

Vladimir DURCIK

Matej Bel University in Banska Bystrica, Slovakia

e-mail: Vladimir.Durcik@umb.sk

THE ETHICS OF A POLITICIAN AS PROFESSIONAL ETHICS?

Abstract. The formation process of various types of ethics within applied ethics is far from complete. It is necessary to respond to the emergence of new professions and to pay attention to those professions in which ethics and morality still do not have a place or are not represented in a distinctive way; this also applies to the profession of politics - ethics of a politician as a type of professional ethics.

Keywords: professional ethics, ethics of politicians, ethics of politics, political morality, code of ethics

ETYKA POLITYKA JAKO ETYKA ZAWODOWA?

Streszczenie. Proces tworzenia różnych rodzajów etyki w etyce stosowanej nie jest kompletny. Konieczne jest reagowanie na pojawienie się nowych zawodów oraz zwrócenie uwagi na zawody, w których etyka i moralność nadal nie mają miejsca lub nie są przedstawiane w odpowiedni sposób; to również odnosi się do zawodu polityka – etyka polityka jako etyka zawodowa.

Słowa kluczowe: etyka zawodowa, etyka polityków, etyka polityki, moralność polityczna, kodeks etyki

Professional ethics is a specific type of application within applied ethics and it is also a suitable form of presentation of applied ethics in both theoretical and practical terms (see Fobel, 2002a, pp. 97-101). It would seem that the development and formation of individual ethics under applied ethics is simple, and it is sufficient to recognise the individual professions (lawyer - legal ethics, physician - medical ethics, teacher - teaching ethics, politician - political ethics). It is not possible to agree entirely, because certain complexities have a place in both the ethics of professions and applied ethics (i.e. some ambiguous terms such as the notion of global ethics and ethics of globalization are often not

differentiated enough). The problem of professional ethics is that there is no exact definition of the profession. Professor Pavel Fobel states that: "We have to emphasize that the concept of a profession is not specific, nor is its meaning defined in any literature. It is difficult to select the correct definition from the many variants sociology has to offer" (Fobel, 2002a, p. 98). How to study individual professional ethics, when most professions have had their own established ethical principles for a long time (skilled crafts)? The professional procedures are then based on codified, principled values and obligations (Fobel, 2002a).

What should we do? We should rely on professional ethics that offers professional morals, professional conduct, unified moral patterns of professional conduct, universal for all professions as appropriate moral patterns (according to the model of Hans Küng and his world ethos), possibly also for newly emerging professions. Pluralism is also a good starting point where each of the professional ethics (teaching, journalistic, medical, etc.) can create their own moral regulators and values.

When attempting to justify the creation and formation of the ethics of politicians as professional ethics, we need to ask some questions. Is there a professional ethics of politicians as a separate area of political morality? Opponents assume that the formation of a particular professional morality, including the professional morality of a politician, weakens the importance of existing moral regulators and values. Such pluralism offers a multiplicity of values and moral-ethical perceptions. This could lead to moral dualism, the loss of a real moral compass and could negatively affect the underlying morals of life and the moral atmosphere in society. Pluralism is directed against efforts to create a universal system, principle and universal creed. Such efforts usually end by agreeing on just the minimum of moral values.

Based on the above, we believe that the formation of individual professional ethics is justified. In spite of the fact that the various professional ethics have much in common there are some individual features within each profession. We can express those in connection with the ethics of virtue by offering a list of values for individual professions, and we will look for the key value for each profession. This model can serve as an inspiration for further research, including politics. (See Table, Fobel, 2002a, p. 100)

PROFESSION	VALUE	REAL FUNCTION
Law	Justice	Use of law
Medicine	Health	Use of medicine
Education	Personal growth	Socialization
Psychology	Autonomy	Social adaptation
Social work	Social care	Stigmatization
Accountancy	Fair play	Evaluation of income and assets

We consider the search for moral regulators for these or other professional activities extremely important and justified, and the same applies to the ethics of a politician when it is necessary to look for certain moral specificities of the political ethics. Rejection of moral regulators would lead to the rejection of a moral consensus resulting in the ethics of politicians not being governed by any moral principles and norms and such situation would not reflect the true nature of affairs. The predominance of amoralism, currently prevailing in political activity whether at the level of global community or at national level - the dominance of certain political forces and states that violate the agreements reached and make decisions on the basis of violence, do not help to resolve crisis in society or in the world. Moreover politics often faces situations that are difficult to predict but call for preparedness. The ethics of politicians shall fulfill the important function of improving the effectiveness of political activity as a special type of activity also in this context.

As the human society becomes structurally more complex, the need for creative development of moral standards becomes more obvious. Morality must respond flexibly to the development of human society. Therefore, the merit of the existence of a professional political ethics is conditioned by the necessity of the moral dimension of the nature of the political profession. In this sense, professional ethics develops and concretizes general moral norms. Clarifying the rules of conduct within politics is frequently meant to define the political and moral qualities of a person who has chosen politics as his profession. This is where the ethics of virtue lies. The ethics of virtue is one of the most elaborated ethical theories and we also have the valuable legacy of thinkers such as Socrates, Plato, Aristotle, and Niccolo Machiavelli. However, the current scientific literature has not yet defined what specific virtues a politician should have. We can identify honesty, responsibility, duty, rationality, justice, political bravery, and political consciousness. We can mark the integrity of a politician as a priority virtue. This virtue represents a very important moral and political quality. On the other hand, it is true that it does not encompass the whole essence of political virtues and does not represent other important political values. Political integrity must be complemented by other political virtues. We can identify the following as the basic moral qualities of a politician: virtues of honesty, justice, duty, responsibility and tolerance. Political virtues must respond appropriately to the intricate development of our time, to the dynamic and contradictory development of societies in which political conflicts very often end with the use of armed violence.

We can find inspiration for a politician's ethics as a professional ethic in the current theories of justice, whether it is the Theory of Justice by John Rawls, the entitlement theory by Robert Nozick, the Principles of Social Justice by David Miller, as well as the efforts of H.Lötter to seek justice in an unfair society. In spite of its diversity, the category of justice is influenced by the Aristotelian tradition (diorrhetical justice as balance, distributive justice as equality of distribution) in many ways.

Among the most eloquent definitions of justice we can include the definition of H.L.A. Hart: "Justice is not equality, but the equality of rights, whether they are required by law or by morality." (Hart, 1961, p. 155). Current politicians should rely on the realization of equal rights for all; they should not draw from egalitarianism, but from the equality of all before the law. In this sense, inequalities in the division of material and spiritual goods are justified if they are not too disproportional (A Czech Professor Jan Keller claims: "...the three richest people own as much as 48 poorest countries in the world; inequality is acceptable only to a certain extent as long as it does not become socially unacceptable." see Keller).

An important question is whether the theory of justice is universally applicable to all societies living at the same time in different parts of the world. This is an important issue especially for people who live in unfair societies (see Lötter). The contemporary politician must create the conditions necessary for a prospective overcoming of disproportions and work on creating a proportional distribution of material and spiritual goods.

Due to the complexity of political practice and its discrepancy with moral standards and ethical principles, the role of professional ethics of politics is to focus on deviations from moral standards or to minimize exceptions in a case-by-case scenario. Some theoreticians even contemplate a certain moral compromise when a politician prevents violent acts by using deception. If we rely on the hierarchy of moral values, professional political ethics allows certain deviations from morality, especially when we choose the "lesser evil" above the "greater evil" or great violence. The deviation from the general moral norms can be explained by the peculiarity of the essence of political parties, movements, and activities, with a discrepancy between the goals and means of political activity, the orientation of politics on prosperity and the narrow interest of individual political subjects. The moral compromise must be understood as the deepest and the most complex act of moral choice. Such a compromise is essentially a tactical result where the politician does not cross the boundary between political tactics and the terms of their political duty. Political ethics expresses the fact that a politician is often the subject of a moral choice. This choice represents a moral act, when a politician consciously prefers a certain system of values and decides to take a particular step. This makes it necessary to reflect on the relationship between the pragmatic and moral aspects of the professional ethics of a politician. There are professions in which the level of morality is not to be challenged, where the interests of general good are dominant, such as with doctors or teachers. As far as other professions, such as politicians and diplomats are concerned, they put forward two aspects - moral and pragmatic - resulting from their complex and ambiguous work. It is not true that politics as a whole is amoral. We simply have to realize that there are other moral criteria. The measure of morality in politics is national and state interest, a course which corresponds to the interests of the country (the specific country), the opposite of which is considered to be an amoral one.

The conduct of a politician is of great importance within the pragmatic and moral aspects that can be found in dialectical unity. In politics, the rights to deal with economic, social,

cultural-informative sources of power, to make responsible decisions affecting the country as well as individuals are prominent. The nature of this type of practice requires the alignment of high-level individual decisions. Political relations represent the interplay of diverse political forces, parties, movements, and organizations (see Semonova, R. U. *Professionalnaja etika politika: političeskije a npravstvennije aspekty* 2006). Formation of professional ethics of a politician is a matter of organizing various political activities at the macro, meso and micro level (at the level of individual states, governments, parliaments, local governments) through diverse ethical instruments such as ethical codes, ethics committees, ethics audits or advice on ethical issues.

When searching for "the ethics of politicians" we mostly find ethical codes for other professions first. This is also true of the Russian Federation where the following codes have been developed for a long time already: "The Code of Honor of the Judge of the Russian Federation", "The Code of Medical Ethics of the Russian Federation", "The Code of Ethics of the Russian Journalist." We can find a similar situation in the Slovak and Czech Republic as well. We have to mention Canada as a model country, where ethical dialogue and the elaboration of ethics of politics has a long-standing tradition, which also covers the development of individual ethical codes for individual professions within the political scope.

The code of ethics of a politician should regulate relations between policy makers and solidify some of the basic principles of their actions while respecting different views. By collective assessment it should create a system to resolve conflicts as well as offering measures that would lead to responsibility being taken for breaches of ethical standards and requirements. The creation of such a document would undoubtedly be of a great help to the much damaged image of politicians in society.

The meaning of ethical codes for individual professions is that they allow for a deeper and more diverse understanding of the variability of professions, their importance, ethos, missions and their associated responsibilities in the eyes of the entire civil society. Ethical codes help in making the professional community more organized, capable of self-determination and thus forming an autonomous professional group corporation. A crucial condition for such a transformation is also the adoption of a code of ethics and the submission to its requirements. We have to accept the fact that "acting morally brings benefits, but it does not apply the other way round."

The code of ethics provides only guidance and general moral principles to help solve other moral principles and ethically conflicting situations. The code of ethics is based primarily on the following principles - the principles of equity, fairness, justice, responsibility, cooperativity and the principle of nonmaleficence. For the ethics of a politician as a professional ethics, it is important to focus on seeking ethical solutions to certain types of basic standards of conduct that can be found in many codes of ethics ("Conflict of Interests Code", "Code of Conduct for Lobbyists" - Canada, Code of Ethics for policy makers"- Spain, or the "Model Code of Ethics for a Civil Servant in the Russian Federation"). They represent

proposals for ethical solutions to the following situations: "the use of official information, work outside of public service, restrictions in the case of further employment after public service, special conditions (permission) when leaving public service for the private sector, the use of state assets, conditions of political engagement, acceptance of gifts and other profits (rewards, payments, hospitality), conflict of interests." (Martinkovičová, 2009, p. 117-118).

The code of ethics in Canada has a long-standing tradition, although the effectiveness of these ethical tools has not always been convincing. The ethical problems of public policy were regulated by administrative means (even in the 20th century, 1984, this was the first variant of the "Conflict of Interests Code", in 1994 "Code of Civil Servants", in the same year was created the post "Council of Ethics", 1996 "Code of Conduct for Lobbyists"). In the following years, the conflict of interests codes for ministers and federal lawmakers were adopted. This demonstrates that a sufficiently developed ethical regime was established in Canada, not only with a sufficient normative base but also with functioning institutions (see Bakshtanovskij, V.I., Sogomonov, JU.V. Kakvozmozhnapoliticheseskaja etika, 2004).

The establishment of the Ethics Adviser in Government (in Canada it is a high-ranking civil servant) was an important ethical tool. The subjects of main interest for the Adviser are primarily situations of potential conflicts of interests as well as other ethical issues related to important decisions at the federal government level. Since the role of political ethics is primarily to prevent conflicts of interests, a civil servant is required to provide information about their income and the costs of their spouse and children in a timely way. The Ethics Adviser checks the tax return and the degree of its veracity. Such information can be publicised in exceptional cases only. With the departure of civil servants from office, their personal records are stored for five years and then disposed of accordingly. In addition to conflicts of interest, the Ethics Adviser is also in charge of the 'Lobbyists Registration Act' and the 'Code of Conduct for Lobbyists'.

Political ethics also covers the so-called gray economy where conflicts of interest may occur and also extends to cases that have a negative response among citizens, whether they fall under the criminal code or not. The preventive activity is the main task of the Ethics Adviser and their team. They also have to spend a great amount of time on prophylactic consultation with other civil servants. The basic principles of government ethics contained in the "Conflict of Interest Code" include the following ten principles - 1. honesty, 2. subordination of private interests to public duties, 3. priority of social interests, 4. personal interests must be within the framework of the Code, 5. preconditions for conflicts of interest should not arise; 6. guidelines for receiving gifts and various kinds of benefits; 7. the seventh principle is directed against corruption; 8. it is prohibited to use public service information for private purposes; 9. it is prohibited to use state property for personal purposes; 10. this principle identifies restrictions on the activity of public officials after leaving the office. This Code is not only limited by these general principles but is further supplemented by specific rules and procedures. For example, a civil servant, or former ministers may not be on the

board of directors of any organization with whom they have previously had direct or substantial contact for one or two years respectively after leaving the office. It is necessary to respect the specific differences within the intersection of ethics and law when the ethical behaviour of politicians differs from the legal one. Ethical regulation is aimed at actively preventing potential conflicts of interest and avoiding negative outcomes when such a conflict occurs. That is why the position of Ethics Adviser is important. (See Bakshtanovskij, V.I., Sogomonov, JU.V., 2004. Kakvozmozhnapoliticheskaja etika).

An interesting initiative is the elaboration of a "Code of Ethics for Policy Makers" by the Department of Applied Ethics at the University of Ramón Llull in Barcelona. It contains a preamble and 6 paragraphs (a total of 26 points), namely: 1. Relationship with citizens and civil society; 2. Relationships with politicians; 3. Politicians with executive duties in public administration; 4. Relationships with the media and political parties, 6. Relationships with the administration of justice.

The elaboration of the code of ethics is a thought-provoking model proposal of the project "Model Code of Ethics of the State Official of the Russian Federation". The project was covered and drafted by the Russian Academy of State Service to the President of the Russian Federation. It contains a preamble, seven comprehensively elaborated paragraphs, 1. Basic moral principles of administrative morale (state service, service of social interests, respect towards characters, principle of legality, principle of loyalty, principle of political neutrality), 2. Preservation of the general moral principles (honesty, selflessness, duty, personal responsibility, fairness, courtesy, kindness, attention, patience, tolerance, respect for customs and traditions, respect for cultural and other specifics of different ethnic, social groups and churches, etc.), 3. Fulfillment of duties, 4. Collegial behavior (rejecting amoral behavior such as rudeness, humiliation of human dignity, brash behaviour, deliberate discrimination, denunciation, adulation, intrigues, etc.), 5. Exclusion of profitability (personal profitability, exclusion of selfprofitability, etc.) 6. Conflict of interests, 7. Social control (the creation of state bodies, offices, ethics commissions, the role of ethics committees is to shape, promote and develop appropriate ethical standards for the behavior of civil servants, to solve various types of moral conflicts).

(See Model'jejetičeskijkodeksgosudarstvennogoslužbaščegoRossijskojfederaciji). The code of ethics in the Czech Republic has 10 paragraphs, but it does not meet the basic requirements of the codes as such, as illustrated by the fact that its content is only on one page and acts as a type of fashion supplement to the Czech political scene (see Policy Code of Ethics).

Solutions should be sought in setting the highest values, generally binding moral standards that would commit all politicians and political forces whether they act at a national or international level. "The values of the state policy can only be based on society; its beliefs, the people's will and the interests of the crucial social groups." (Sutor, 1999, p. 184, see McIntyre, 2004)

The paper is being issued as an output of a grant as part of KEGA č. 017UMB-4/2016,
Creation of a modern university textbook in professional ethics.

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