public ethos, sound administration, classical hierarchical structures, and a very specific civil service system with lifetime tenure, full-time employment, advantageous pension systems, and the existence of career systems. All of these features, it is believed, are necessary in order to reduce as far as possible the risk of too much political influence, corruption, misconduct, conflicts of interest, and state capture for private interests. Following this, at a minimal level, the German administration is considered to be good and ethical if it achieves the implementation and enforcement of the existing civil service laws and disciplinary rules of the Government of the day. Moreover, ethically good or acceptable behavior is defined in terms of rationality, impartiality, and the application of the merit principle.

Like in so many other countries, also, in Germany, no day goes by without media coverage about new scandals and discussions about (im-) moral behavior in the German society, in the whole public service, and, increasingly, also against civil servants. Often, the diagnoses for the various types of unethical behavior is very simplistic and depending on political attitudes to which the reasons are either not enough rules (and the need for stricter rules), a decline

or even loss of societal values, or too much of it - the moralization of the (political) discourse. Other experts point to the effects of increasing individualization (Beck), singularization (Reckwitz), self-optimization (Bröckling, 2013; Röcke, 2021), acceleration (Rosa, 2005), and polarization in the German society and their effects on the development of values. In this more nuanced, but also culturally pessimistic discourse, it remains unclear why values and ethical standards do not continue to deteriorate and new ethical standards continue to emerge. Against these trends, and when entering into the legalistic and technical world of the German civil service, the discussion about ethics seems to play a minor role. The German public sector does not pursue an active ethics (integrity) policy for the public sector. Germans are highly skeptical as to the question whether public organisations should also pursue active moral policies, or any sort of purpose-driven management (Kuehl, 2021). Instead, in Germany, the expectation was always that civil servants would be implicitly ethical because they have a specific public service motivation, a specific public ethos, and because civil servants are different, because they are civil servants (Demmke, 2020). Today, this fundamental understanding of ethical behavior is, however, increasingly questioned (Demmke, 2019).

Still, heavily influenced by the skepticism of the German sociologist, Niklas Luhman, from a German point of view, the relationship between organization and integrity is not a love affair (Ortman, 2010). There is no perfect ethical organizational recipe. And, not to forget: For many Germans, German history proves that both, bureaucratic blind obedience (“administrative evil”, Adams, 2011) and “greedy institutions” (Coser, 1974) can be abused for many unethical individual and political interests. Therefore, German civil service ethics follows (in the words of Dobel, 2004) a legal-institutional model of public integrity which is combined with a strong sense of public service motivation and personal responsibility. However, the personal responsibility dimension (Dobel, 2004) could also be interpreted as a certain *rule of law obedience*. Again, the latter should be distinguished from blind obedience and personal irresponsibility.

However, in Germany, one can note an increasing interest in the broader concept of integrity policies. One reason for this is the growing conviction that integrity policies “pay” (Paine, 2000), which means that an ethical organizational culture has positive side-effects on organizational and individual performance, motivation, job satisfaction, teamwork, and – more generally – recruitment and retention policies. Another more critical reason is that ethics policies are discovered (and abused) as a political weapon. Like this, ethics policies are instrumentalized for (un-) ethical reasons.

Therefore, the overall purpose of ethics policies is no longer seen as a purely intrinsic interest in the need for specific public values and principles. Instead, the trend is clearly towards a more utilitarian understanding and acceptance of ethics in Germany. More concretely, people are interested in whether and how ethics “pay” (Paine, 2000). Like this, the trend in Germany is no different than elsewhere in Europe.

4.1 The Concept of Public Ethics and Its Acceptance in the German Civil Service System

Discussions about a loyal, integer, efficient, and trustworthy civil service in Germany are already 300 years old, or (even) as old as the existence of the concept of bureaucracy, as such. What is still a relatively new phenomenon is to use the term “public ethics” in this context (or, more recently, the term “integrity”). In Germany, for a long time, ethics were discussed abundantly in the field of philosophy (Kant) but not in public policies or in public administration. Instead, in the German civil service, civil servants are called upon to apply the rules, values and principles enshrined in the German Grundgesetz (Basic Law), the case law of the German Bundesverfassungsgericht (Federal Court of Justice), the Beamtendienstrecht (Civil Service Law of the Federation and the Bundesländer) and respect disciplinary law. Actually, Germany imported the term “public ethics” from Anglo-Saxon countries and, later, earlier at the end of the 20th century (Behncke, 2006).

Since then, the concept is interpreted in a two-dimensional way: On the one hand, public ethics refers to a moral dimension with regard to values, norms, and personal behavior. On the other hand, the term included a judicial-legalistic dimension with regard to laws, institutions, and controls (Behncke, 2006, 251). According to Article 33, Paragraph 5 of the Basic Law (Grundgesetz), the law of the civil service must be regulated while taking into account the traditional principles of the professional civil service. The Federal Constitutional Court defines these principles, among other things, as the performance principle, the loyalty principle, the duty of neutrality, and the employer’s duty of care. Since civil servants have a special relationship of service and loyalty under public law, a number of special duties are imposed on them. These basic duties include that civil servants carry out their duties impartially and fairly, and that they must take the public good into account when carrying out their duties. In addition, they must dedicate themselves to their job with full personal commitment. Their behavior on and off duty must reflect the respect and trust that their profession demands. This duty can also be violated if an official commits a crime while off duty. When carrying out their duties, they must always take Art 33 paragraph 5 of the German Basic Law (the public good) into consideration.

The civil service is for life. This is associated with the expectation that civil servants are less corrupt, are less influenced by conflicts of interest and are fully dedicated to their job. However, it has never been examined whether the lifetime principle (particularly in an international comparison) actually has these desired effects. According to Section 77 of the Federal Civil Service Act (BBG), civil servants commit an official offense if they culpably violate their duties. This is a disciplinary offense if it is a particularly serious breach of duty and is likely to impair trust in a way that is significant for your office or the reputation of the civil service. For retired civil servants, according to Section 77 Paragraph 2 BBG, certain breaches of duty are deemed to be official misconduct, e.g., activities contrary to the free democratic basic order or breach

of the duty of confidentiality. Disciplinary statistics collected annually (most recently in 2023) record the official and judicial disciplinary proceedings that were concluded due to a breach of official duty. The 2023 disciplinary statistics concern 248,900 federal civil servants. In 2023, a total of 1,091 disciplinary offenses were examined for disciplinary relevance (which is a relatively stable figure compared to the years 2022, 2021, and 2020). Out of these, 723 disciplinary proceedings were completed, resulting in 321 disciplinary measures being imposed. In 2023, a disciplinary measure was taken for around 0.13% of the active federal civil servants included in the disciplinary statistics. The most frequently identified official misconduct concerned the unethical behavior of the civil servant on or off duty. This was followed by failure to comply with the obligation to follow official instructions from the superior (Federal Ministry of the Interior, Building and Community, disciplinary statistics 2023, <https://www.bmi.bund.de/>). However, these low numbers do not allow any conclusion to be drawn as to whether German civil servants behave particularly ethically or whether the control and enforcement of breaches of duty is deficient. In fact, disciplinary statistics are the only way to get insight into the monitoring and measuring of unethical conduct. In reality, just like in most other European countries, Germany is not monitoring and measuring civil service ethics (except for criminal and disciplinary wrongdoings).

Thus, for a long time, public ethics policies primarily addressed problems of corruption, bribery, fraud, theft, discrimination, conflicts of private and public interest (through rules and policies as regards gifts, promises, jobs, activities), and infringement against disciplinary law. This is fairly conventional. For example, the yearly published Integrity reports by the Federal Ministry of the Interior Building still focus on the fight against corruption (BMI, 2023). Compared to the situation elsewhere, the term „integrity“ is used in a very narrow sense and means that all public employees should follow the rule of law, are not corrupt (commit no fraud) and take impartial decisions (“VerwaltungsinTEGRITÄT bedeutet, dass in Deutschland alle Beschäftigten im öffentlichen Dienst rechtstreu, unbestechlich und objektiv Entscheidungen treffen“) (BMI, 2023, p. 19). Contrary to this, Huberts (2018, p. 2) distinguishes eight forms of integrity (ethics): wholeness and coherence, professional responsibility, moral reflection, values (s) like incorruptibility, abidance to laws and rules, moral values and norms, and exemplary behavior.

Thus, in the German discussion about ethics and integrity, there is less attention to other forms of administrative misconduct like bullying, intimidation, violence, abuse and manipulation of data, algorithms and information, unethical leadership, unfairness, harassment, waste of organisational resources, and private time misconduct.

Again, this can be explained by a fundamental feature of the German public administration: The separation of morality from work and the wish to maintain an impersonal character of organizational life. Like this, subjective and emotional behavior should be subordinated to the objectives of the “iron cage machinery” (Max Weber): German organizations are supposed to act

rather amoral, legalistic, standardized, and functional, and without regard to persons (to make it short: as impersonal and machine-like systems). However, this classical bureaucratic (and Weberian) understanding of civil service ethics should not be misinterpreted as a form of inhumane organization. Far from this: Internal decision-making is also highly participative, and the decentralization of responsibilities (also in an international context) relatively high. As such, the German administrative system is highly decentralized. According to Art. 79 3 Basic Law, each of the 16 German Bundesländer has its own organizational prerogatives and can design its own institutional design.

4.2 The Administration and the Distribution of Responsibilities in Germany

Interestingly, despite its classical approach to ethics, another feature of the German system (notably in relation to the French, Greek, Portuguese or Romanian system) is the decentralised structure and delegation of (legal) competences in the field of civil service ethics.

Like most other European countries, Germany has a fragmented and decentralized system based on the principles of self-regulation and self-management. For example, suspected cases of misconduct by German ministers or secretaries of state can be checked and monitored by the German parliament. However, there exists no independent and external monitoring bodies that supervise either top civil servants or parliamentarians. There is also no centralized public- and civil service ethics body for all public institutions and bodies. Instead, in Germany, the Federal Ministry of the Interior, Building and Community (Division DG I 3 takes the lead on these issues) is the main coordinating body for ethics policies, but only on the federal level. The Ministry also issues yearly reports about integrity (so-called *Integritätsberichte*) and oversees the implementation of the various anti-corruption and anti-fraud laws on the federal level.

It is supported in its work by other bodies and organisational structures, such as units responsible for internal audits and/or the prevention of corruption in other ministries and the Federal Chancellor's Office, bodies responsible for authorising secondary employment and the acceptance of gifts and/or the Agency for Civil Education.

Furthermore, in accordance with the Anti-Corruption Directive, each federal agency (including all ministries) is required to appoint contact persons for corruption prevention, who can inter alia be charged with advising the management on corruption prevention issues, keeping staff members informed on corruption prevention matters, and monitoring and assessing any indications of corruption. Under the auspices of the Federal Ministry of the Interior, Building and Community, a network of contact persons across the federal administration would come together annually to discuss issues pertinent to the prevention of corruption in the federal administration. The main policy document in the field of civil service ethics at the federal level is the Federal

Government Directive concerning the Prevention of Corruption in the Federal Administration (hereafter “the Anti-Corruption Directive”). The current version of the Anti-Corruption Directive dates back to 2004 (with a revision currently being prepared by the Federal Ministry of the Interior, Building and Community in close consultation with all federal ministries).

The Anti-Corruption Directive prescribes *inter alia* that all federal agencies shall identify areas of activity especially vulnerable to corruption, which is to be followed by an assessment as to whether existing safeguards are sufficiently effective to counter the risks. In addition, the Anti-Corruption Directive is said to serve as a model for the 16 Länder and to influence strategies of the private sector. The Anti-Corruption Directive is complemented with an Anti-Corruption Code of Conduct and Guidelines for supervisors and heads of public authorities. The Anti-Corruption Directive, Code of Conduct and Guidelines for supervisors and heads of public authorities are compiled in one brochure “Rules on Integrity” (Regelungen zur Integrität), which also contains further guidance to each of the provisions of the Anti-Corruption Directive (called recommendations for the prevention of corruption), additional circulars and administrative regulations on such issues as gifts, sponsoring (etc.), as well as relevant excerpts of the German Criminal Code, the Freedom of Information Act and useful internet links.

In addition, various legal provisions (on ancillary activities and post-employment restrictions pursuant to the Act on the legal status of Federal Ministers and the Act on the Legal Status of Parliamentary State Secretaries) set out certain enforceable integrity standards. Next, the ethics of German (federal) civil servants, including principles and ethical leadership obligations (*Fürsorgeprinzip*), are defined in the various German civil service laws.

Still, since police matters are (mostly) the responsibility of the German Länder, this is also the case for the implementation of anti-corruption laws and ethics policies on the sub-national level. Overall, each Land has its own policies, strategies, and rules in the field of civil service ethics.

4.3 Towards the Choice of New Instruments, Approaches, and Styles

When reflecting upon the development towards ever broader conceptions of the term “public service ethics”, in Germany, the focus has long been on the adoption of more and stricter rules and sanctions, thus hard institutional instruments. On the one hand, also in Germany, it is accepted that bureaucratic organisations are often dysfunctional and people dislike organizations that perceive organisations and employees as machines and people as instruments. Therefore, during the last decades, policies also focused on preventive measures like investments in training, awareness raising, ethical leadership, risk management, the introduction of the so-called four-eyes principle, the strengthening of internal reviews, the introduction of anti-corruption officers, and the hesitant adoption of codes of ethics.

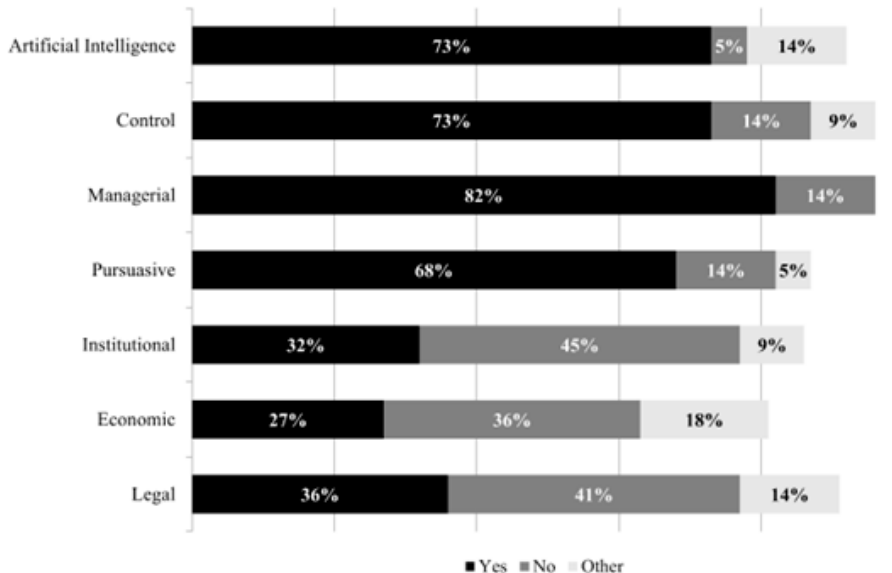
With this choice of instruments, Germany is fairly traditional.

Like this, we contradict the popular assumption that Germany is focusing exclusively on compliance-based approaches and hard instruments. In fact, it is widely accepted that only the combination of soft, informal, and hard approaches offers opportunities and prospects for good administrative practice (Faust, 2008, p. 260). In fact, this has long been recognized by the German Government. For example, the yearly published Integrity report lists all existing preventive measures in chapters 1.2 and 2.2. and the most important laws and rules in chapter 2.1.2. of the report.

This, again, means that public ethics can only be effective if there exists a broad menu of instruments and if ethical requirements match with other societal standards, norms, and values. Thus, even if countries have a perfect ethics management system at their disposal, this does not mean that this system also generates the anticipated positive outcomes.

Still, as regards the question “In which fields are the most promising opportunities for innovations and effectiveness?”, Germany responded that it still sees great opportunities in the field of legal innovation. This contrast with most other countries who see the greatest opportunities in the field managerial, Artificial Intelligence, control, and persuasive instruments, but not in the legal field (which is perceived as not innovative) and also not in the field of economic innovation (because the choice of available instruments is too limited in this field).

Table 4: When considering the need to increase the effectiveness of ethics policies, in which of these fields are the most promising opportunities for innovations and effectiveness? N=22



Source: Author's own.

Moreover, public service policies can only be effective if there exists awareness that public ethics “pays” (Paine, 2000; latest Ahluwalia, Ferrell, Ferrell and Gandhi, 2023) in terms of increased country, organizational, and individual performance. Only then is there a chance that ethics policies are taken seriously.

Whereas in the meantime, a solid body of research exists (Mungiu-Pippidi, 2015; Mungiu-Pippidi and Johnston, 2017; Mungiu-Pippidi, 2020, Bågenholm, Bauhr, Grimes. and Rothstein, 2021, Meyer-Sahling et al, 2019, 2020, 2021) that backs up claims to which good governance features and ethical governance are linked to positive governance outcomes such as lower corruption levels, higher trust levels, enhanced organizational- and individual performance, lower sickness levels, higher job motivation etc. This is not yet common sense in German public life, where public ethics is still seen as a soft policy.

Proponents of ethics management rightly claim (for exp., OECD, 2020) that institutions can enhance individual- and organizational performance, promote honor, respect, compassion, mindfulness, tolerance and anti-discrimination.

However, as can be seen, leadership and institutions can also act exactly into the opposite direction: They can promote and support unethical conduct, suppress morality, overstretch it, deviate and transgress from accepted norms, and commit employees to unethical acts.

Overall, it is naive to think that ethics management also pays in a context of democratic backsliding, at any time and in any political context. There is a discernible perception that merit-based and impartiality principles are at the very least being less implemented and enforced (Oliveira et al, 2023). At the same time, populists and authoritarian leaders are popular because of their anti-elitist and anti-corruption agendas and because people are distrustful of the powerful and of politicians, political parties, and public authorities. Like this, anti-corruption and integrity policies are easily abused as political stigmatizers and against good governance policies. Overall, more politicians have discovered that moral talk and moral action are popular and help them to gain political support.

Thus, also in Germany, the present understanding of ethics seems to be paradoxical: on the one hand, as the results of the study show, everywhere in Europe, there has never been so much public attention on ethics, discussions about the need to fight unethical behavior, moralization, and scandalization. On the other hand, different policies have different objectives. Ethics policies are popular, but not effectively implemented and enforced, and there is very little common understanding of what should be the objective: what is ethical behavior?

In the meantime, also inside the public service, moral and ethical standards are changing as rapidly as the administrative and Human Resource Management (HRM) context. What was legal a generation ago is considered unethical today. Thus, the concept of ‘Integrity of Governance’ is more complex and “path dependent” than ever. Progress in the field is combined with new challenges, conflicts, and dilemmas. In the field of Governance, experts (Peters

and Pierre, 2021; Torfing, 2023) observe trends are moving towards a “marketization of societies” (Sandel, 2012), but also towards the return of the big security state - *Leviathan*, towards flexible forms of Governance, the emergence of a digitalized shared economy, and a return to ‘moral politics’ – all in one. To this should be added trends towards the diversification of institutional systems and HRM systems.

Finally, despite ever more investments in the field of ethics management, little is known about the effectiveness of various hard- and soft policies and instruments and in which institutional contexts and individual situations they work, or not. Despite these uncertainties, in many European countries, the reform of ethics policies develops into a highly specialized and professionalized ethics bureaucracy. Here, trends are towards ever broader and stricter integrity requirements. Still, our data shows that ethics policies are ineffective because of the existing shortcomings in measuring, monitoring implementing integrity policies. Here, Germany is pursuing a slightly different and less bureaucratic path because it “trusts” heavily in the public ethos of its civil servants and its rule-abiding culture.

This altogether presents a highly fascinating, but also a contradictory scenario. In the field of civil service ethics, there is no common trend towards a universal ethical administrative model. Instead, there is – differently to what neo-institutionalists expected – no “isomorphism” logic and no trend towards a best-practice model.

For example, the German model differs considerably from the French model, although both models can be described as rather classical bureaucratic ethics systems. Because of its focus on regulation and (judicial) control, the German model is easily dismissed and perceived as old-fashioned (Hoekstra, Huberts and van Montfort, 2021). Still, from a German perspective, the emerging ethics management systems and institutional models in other EU countries also do not necessarily perform better, because there is no evidence that corruption levels, conflicts of interest, discrimination, unethical leadership, bullying, or harassment would be significantly lower elsewhere. This also relates to the so-called forerunners in ethics policies, like the Scandinavian countries. While these countries perform well in the field of anticorruption, this cannot be confirmed in other fields of civil service ethics, like in the field of conflicts of interest

Still, in all countries, integrity policies, ethics management, and the monitoring and measurement of ethics policies are expanding and becoming more complex, bureaucratic, and control-oriented. Looking at these developments, one could even say that the bureaucratisation of ethics policies is a global trend (Demmke, 2024) whereas the – so-called traditional, compliance oriented and bureaucratic German ethics system is only reluctantly accepting the latest reform fashions in the broader field of public service ethics, like requirements to introduce detailed disclosure requirements or to introduce tough revolving door measures. This is paradoxical indeed.

4.4 Current Reform Trends of German Ethics Policies

Also in Germany, during the past decades, trends have been towards an ethicalization of law and policies. Ethicalization means that ever more laws, regulations, and administrative provisions refer to ethical requirements and ethical standards. Ethics concepts have also become broader, and ethical standards have become stricter, especially in the field of anti-discrimination and conflicts of interest (Demmke et al., 2021). This is also being confirmed by our data: These trends can also be characterized as a self-reinforcing and scandal-driven logic that is highly simplistic, change-resistant and continues to follow the logic of requesting ever more and ever stricter laws, after scandals took place. Simplistic and change resistant means that it is simply impossible to call for a deregulation, relaxation, or differentiation of integrity policies in certain areas, or – sometimes – to criticize the call for more and stricter laws. Partly, this logic still exists today. The popular narrative is the following: More, stricter, wider – is the way to go.

However, scandals are rarely the only (or most important) reason (or cause) why countries reform and innovate ethics policies. For example, in the past, in many national cases, assessments and recommendations by GRECO evaluations have played a role in why governments changed policies. In other cases, new research, evidence, or studies published by the OECD can also be influential. Again, in other countries, new case law by courts puts governments under pressure to change laws and policies. Also, media attention or reports by watchdogs (NGO's) are important causes and pressures for new reforms and innovations. In Germany, GRECO evaluations and OECD assessments are not well known to the public. Instead, the most important pressures for (mostly legal) reforms are scandals. Still it is worth noting that German policies in the field of public ethics strongly focus on problems of corruption, bribery, fraud, theft, discrimination, conflicts of private and public interest (through rules and policies as regards gifts, promises, jobs, activities). They are less designed to address other forms of misconduct. Just like most other countries, the German administration is reluctant to effectively monitor ethics policies or to measure misconduct, like conflicts of interest. Also, enforcement activities strongly focus on criminal misconduct, which is conducted by the police, (special) prosecutors, courts, and so-called internal review (monitoring) activities.

Therefore, the German system could be described as a highly legalistic system that is reluctant to "moralize" ethical conduct within the civil service. Instead, the system focuses on the maintenance of the rule of law, the principle of merit, and the realization of a public service ethos through a number of (highly specific) civil service principles and norms. Like this, it is less a "Weberian" rule-abiding system, but rather a rule of law- and principle-based system.

Consequently, in Germany, the belief is still very strong that government integrity flows from respecting and applying the rule of law, a public ethos, sound administration, classical hierarchical structures, and a specific civil service system with life-time tenure, full-time employment, seniority, advantageous pension systems and the existence of career systems. All of these fea-

tures, it is believed, are necessary in order to reduce as far as possible the risk of too much political influence, corruption, misconduct, the exercise of private interests, and state capture for private interests. Following this, at a minimal level, the German administration is considered to be good and ethical if it achieves the implementation and enforcement of the existing laws and policy goals of the Government of the day. Moreover, ethically good or acceptable behavior is defined in terms of rationality, impartiality and the application of the merit principle. But not in terms of expected and anticipated, concrete behavioral features.

This approach is still widely supported and had its early origins in the skepticism of Immanuel Kant and Niklas Luhman, who either (Kant) did not believe in the possibility of defining normative and right/good pure values or (Luhman) warned against the moralization of organizational life. Today, influential experts like Kuehl (2020) and Armbruster et al. (2021) follow this tradition and continue to discuss the ambivalent relationship between organization and morality. Together with the still existing Weberian influence and memories of the fascist period (in which the administration was heavily politicized and emotionalized), this makes German decision-makers and civil servants reluctant to accept any form of emotional management.

Still, German civil service experts are convinced that specific organizational structures, principles and specific civil service features implicitly “produce” a certain bureaucratic personality (Merton, 1940), public service ethos, and “public service motivation” for civil servants who – in exchange – will be committed to the public good, neutrality, impartiality and displaying expertise (Like this, it can be explained why the German civil service has the most specific civil service features in Europe in which status, pension systems, sickness insurance and working conditions differ most from private sector employees. For many Germans, a specific (amoral and functional) civil service is a synonym for institutional integrity. Therefore, German civil servants should follow a rational, technical, instrumental, and impersonal understanding of integrity.

4.5 The German Civil Service Ethics System Under Pressure

For a while, Germany is under pressure to adopt the Freedom of Information Act, with a particular focus on the scope of exceptions under this act and other more recent legislation, the application of these exceptions in practice, the system of fees, and the enforcement of the act, whenever necessary. The main issue at stake is disclosure requirements of lobbyists, top executives, and members of parliament. Mostly, as regards the latter, Germany notes a conflict between the duty to disclose interests and (fundamental) privacy rights of Members of Parliament. However, Germany also considers that the obligation to include requirements for spouses and dependents to declare (financial) interests in disclosure policies constitutes an interference with the constitutional rights of those persons obliged to disclose financial information. Germany argues that it is always necessary to take into account the right to determine the use of one’s personal data (Article 2(1) in conjunction with Article 1(1) of the

Basic Law) and the right to freely choose one's occupation (Article 12(1) of the Basic Law). "If fundamental rights are affected, interference with these rights must serve a legitimate purpose and be suitable for achieving this purpose. Such interference must also be necessary to achieve the desired purpose, and the intended purpose of the interference must be in reasonable proportion to the severity of the interference" (GRECO, 2023). On the other hand, it is acknowledged that transparency obligations serve the important purpose of preventing corruption among persons with top executive functions. However, it is not clear whether detailed disclosure obligations and those of spouses are necessary (and proportional) to combat conflicts of interest.

Therefore, Germany is reluctant to require extensive disclosure requirements and the sanctioning in practice, in case of non-disclosure. Another challenge concerns the management of revolving door policies. For example, GRECO notes that Germany has still not introduced an unequivocal obligation to disclose various situations of conflicts of interest, as they occur on an ad hoc basis. "GRECO also recommended that (i) measures be taken to ensure consistency and transparency of the decisions authorising new occupations of state secretaries and directors general following their public service, and (ii) it be considered to extend the length of the cooling off period for ministers and parliamentary state secretaries, to change the composition of the advisory body and to introduce sanctions for failing to comply with decisions of the federal government on these matters" (GRECO, 2023).

Also, Germany argues with the existence of value conflicts and, consequently, the difficulty in managing revolving door policies effectively. For example, the German authorities agree that civil servants (and holders of public service) should notify their last employer of any remunerated or other employment after leaving their office. This obligation to report employment after leaving office represents a necessary and reasonable balance between enforcing obligations that continue to apply after leaving active public service, but, and on the other hand, the right of retired civil servants to freely choose their occupation, according to Article 12(1) of the Basic Law, or the freedom of expression, arts and sciences according to Article 5(3) of the Basic Law.

Since Germany still has a very traditional civil service system (which is based on the principle of life-time tenure), most directors general (and even state secretaries) end their careers as civil servants with life tenure by retiring. This also explains the (relative) disinterest in Germany for revolving door policies: German civil servants rarely move between the public and the private sector. Whereas internal mobility within the public service (and even within Ministries, Agencies, etc.) is high, this is not the case as regards mobility between sectors (Behncke, 2006, p. 254).

By contrast, high political office in the Federal Government is only held for a limited time, and office-holders must often pursue new careers before they reach retirement age. Unlike civil servants, they are typically unable to retire when they leave office and support themselves with their pension benefits. Therefore, rules on the length of cooling-off periods should be applied to dif-

ferent categories of staff and, if necessary, offer an appropriate balance in each individual case between the public interest and the constitutional right to freely choose one's occupation.

However, even if it can be agreed that managing revolving doors is highly complex and sensitive, the Federal Government rarely sanctions public officials in the case of possible violations of cooling-off, or even prohibits officials from taking up job offers in the private sector (provisions). However, also here, managing and enforcing revolving door policies is also considered one of the greatest challenges elsewhere in Europe. Together with Germany, all countries note that the management of revolving door issues is one of the greatest challenges in the field of public ethics. Thus, also here, Germany is neither a laggard but also not a forerunner.

4.6 Bureaucratic Germany Against the Emergence of an Ethics Bureaucracy

In Germany, awareness is still strong that bureaucratic structures and specific civil service features produce the intended integrity results (Huber, 2025). This contrasts with research, in which specific public service working conditions and bureaucratic structures did not necessarily produce less corruption and a specific public service ethos (Demmke, 2019). Dahlström and Lapuente (Dahlström and Lapuente, 2017) examine the existing link between bureaucratic structures and corruption. Both authors also conclude that closed bureaucracies are negatively related to the quality of governance. In "The Merit of Meritocratization: Politics, Bureaucracy, and the Institutional Deterrents of Corruption" Dahlström et al (Dahlström et al., 2012; see also Rauch and Evans, 2000) concluded that only some factors (most notably the meritocratic recruitment of public employees) exert a significant influence on curbing corruption even when controlling for the impact of most standard political variables. French experts like Lascoumes (2011) have demonstrated that compliance-based approaches do not work in situations when people are highly tolerant of various (and different) forms of wrongdoing. In all of these cases, legal obedience will not help (and motivate people to become less tolerant).

Thus, when assessing the German system, we find ourselves in a paradox: On the one hand, it is difficult to argue why Germany continues to apply a classical compliance-based and rather bureaucratic approach to the concept of integrity. On the other hand, nobody can deny that the German system works well and even outperforms many other reform-minded ethics systems. Even more, from a German point of view, many seemingly non-bureaucratic (New Public management) countries such as... find themselves in a process of introducing ever-growing and powerful ethics bureaucracies. Compared to these trends, the German approach is rather hesitant and anti-bureaucratic.

In fact, whereas many countries support that the management of integrity policies requires sophisticated and complex interventions into personal behavior (for example, when monitoring financial- and non-financial interests of

employees), from a German point of view, these trends easily turn towards a surveillance bureaucracy, easily violate privacy rights and easily turn into greedy institutions (Coser, 1974) and moral entrepreneurship that informs employees how to behave (Anderson, 2017). In fact, these trends are seen as highly problematic: It should never be the role of organisations to interfere in personal moral issues. Instead, organisations should be amoral and purely functional creatures. Seen from this perspective, transparency is seen as a truly ambivalent instrument. On the one hand, transparency and disclosure are preferred to classical modes of secrecy and closed forms of bureaucratic governance. Overall, transparency is perceived as having positive effects on public acceptance and trust. It also enhances policy decisions, which indirectly makes people more trusting. Thus, modern transparent instruments like disclosure policies are generally perceived to be fairer than secrecy and increase the public's feelings of accountability.

However, it is also claimed that disclosure should be better understood as a paradoxical policy and not as a magical device that simply reduces conflicts of interest and enhances trust (Sah, 2023). In times of critical governance, transparent disclosure policies can be easily abused for personal and political interests. Next, effective disclosure depends not only on how people process information but also critically on how the disclosure influences the behavior of monitoring officials, underscoring the need for a holistic approach to managing conflicts of interest that go beyond mere transparency (Sah, 2023). According to our study, monitoring experts in all European countries face a quantity challenge (too much data and information), an overload challenge (disclosures are too complex, need to monitor different disclosure requirements for different categories of staff), and an accumulation challenge (too many updating requirements). Especially, the accumulation problem is little noticed. Consequently, it is hard to organize and manage the amount of complexity (Ben-Shahar and Schneider, 2014, pp. 8/9).

Thus, the German integrity logic reminds us that, because the management of integrity policies is becoming ever more complex and individualized, it is time to raise the question of whether or not it would be more effective to move back from an individual "bad apple" approach to an institutional integrity approach. While evidence is indeed mounting that the nature of integrity policies is strongly moving to accept the importance of (changing) behavioral, cognitive, and cultural patterns, the German logic is that the conservative legalistic, technical, and impartial approach is not so bad at all.

5 Results and Conclusions

From an international point of view, the German public service ethics system is much criticized as being old-fashioned, regulatory, compliance-oriented, and exclusively focused on corruption, fraud, criminal enforcement, and the enforcement of highly sophisticated civil service rules (Hoekstra, von Montfort, Huberts, 2023). Moreover, the German administrative culture is criticized as not being sufficiently interested in transparency issues, the monitor-

ing of disclosure and revolving door policies, and the measurement of ethics policies, especially as regards conflicts of interest. (GRECO, 2023). Germany is also reluctant to introduce a code of conduct for persons with top executive functions and regarding conflicts of interest and other integrity-related matters (e.g. gifts, outside activities, third party contacts, lobbying etc.) and that such a code be coupled with a mechanism of control, enforcement and sanctions (depending on the breach and its severity) and that is – not only – implemented by Parliament (GRECO, 2023)

All of this may be a correct assessment of German ethics policies.

However, from a German point of view, it is important to note that Germany performs relatively well as regards most ethics policies and – even better – than many other countries such as demonstrated by various good governance indexes (V-Dem Index, CPI Index, Rule of Law Index, Equality Index and Impartiality Index). However, a correct conclusion should be to acknowledge that European countries do not know much about themselves and the effectiveness of their own ethics policies. As regards Germany, trends are towards a more pragmatic reflection about the right regulatory mix, the role of self-regulation, moral reasoning and biased judgment, knowledge about the effectiveness of deterrence mechanisms and sanctions, the need for better integrity policy impact assessments, and the need to overcome the classical distinction between compliance-based and value-based systems.

As such, the German ethics system is much more complex than widely assumed. It certainly focuses on a limited and compliance-based logic. It is also not very innovative. Still, here, again, Germans would reply: Is innovation in the field of ethics a positive trend? (Demmke, 2024). What is innovation? Does it really contribute to better outcomes in the field? (Rouet, Raytcheva and Come, 2024). From a German point of view, everywhere exists no perfect ethical organizational recipe, no evidence about a best-practice menu of tools and instruments in the field, and no readily established accepted theory of public sector innovation in the field of integrity policies (Criado et al., 2023). Our study confirms that innovations in the field of ethics policies may themselves easily turn into bureaucratized, burdensome, personalized forms of purpose-driven management. Whereas many innovations are well-intended as a counter-development to the old bureaucratic and compliance-based approaches, they can also be problematic, as personalized forms of management are just one step away from personalized monitoring and even individualized social credit management practices, or greedy institutional behavior. All of these outcomes of innovation raise serious questions about the relationship between the organization and morality. We are also concerned that, in an era of digitalization and artificial intelligence, the positive understanding about (the myth of) transparency is slowly disappearing. Instead, transparency policies in combination with artificial intelligence raise deep questions about the value of privacy, the effectiveness of monitoring, and call into question naïve requests for more and new technologies. Like this, innovation may be as “new” as it is “conservative”. Not surprisingly, the EU AI Act has designated the intro-

duction of AI in national public HR policies as risk area. Will the introduction of artificial intelligence contribute to easing administrative burdens, or is the concept of innovation nothing but a different word for the creation of a new individualized monitoring and control bureaucracy (Demmke, 2024)? These critical questions not only challenge the concept of innovation in the field of ethics policies. Instead, they only question another central assumption: Are ethics policies *good policies* because they are ethics policies?

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