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What Do We Talk About When We Talk About Ethics Regulation in Politics?

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Political ethics strengthen the bonds of trust between citizens and their representatives and therefore matter to the overall quality of democracy. Over the past three decades levels of trust in traditional democratic institutions – political parties, parliaments, and governments – have fallen. Concern to restore political trust has prompted countries to engage in a series of reforms to clarify what ethical standards should guide the conduct of political office holders and how they ought to be monitored and enforced. Political ethics regulatory regimes vary across countries. Some have set detailed legal standards to political actors, while externalizing their oversight and enforcement. Others have moved towards hybrid regimes, by opening the composition of their internal bodies to outsiders and by creating new independent oversight entities. A few have relied mainly on customary practice, peer pressure and internal disciplinary mechanisms, while outlining minimum legal standards to political officeholders. The tendency is for hybrid regimes with internal norm-setting and enforcement but some degree of openness to external scrutiny. The objective of this introductory article is to set a conceptual and theoretical framework for the analysis of different regulatory approaches on political ethics.

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Introduction

The International Encyclopedia of Ethics (Thompson, 2019) defines Political Ethics as the practice of making moral judgements about political action and the study of that practice. The concept has two core dimensions: the ethics of process, i.e., judgements about the way political office is exercised; and the ethics of policy, i.e., judgements about the outcomes of political action (policies and laws). This article focuses on the first dimension.

Politicians are bound by a series of legally established, accustomed, and expected ways of behaving in the exercise of official duties and the discharge of official responsibilities. Unethical conduct takes place in an institutional setting permeated by social interactions between officeholders and stakeholders with different goals and motivations. Because officeholders in a democracy cannot be the sole judges of what is or is not proper conduct in the discharge of duties, for each elected office of entrusted power in modern society some norms prescribe how officeholders are expected to perform their roles and guide their interactions with stakeholders. These required and prohibited behaviours "are defined by norms that are socially determined" and can be termed "the standardized expectations of those who are aware of the particular status" (Truman, 1971, p. 347).

Political ethics strengthens the bonds of trust between citizens and their representatives, and therefore matter to the overall quality of democracy (Philp, 2001; Tyler, 1998; Wang, 2016). Yet levels of trust in traditional democratic institutions (Dalton, 2004; Rosanvallon, 2008) – political parties, parliaments and governments – have fallen in most cross-national surveys. A fall that has coincided not only with an

increase in scandals involving unethical and at times criminal conduct of political office holders (Bolleyer, Smirnova, Di Mascio & Natalini, 2018; Dávid-Barret, 2015) but also a poor record in clarifying what those ethical standards should be and how they ought to be enforced. Academics have tried to understand the boundaries of acceptable conduct in political office through survey methods and, more recently, experimental studies. The literature has also covered, in a scattered manner, the nature and quality of corruption control measures and the reasons why these have systematically failed to deliver (Johnston, 2005; Mungiu, 2006; Batory, 2012; Amundsen, 2006; Persson, Rothstein & Teorell, 2013).

What is problematic in the case of political ethics is that the rule-takers are often the rule-makers (Streeck & Thelen, 2005), which means that the incentives to set up rules and enforcement are low. Thus, external factors, such as scandals involving political officials and/or institutions, have been one of the major drivers of ethics regulation (Bolleyer, Smirnova, Di Mascio & Natalini, 2020; Dávid-Barret, 2015). International organizations have also played an important role through their "democracy promotion" and "good governance" agendas, by conducting studies, issuing recommendations and creating review mechanisms to evaluate progress in this domain. Consequently, in the last two decades, democracies have been adopting and reviewing comprehensive policy frameworks to regulate political ethics and ensure that officeholders act in the public interest (Olsen, 2017, Bolleyer et al., 2020; Bolleyer & Smirnova 2017), through a complex mixture of internal and external regulations and supervision governing the ethical conduct of individual and collective political actors. Dedicated legislation and specialized oversight and enforcement bodies have been put in place particularly in sensitive areas, such as political financing, lobbying, financial disclosure or gifts and

hospitality. More recently, political parties, parliaments and cabinets have also adopted a series of self-regulatory measures, such as internal codes of conduct and disciplinary bodies (Dávid-Barret, 2015).

But what exactly do we talk about when we talk about ethics self-regulation in politics? Little, however, has been said about the self-regulatory statutory and institutional measures developed internally by political actors and their impact. The objective of this article is to clarify this question. First, the definitions of political ethics and regulation are explored to introduce the conceptual and theoretical framework of our special issue. The article then proceeds into examining what amounts to political ethics regulation: who are the subjects, which domains are covered, which instruments are applied and the nature of the regulatory regimes in place.

What is Ethics in Politics?

Politicians are expected to lead by example. They are expected to hold high standards of conduct and signal what is acceptable behaviour in the exercise of elective duties to society (Birch & Allen, 2015). Political trust depends largely on this benchmark of righteousness. When political agents behave unethically, expectations of integrity are unfulfilled and the seal of trust is breached, which may lead, in its turn, to a decline in political support and other negative attitudes towards democracy. Unethical conduct takes place in an institutional setting permeated by social interactions between officeholders and end-users with different goals and motivations.

However, some studies show that such a yardstick of morality in society is flawed: people demand higher integrity standards from their leaders but are likely to self-condone their deviant conduct. In examining conduct, for instance, the OECD (1996) makes a useful distinction between behaviours: illegal, i.e., against the law which covers criminal offences to misdemeanours; unethical, i.e., against ethical guidelines, principles, or values; and inappropriate, i.e., against normal convention or practice. The boundaries between these categories, in particular the latter two, may be fuzzy. Unethical conduct in office, and corruption, in particular, cannot be defined only as law-breaking conduct/practice but should also include a series of other instances considered ethically wrong whether they fit or not standard legal categories (Andersson, 2017, pp. 60-61). So, the use of the term "breach of duties" refers to both legal and social standards governing an institutional role, embedded in a society's normative system (Johnston, 1996). In other words, corruption, for instance, not only constitutes a breach of rules, but also a breach of trust and expectations governing an institutional role.

A key challenge for any democratic government is to ensure that standards of conduct in office meet changing public expectations. This is by no means an easy task. There is no single approach to do it effectively. Instead, a wide range of strategies and measures have been prompted. Some are kneejerk reactions to emerging scandals and disclosed occurrences. Others are adopted as part of a damage control strategy, i.e., to reduce risks of impropriety preventively to avoid having to deal with reputational damages at a later stage. Moreover, the rapidly changing socio-economic environment, raises new tensions, new integrity risks and also new expectations as to how elective officials should exercise their mandate. In recent years, there has been a shift from "traditional" individual-oriented values associated with political offices, such as impartiality, legality and integrity, to a

"new" set of system-oriented values, such as efficiency, accountability and transparency (OECD, 2000).

According to Greene (1990, p. 234), two constitutional principles ought to be taken into consideration when adopting ethics rules: the rule of law, which is a process-oriented principle and impartiality, which is an outcome-oriented principle. The principle of impartiality can be discerned from social equality, which means that officeholders should refuse to allow their concerns to play any role in their deliberations. In other words, the exercise of public functions should be regarded by others as unbiased. The rule of law principle is that public officials may exercise only the authority which has been entrusted to them by laws and 'apply it even-handedly' (Greene, 1990, p. 237).

The principle of impartiality is expected from decision-makers in their policy-making, regulatory/legislative and administrative (applying the law) capacities. At the cabinet level, for instance, there are three key attributes of impartiality (Greene, 1990, p. 239):

- *Financial gain*: 'decision-makers shall not be in a position in which they may gain financially from one of their decisions'
- *Favouritism*: 'decision-makers shall not be in a position whereby they could favour people who are currently or were recently closely associated with them'; and
- *Bias:* 'decision-makers shall be liable to disqualification if they have previously expressed views which indicate that they cannot reasonably be expected to apply the law even-handedly'. The same applies even if they make decisions that are biased, independently of verbalising or not their position on the matter.

What is Regulation?

Definitions of regulation abound in the literature, but in short, it can be mainly defined as the "intentional use of authority that affects the behaviour of a different party" (Black, 2001, p. 19), through rules or standards of behaviour backed up by sanctions or rewards, aimed at achieving public goals (James, 2000, p. 327). In other words, regulation is composed of three fundamental and interdependent aspects (Hood, James, Scott, Jones & Travers, 1999; Lodge & Wegrich, 2012; Morgan & Yeung, 2007; Parker & Braithwaite, 2005):

- *Standard-setting*: definition of norms/rules to target agents
- *Oversight:* information gathering and evaluating whether the norms/rules in place are adequate, sufficient and if their compliance is effective
- *Enforcement*: ensuring that those norms/rules are effectively enforced and appropriated by the target agents, through dissuasive measures and sanctions and/or proactive measures and incentives. The ultimate goal of enforcement is not solely to punish deviant conduct but to lead to behaviour-modification.

There are different modes of regulation, depending on the context in which they occur. The most common regulatory models are *command and control*, *self-regulation*, and *meta-regulation regulation*. *Command and control* is the imposition of standards supported by legal sanctions if the standards are not respected. Legislation defines and limits certain types of activity or enforce some actions. Standards can be set either through law or regulations issued by non-majoritarian bodies with a certain degree of independence, which is empowered to define rules.

The scope of what is *self-regulation* can be more difficult to define because, as Gunningham and Rees conclude, "no single definition of self-regulation is entirely satisfactory (1997, p. 364). Freeman, for instance, refers to "voluntary self-regulation as the process by which standard-setting bodies… operate independently of, and parallel to, government regulation and with respect to which governments yields none of its authority to set and implement standards (2000, p. 831), while the ultimate ethics self-regulation may be solely reliant in the individual's conscience without external rules, monitoring or enforcement. In such a case, the individual is the regulator of her behaviour and is only accountable to her voters.

A third way is a *meta-regulation* regime, which makes the self-regulation and command and control meet halfway. Meta-regulation can be:

(1) the interaction between legislation regulation and non-government self-regulation or, in other words, when command and control regulators force the regulated stakeholders to adopt self-regulatory measures for themselves Parker and Braithwaite (2003:141). This is common, for instance, in whistleblower protection laws, demanding companies to create their protection systems. Or, as it will be further explored, when lawmakers in parliament force political parties to adopt internal disciplinary instruments.

(2) Or *the regulation of one institution by another*, often termed *institutional meta-regulation*. *(*Parker & Braithwaite 2004, p. 283).

The literature on regulation has primarily focused on markets and the behaviour of private stakeholders. Governments define regulations to set policy objectives and fix market failures, to which firms respond rationally by modifying their behaviour. Public

authorities have at their disposal instruments to enforce such regulations on privately owned firms, for instance, through licensing, fines, and fees, which can ultimately dictate the fate of those stakeholders. Regulation within the state is more challenging, not only because public agencies and political bodies have fewer incentives to comply with regulations set by other public bodies but also because non-compliance has less cost (Konisky & Teodoro, 2016). Regulators are also likely to enforce regulations less vigorously against public agencies than against private firms because such enforcement is both less effective and more costly to the regulator (idem). Black (1976) recalls the standards and their enforcement depend on the relational distance and explains that the more socially close those who enforce rules are to those to whom the rules apply, the more unlikely it is that draconian formal law enforcement can take place.

Moreover, when addressing regulation within the state, another fundamental distinction needs to be made between regulation of the bureaucratic apparatus and regulation of political institutions, namely the executive and the legislative branches. Ethics rules have been placed on public services. Bureaucracies are under the control of their political principals (Wilson & Rachal, 1977; Black 1976), namely governments, and despite the above-mentioned challenges, rules are more easily enforced. Political institutions, however, are less likely to accept external regulation, as they are elected and accountable to voters and/or their representatives. As Wilson and Rachal (1977, p. 13) explain, whereas the private sector cannot refuse the authority of the state there is the problem of a public agency accepting being regulated by another agency: "Inside government, there is very little sovereignty, only rivals and allies". Regulation within the state can be "various types of oversight aimed at securing probity or ethical behaviour on the part of the elected and appointed public officials, for ex., over the conduct of

appointments, procurement, other uses of public money or facilities, conflict of interest issues over second jobs or work after public service. Such oversight ranges from the special prosecutor appointed by Congress to check on the probity of the US president to various forms of ombudsman and ethics-committee activity" (Lodge & Hood 2010: 592).

What is Political Ethics Regulation?

In the context of political ethics, how are these regulatory regimes understood and applied? Reluctance to accept the so-called command-and-control regulation, i.e., imposed by an external authority, has left political institutions governed by a traditional system of ethics self-regulation, in which ethics rules were minimal and administered by elected officials or political parties themselves. Contrary to other types of regulation, the adoption and implementation of ethics regulatory regimes are ultimately in the hands of those subject to regulation; and because it imposes tangible restrictions and potential losses to a specific set of key players in exchange for diffused and uncertain systemic gains, like trust or the quality and endurance of democracy, the level of success depends primarily on a credible political commitment.

The growing demand for efficiency, accountability and transparency and some degree of credibility deficit has led political actors and institutions to review and adjust their prescribed norms, oversight, and enforcement to ensure that actual conduct by officeholders corresponds to what is expected from the public. From this perspective, many countries have adopted more comprehensive policy frameworks to regulate political ethics since the 1970s. Countries responded to this through a complex mixture

of internal and external regulations and supervision governing the ethical conduct of individual and collective political actors. Three trends can be identified:

(1) There has been a significant expansion of the legislative framework regulating political ethics in most European countries, in particular over the last 20 years, which coincided with the establishment of GRECO's review mechanism and the adoption of the UN Convention.

(2) Regulatory frameworks have evolved considerably over the years and 'they are much more elaborate and intrusive than in the past' (Juillet & Phélippeau 2018).

(3) Setting norms to individual and collective political actors through dedicated legislation has been the easiest part of this regulatory process, establishing a sound supervision framework has proved daunting in many countries. Formatting, adopting, creating effective material and political conditions for oversight and enforcement bodies to perform their mandates with independence, efficiency and efficacy require sustainable political commitment, which is often missing. The regulatory regime's credibility is attained by enforcing norms in a timely, adequate and dissuasive manner, through a combination of sanctions and incentives; and by collecting and treating information about the regulatory impact of those norms on the target actors' conduct.

Reforms have been triggered by the combination of domestic and international drivers: at the domestic level, media scrutiny and scandals, the emergence of new political players and increased issue politicization, and a more interventive role of the judiciary in this domain; at the international level, international governmental (such as the OECD, OSCE, COE, Interparliamentary Union, EU) and non-governmental organizations (such as Transparency International, Global Integrity, IDEA, rating agencies) played a

significant role in promoting, advocating and persuading national governments to adopt a series of reforms in this domain.

Who is regulated?

Despite being political institutions, regulating ethics for parliaments, executives and political parties are not the same, due to the nature of each and variation among political systems. Parliaments are key decision- making institutions in democratic systems, thus it is beneficiary for the governance of a country if trust in parliament is high (Holmberg, Lindberg, & Svensson, 2017). However, the opportunity structures for corruption and misdemeanour in parliament has grown in the past decades due to a combination of factors that led to increased interactions with third parties: the rise of the regulatory state and intense production of laws and regulations; the increase of lobbying firms and activities and the possibility of accumulating several offices, jobs, or mandates. The regulation of parliamentary behaviour and ethical standards is an essential element to guarantee public trust in parliamentary decision making, as well as to promote a culture that safeguards the public interest against private interests. Hence, parliaments have a key role to play in upholding the highest standards of integrity in political life, not only because they have legislative supremacy, including in areas such as ethics regulation in which they are both the "rule makers" and the "rule takers" (Streeck & Thelen, 2005), but also because they are responsible for providing and exercising control over Cabinet, including inquiring about the misconduct of its members and exercising disciplinary powers.

Governments are expected to model, oversee and enforce integrity standards to everyone in the cabinet. Ministers and junior ministers are the most visible office holders hence they have the potential to cause the most reputational damage. However, they are not necessarily the most exposed to integrity risks. Other less visible cabinet members, such as staff and advisors are often more exposed to financial impropriety and influence peddling and may cause considerable damage to the government's reputation for integrity. It is crucial that cabinets set specific norms, mechanisms and processes of ethics regulation to their members and the Prime Minister be seen to support and uphold compliance with those norms.

Risks of exposure are likely to increase when decision-making processes are transparent, by demanding officeholders to disclose their assets, interests, gifts and hospitality, setting lobbying registers and making government proceedings and agenda information available for public consultation. Creating codes of conduct and guidelines for managing apparent, potential and real conflict of interest in office have also a potential for increasing risks of exposure. Clarifying norms of (un)acceptable behaviour has also the advantage of reducing the excuses for not knowing in which way to act. That said, norms are always limited and selective representations of a complex and everchanging reality, hence their dissuasive effect is always patchy. When norms are not sufficiently clear or simply non-existent, officeholders should always ponder how given conduct or practice would be perceived by their peers and from outside, because the ultimate self-regulation is the capacity to understand that certain conduct or action in office may damage the reputation of the invested office and/or cause grievance to third parties with a claim in a particular process.

Certain conducts and practices by Ministers and other cabinet members in the discharge of duties that used to be tolerated or mildly disapproved are now considered unacceptable. This is particularly the case with a series of conflicts of interest. Ethical standards governing cabinet offices have changed because expectations about those standards have also changed. Today, not only citizens are demanding higher rule of law standards from their governments there is also less tolerance toward the unequal or biased distribution of benefits under the law. As Greene (1990, p. 244) put it, "[b]y instituting written conflict of interest rules, therefore, cabinets were responding to changing social values". In addition, it became obvious that the unwritten code of conduct was being interpreted in widely divergent ways, leading to unresolvable internal disputes over standards.

Political parties raise different challenges. On the one hand, they are mostly private law entities, hence they can be ruled like any other regulated entity, i.e., the rule-maker is not necessarily the rule-taker. This is particularly true for parties without or with a very small parliamentary representation. They cannot influence regulation defined by parliament but are directly affected by political financing laws and indirectly by the rules of parliament and electoral laws. On the other hand, parties are not subject to pressures coming from outside of their political group/tribe. In other words, regulating political ethics inside parliament is not an easy task because any tentative reform or disciplinary action has to take into account that its composition is a collection of different political groups, with different voting weights and political views; while at the party-level things are a bit facilitated by the fact that factions, despite having different views and expectations about the functioning of their parties, tend to hold together when their party is under external pressure. Surprisingly enough, this has not worked as an incentive for

improving ethical standards in party life. Overall, political parties have been careless in handling standards of probity to their members and invested very little in developing and/or improving systems of ethics regulation inside their organisations. Moreover, some of the intra-party changes in this domain observed in recent years, such as the adoption of codes of conduct or similar guidelines and the institutionalisation of ethics committees, have been more formal and strategic (i.e., in reaction to scandals and public concern) than substantive and transformative.

What is regulated?

Ethics regulations can cover a different array of aspects of the conduct of a politician. When examining the ethics regulations of parliaments, Kaye (2003) mapped three types of regulatory spheres to which MPs were subject: partisan, institutional and personal. The first sphere relates to the obligations an MP holds vis-à-vis his political party, namely respecting the party's ideology, opinions and votes. The personal sphere relates to sexual, financial and other personal conducts. The institutional one, which is more directly related to the concept of ethics considered in this article, refers to parliament's etiquette and the relationship with peers, the use of funds allocated by parliament to political work, conduct during service and representation and conflicts of interest.

Kaye's taxonomy can be roughly applied to the executive and political parties, particularly in the domain of conflict of interest between the public official office duties and his private-personal or professional interests. One of the most common aspects regulated is situations when the private interests of an individual cannot be, in any way,

compatible with his or her public office. Ethics regulations set a barrier to certain private activities before taking office or after leaving it (incompatibilities) and ban other activities while office holders are in office (impediments). There are also other regulated domains once an individual takes office, namely interest and assets declarations; conflict ~~of~~ between the individual's public duties and private interests that may arise while in office, but do not necessarily impede the wholesome of the public functions; contacts with thirds parties, i.e., lobbying; gifts and hospitality; use of allowances and expenses; use of funds and public facilities for political and private activities; political and electoral funding. Yet, while there are examples of regulations addressing each of these domains, it does not mean that all domains are regulated in different institutions and across countries and that all domains are regulated in the same form. In other words, some domains may be ruled by hard law, political funding, for instance, while others are governed by soft law instruments, such as codes of conduct, as will be further explained in the following section.

Which are the instruments used?

Norms are the standards and rules which regulatees are subject. They may vary across political traditions and institutions, but also vary in form, content and scope of application. First, norms can simply be a set of ethical principles and standards, which guide the conduct of officeholders, widely known as Codes of Ethics. The "Nolan Principles" - selflessness, integrity, objectivity, accountability, openness, honesty, and leadership - are most possibly the milestone of political ethics standards, which ended up informing not only the ethics reform in the British parliament, but also inspired subsequent ethics regulations elsewhere (Dávid-Barret, 2015).

Standards and principles require more detailed rules of conduct that translate them into practice, although they always go hand in hand. Formally, these rules may be inscribed in general criminal and administrative laws (which do not fall in our concept of self-regulation nor address the daily activities of office holders), in the rules of procedure and standing orders of institutions and organizations, in codes of conduct or resolutions. More often than not, ethical norms are spread out in this mesh of different forms of regulation. Some are legally binding or a simple charter of principles, with more or less detail on the regulation of behaviours. Some codes can simply address issues such as conflicts of interest, while others are larger in scope and regulate dress code or language use, conduct outside parliament and in social media, contacts with third parties or have clauses to prevent other socially unacceptable deeds, such as sexual harassment.

The third set of instruments is interest registers and asset declarations. Certain types of interests may not be deemed incompatible with office but may, at some point, raise a real or potential conflict with the activities of an officeholder. Hence, the officeholder can be asked to declare information about their assets, income and interests.

In some contexts, ethics rules are in place without the existence of oversight and enforcement mechanisms. Yet, theory suggests that rules are more effective if there is a high probability that violations will be detected and punished (Becker, 1968; Klitgaard, 1988). The absence of such deterrent mechanisms would risk making the norms "lions without teeth". Some regulatory regimes do not include this dimension, as they are limited to the existence of rules that are expected to guide the conduct of office holders but leave it to them to comply with such rules. As previously explained, at an initial stage of

response to corruption scandals and public outcry, many political bodies have responded with the drafting of norms and transparency instruments. They ended up being insufficient to change behaviours and avoid new controversies, as they relied upon the individual conscience of the officeholder, without external supervision. So, in a second attempt to deal with misdemeanours, there was an explosion of the so-called "ethics bodies".

Over time and due to scandals, an increasing number of parliaments adopted the more and more complex rules governing the conduct of elected officials and oversight was delegated to more or less independent bureaucratic agencies, known as ethics commissions (Bolleyer et al., 2018; Saint-martin, 2009). This is how, Saint-Martin (2009) explains, the institutionalization of a field of expertise in parliamentary ethics began, a process punctuated by tensions and conflicts, because in a more independent regulatory system, it is bureaucrats who decide on compliance with the rules of ethics that apply to elected officials.

Mapping different regulatory regimes and approaches

The way different components of an ethics regulatory regime, with their different levels of compulsion, are designed and put together, will have a different impact on the relationship between the regulators and the regulated (Heywood, 2015) (figure 1). Building on Dobel's (1999) two dimensions of integrity - the personal-responsibility dimension and the legal-institutional one, Blomeyer (2020) talks about "Parliamentary Integrity Systems" (PIS), which he considers a type of institution. While the personal-responsibility dimension requires MPs to deal with conflicts of interest, with

understanding and personal capacity of judgement on the adequate course of action, the legal-institutional dimension refers to integrity as compliance with clearly defined rules on avoiding conflicts of interest, the disclosure of private interests, and acting according to the institutional values of parliament (Blomeyer, 2020, pp. 562-3).

(Figure 1 about here)

Taking stock of the literature on public integrity (OECD 1996), we can distinguish two major approaches to political ethics: a compliance-based approach and an integrity-based approach. These different approaches reflect how the existing ethics legal and institutional framework is directed towards either preventing deviant conduct through bans and incompatibility rules or disclosure requirements (Matarella, 2014). Taking stock of this distinction three elements of conflict of interest (COI) regimes have been identified (Bolleyer et al. 2018; Bolleyer & Smirnova 2017): COI strictness, sanctions, and transparency. 'COI Strictness' captures aspects in the regime that increase the likelihood that formal COI violations are officially detected and notified (the strictness of rules and the nature of enforcement); 'COI Sanctions' captures the costs imposed on parliamentarians when COI violations are detected; and 'COI Transparency' captures the conditions for third-party control, namely the media, civil society organizations and the citizens at large.

A different approach looks at the locus of ownership of regulation, particularly of oversight and enforcement dimensions (figure 1). Political institutions may keep the oversight and enforcement mechanisms internal, making sure that no external authority exercises power over its members. Discipline or pressure (figure 2) – depending on

whether the regime is compliance or integrity based - are applied in house by the peers or by an internal authority: the Prime-Minister vis-à-vis cabinet members; the Parliament's Speaker or a designated official chose among peers or an ethics committee vis-à-vis members of parliament. When those mechanisms are external, the ethics norms may be defined by the rule-takers, within the institution, but the oversight and/or the enforcement are entrusted to bodies external to the institution.

Finally, taking stock of the literature on organisational corruption control (March & Simon, 1958; Ouchi & Maguire, 1975; Ouchi, 1979; Johnson & Gill, 1993; Lange, 2008), approaches to ethics control internal to political institutions can also be classified along two dimensions: in terms of their orientation – outcome- vs process-oriented and their transmission channels – disciplinary mechanisms (legal/formal channels) vs peer and social pressure (social/cultural channels) (figure 2). Outcome-oriented approaches to ethics control are measures put in place by political institutions that either attempt to deter misconduct through the promise of future rewards or punishments or to discipline serious wrongdoing that has emerged. Process-oriented approaches to ethics control are those measures adopted by political institutions to proactively monitor their members' conduct prior, during and after exercising office, with the ultimate goal of ensuring that individuals are acting according to the institution's mission (Lange, 2008, p. 712). Control approaches within political institutions also differ in terms of how ethical standards are transmitted to its members, that is, whether they are transmitted through legal/formal channels (i.e., disciplinary mechanisms), intentionally designed to look into any alleged misconduct and enforce standards to its members by coercive action, and social/cultural channels (i.e., peer and social pressure), operating through "normative pressures and the force of social obligation" (idem).

(Figure 2 about here)

Concluding remarks

As ethics is becoming a growing concern in politics, with political institutions adopting instruments and mechanisms to control the behaviour of their members, the general literature on regulation arises as useful lenses to make sense of the nature and variety of such political ethics regimes. The different types of regulatory models – command and control, self-regulation, and meta-regulation – typically applied to markets are also found in ethics regulations. Yet, the political realm adds an extra layer of complexity, as the rule-makers are often the rule-takers, whether directly – as in the case of parliamentarians - or indirectly, as in the case of political parties and, in some cases, the executives.

Different approaches to ethics regulations are combined within a given regulatory regime, in terms of the nature of the regulation – compliance vs integrity; the locus of the oversight and enforcement; the orientation of control approaches – process or outcomes and the transmission channels of norms. Political institutions, such as parliaments or executives, may opt for one single regulatory regime for all regulated areas or combine different approaches. For instance, asset declarations may be rules by law and enforced externally by courts and, simultaneously, make peers in charge of overseeing and enforcing rules related to gifts and hospitality. In other cases, in a full self-regulatory model, members of the institution may define the norms, oversee, and enforce all matters

related to political ethics, that being, asset declarations, conflict of interest or gifts, with regulatory dispersion or delegation to external bodies.

There is no perfect political ethics regulatory model. Yet, the mounting of political scandals, the recommendation of international organizations and the successive regulatory reforms seem to indicate a trend towards the externalization, at least partly, of the oversight and enforcement dimensions of the regulatory apparatus. In other words, political ethics regulation seems to be moving from the absence of regulation or, at best, mild self-regulation to more complex models and from integrity to compliance approaches. Nevertheless, if lessons can be learned from other fields, stricter and more externalized models are not necessarily more effective. The literature on academic fraud (McCabe & Treviño, 1993) shows, for instance, that ethics regulatory methods that put emphasis on compliance mechanisms and "make salient the us-versus-them nature of the control relationship […] could contradict and undermine the effectiveness of control methods intended to foster a sense of shared responsibility" (Lange 2008: 711) and the internalization of the values associated with ethical behaviour. Thus, the mapping and analysis of different regulatory models is a key step to understanding current political ethics regulation. Yet, more research is needed on the robustness of each model in the "real world" and their efficacy at the implementation phase.

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Figure 1. Approaches to Political Ethics Regulation

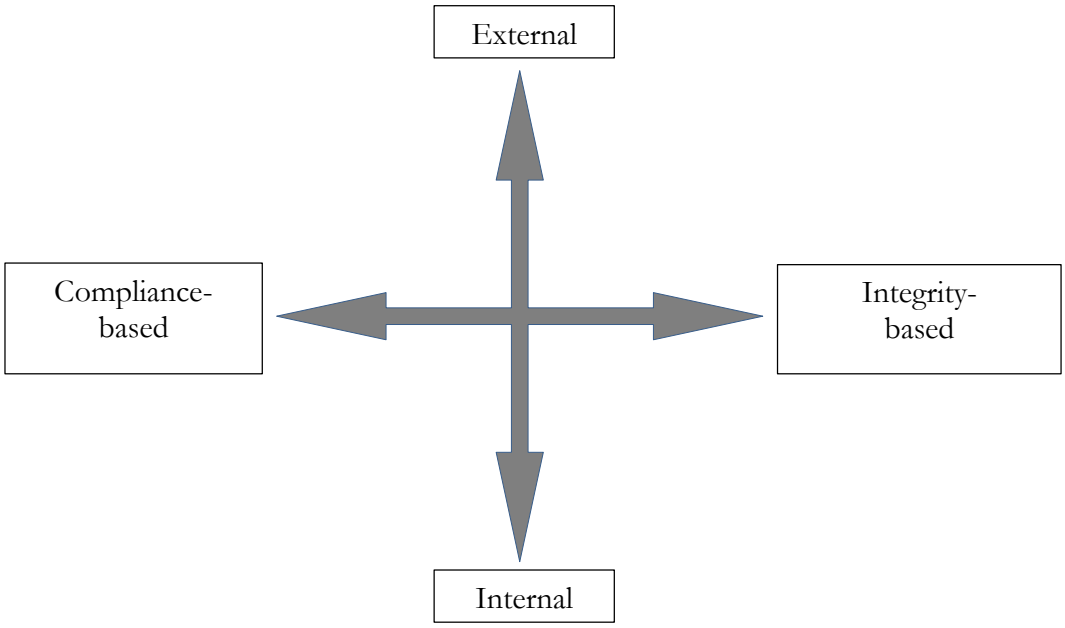

Figure 2. Approaches to Ethics Control inside Political Institutions