

## **An Empirical Analysis of the Gender and Age Factors Effecting Ethical Perception of Lawyers in Turkey**

**Vedat AKMAN, Ph.D.**

Beykent University

Turkey

E-mail: akmanvedat@yahoo.com

### **Abstract**

*In today's Turkish legal system, lawyers face numerous ethical dilemmas. Lawyers perception of ethics, in a fast track Turkish legal environment because of possible future accession to European Union and unstable political environment, is increasingly gaining importance. This study aims to explore the influence of age and gender towards variables components affecting lawyers perception of ethics in Turkey. Self-administered questionnaire with scale of 1-5 was used to measure lawyers perception of ethics with reasonable good score on Cronbach's reliability test. With Cronbach alpha of .722 and KMO (Kaiser-Meyer-Olkin Measure of Sampling Adequacy) .674 (which should be greater than .5 for a satisfactory analysis), the reliability of the instrument is considered adequate for this study. Subsequently, we proceeded to our analysis successfully. Results showed that age and gender were significant determinants to factors affecting lawyers perception of ethics in Turkey.*

**Keywords:** Ethics, Lawyers, Business, Turkey

### **1. Introduction**

One of our leading factor influencing lawyers ethics is "compelling factor", that makes legal public entities serving legal profession in Turkey important to know. Union of Turkish Bar Association (UTBA) is a top legal entity with a participation of 78 Bars across Turkey. UTBA represents over 48,999 lawyers as public institution. First Bar since the Ottoman Empire, Istanbul Bar Association (1878) formed the foundation of written professional principles (1971) of UTBA which was the first union to do so. "Professional Rules of Attorneys" consist of 50 articles which are based on the Act (Article 134) and legal traditions. (TYEC Report Vol.I-II, 2009) A code of ethics is a crucial element in forming a professional.

The Union of Turkish Bar Associations (UTBA) is among the 15 professional associations generally accepted as public bodies having either codes of conduct on its website, have ethics commission or Professional ethics rules listed on their websites. (TYEC Report Vol.I-II, 2009) UTBA makes some efforts to create an awareness on professional ethics among lawyers. (TYEC Report Vol.I-II, 2009) UTBA gives lessons on professional behaviours principles to intern lawyers according to regulation which are also the target respondents of our survey. (Istanbul Bar Association Intern Training Center (SEM).

### **2. Background**

The focal point of this paper is took at lawyers perception of ethics in Turkey from an empirical point of view rather than normative. Our concern is simple, even simplistic: Should lawyers have "better" ethics? (Hazard, 1991) The next question then, how is it possible? Legal practice has become very competitive, our concern is about the "decline in ethics", within legal profession. (Parker, 2010) Lawyers must follow a code of ethics. Despite important legal reforms in Turkey, the most significant regulatory controls on lawyers ethics continue to be the traditional requirements of admission, registration to bar, intern training, control, discipline and penalty for breach of fiduciary duties. (Parker, 2010) Each country and states has its own ethics code or rules, but generally they set out how attorneys are expected to act while in their professional dealings. Turkish legal profession rules are determined by the Union of the Turkish Bar Associations (UTBA). It is mandatory for lawyers to be registered with the bar association where they are domiciled. The 77 regional bar associations together form the Union of Turkish Bar Associations.

#### **2.1. Literature**

The literature on business ethics in Turkey evolved beginning of 1990's but rather slowly and insufficiently. (Özdemir, 2009) They were distinguished under either normative or empirical studies in general. Empirical research on Turkish lawyers perception of ethics is not sufficient as suspected.

(İGIAD, 2008; TUSİAD, 1992; Arslan, 2005; Köseoğlu, 2007; Türkdoğan, 1998; Bikun, 2004; Orman and Parlak, 2009; Tevrüz, 2007; Özgener, 2004; TEDMER, 2008; TEDMER, 2005; TÜGIAD, 1992; Yurtsever, 2000; Ay, 2003)

Legal ethics is simply the application of general moral principles to the legal practice. (Bagaric and Dimopoulos, 2010) So, we assume that there is a link between universal ethical norms and that of legal profession. Fact is that a small number of comparative and global literature specifically focused on legal ethics issues and almost very little in Turkish. The literature is wide in range but not in scope. It is normative rather than empirical; (Drinker, 1953; Wendel, 2003; Maru, 1986; Silver, 2005; Daly, 1974; Goebel, 1997; Godfrey, 1995; Campbell, 1982); professional competence and social responsibility (O'Connor, 1983; Buger, 1981; Hegland, 1982; Leleiko, 1981); education and ethics (Kelly, 1980; Aronson, 1976; Flynn, 1976; Wash and Weinstein, 1975; Burns, 1995; Hartwell, 1995; Luban and Millemann, 1995); ethics, morality, and professional responsibilities of lawyers (Odegaard, 1975; Oaks, 1975; Smith et al., 1983; M. Friedman, 1989; Galanter, 1998; Macaulay, 1989; Heymann and Liebman, 1988; Kelley, 2001). For the earlier generation of legal ethics literature (Stone, 1959; Weckstein, 1968; Smith, 1968; Matthews, 1965).

On the other hand due to universal nature of the matter, there are few research on professionals ethics in marketing in Turkish literature (Torlak, 2007; Özdoğan, 2007; Ural, 2003); in accounting (Yıldız, 2002); in public relations (Sayımer, Uçkun and Latif, 2007); financial markets (İMKB, 1998; Bozkurt, 2000); in social responsibility (Aydede, 2007; Aktan, 2007; Ersöz, 2007; Özüpek, 2007; MESS, 2005; Bayrak, 2001; Öcal, 2007); in environmental ethics (Güney, 2004; Canan, 1995; Uslu, 1995; Keleş, Metin and Sancak, 2006; Uydacı, 2002; Özey, 2001); in public administration (Kılavuz, 2003; TUSİAD, 2003; 2005); and in religion and business ethics in Turkey (Akşit, 2007; Halebi, 2002; Okur, 1969; İnan, 1964) The literature on professional ethics in Turkey is insufficient.

### **3. Methodology**

#### **3.1. Sample**

For this study, eightyfive self-administered questionnaires were collected from lawyers registered with Istanbul Bar Association. Snowball sampling method was used in which questionnaires were distributed to Istanbul Bar Association (SEM) intern lawyers. Participation to our survey was voluntary and no remuneration was offered. Prior to performing the necessary statistical analysis, frequency distributions were tabulated for each item to ascertain possible response bias. In addition, a visual inspection was also performed to identify possible anomalies. All respondents were asked to respond each 21 statements. A five-point response scale was employed (1= "strongly agree" to 5="strongly disagree") for all items indicating their belief about that particular situation. Our analyses included descriptive statistics, correlations and regression analysis. Correlations were calculated to gain an initial understanding of the relationship between the variables.

#### **3.2. Instruments**

The survey instrument consist of 21 statements that describe a specific event that has some kind of ethical choice connotation. Survey is conducted in Turkish for clarity, readability and understandability by the Turkish respondents. In addition, respondents were asked to provide demographic data about themselves. The data collected from the survey was analysed by reliability test, frequency analysis, factor analysis and regression analysis ANOVA test.

Our hypothesises will be tested. The hypothesis is stated below:

H0: Age and Gender is a positive determinant of attitude towards lawyers ethics.

H1: Age and Gender is not a positive determinant of attitude towards lawyers ethics.

In order to test the hypothesises factor analysis was used twice. The first factor analysis was done to the 20 questions in order to gain the factors related to the ethical variables.

The second factor analysis was done to gain the important factors for the demographic issues. The variables for each factor analysis was retained for regression analysis.

The article continuous with the two different factor analysis and then the regression analysis is done to test our hypothesises.

### **4. Analysis and Results**

#### 4.1 Reliability Test

When reliability analysis was tested with the 20 questiones included in the questtionnaire the cronbach alpha was found to be 0,722 which means that the data collected is consistently reliable to be analysed.

##### Reliability Statistics

Cronbach's Alpha	N of Items
,722	20

So we can pursue with our factor analysis which is a technique used to identify the smallest number of decsribtive terms to explain the maximum amount of common variance in a correlation matrix. (Hill and Petty, 1995) Our purpose is to identify a concise list of constructs representative of perceptions of lawyers ethics.

#### 4.2 Frequency Analysis

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 18-25	66	77,6	77,6	77,6
26-30	9	10,6	10,6	88,2
31-35	4	4,7	4,7	92,9
36-40	3	3,6	3,6	96,5
41-50	2	2,4	2,4	98,9
51-60	1	1,1	1,1	100,0
Total	85	100,0	100,0	

Table 1: Age Distribution

Demographic data were also summarized to provide insights into the nature of the participants.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Female	56	66,0	66,0	66,0
Male	29	34,0	34,0	100,0
Total	85	100,0	100,0	

Table 2: Gender Distribution

##### Education

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid high school	0	0	0	0
University	85	100,0	100,0	100,0
Total	85	100,0	100,0	

Table 3: Education Distribution

#### 4.3 Factor Analysis

Factor analysis is a technique used to identify the smallest number of decsribtive terms to explain the maximum amount of common variance in a correlation matrix. (Hill and Petty, 1995). Factors with Eigen values greater than 1.0 are retained.

##### 4.3.1 Factor Analysis for Ethical variables (FA#1)

Inspection of scree plot and Eigen values enabled the analysis to reduce the 20 ethics components for lawyers into five factors.

##### Factor 1: Work Environment Factor

Factor one Work Environment Factor has 5 components included such as;

Q1. The **rights** which are provided to me in **my workplace** are enough and **protective**

Q2. I believe that I am working in an **honest workplace**

Q3. The **social responsibility** projects in my **workplace** are **sufficient**

Q4. I believe that my **work environment** is **transparent**

Q5. At workplace **enough importance** is given to **business ethics**

#### **Factor 2: Personality Factor**

Q20. An **effective communication** is **very important** at workplace

Q21. I believe in the **golden rule** of having a **good communication** and to **respect others**

#### **Factor 3: Compelling Factor**

Q11. **Managers** have an **influence** over the **business ethics** of the **company**

Q15. I find it **unethical** to use **child labor** (under 18) in my **workplace**

Q17. I find it **unethical** for co-workers to **blame each other** for things they did **not do**

#### **Factor 4: Encouraging Factor**

Q14. **No discrimination** or **no preferential treatment** at my **workplace** takes place

#### **Factor 5: Administrative Factor**

Q13. I encounter some problems arising from **lack of knowledge in the place** I work.

#### **4.3.2 Factor Analysis for Demographic Issues (FA#2)**

Inspection of scree plot and Eigen values enabled the analysis to reduce the 5 components (Age, Gender, job, Education and Sector) into two main factors.

##### **Factor 1: Age Factor**

First factor includes age.

##### **Factor 2: Gender Factor**

Second factor includes gender.

These two factors will be used as the dependent variables and factor analysis #1 factors will be taken as the independent variables in the following regression analysis.

#### **5. Regression Analysis**

Analysis of our Hypothesis is seen in the table (4).

The ANOVA done for this analysis shows that if the significant value is greater than 0,05 which means that the independent variables (lawyers ethics components) do not explain the total variation very well according to the dependent variable (age and gender) the null hypothesis is rejected, meaning that there is no relationship between age and gender and its components.

The ANOVA done for this analysis shows that if the significant value is smaller than 0,05 which means that the independent variables (lawyers ethics variables) does explain the total variation very well according to the dependent variable (age and gender). So we accept the null hypothesis, meaning that there is a relationship between age and gender and lawyers ethics and its components.

The ANOVA done for this analysis shows that if the significant value is slightly above 0,05 which means that the independent variables (lawyers ethics components) does explain the total variation slightly but not bad according to the dependent variable (age and gender). So we accept the null hypothesis, meaning that there is a slight relationship between age and gender and lawyers ethics and its ethical components.

Dependent Variable	Independent Variable	Significance rate from ANOVA	
Age (F1 of FA#1)	Factor 1: Work Environment	,164	insignificant relationship
	• Protection of rights		
	• Honesty at work	,321	no relationship
	• Socially Responsible	,296	no relationship
	• Ethical importance	,264	no relationship
	• Transparency (Q.4)	,013	Slight relationship
Age (F1 of FA#3)	Factor 3: Compelling Factor		
	• Administration influence	0,067	Slight relationship
	• Child labor		
	• Workplace gossip		
	• Blame each-other		
Age (F1 of FA#4)	Factor 4: Encouraging Factor	,076	Slight relationship
	• No discrimination nor preferential treatment		
Gender (F2 of FA#3)	Factor 3: Compelling Factors	,003	Strong relationship
	• Administration influence	,001	Strong relationship
	• Child labor		
	• Workplace gossip	,339	no relationship
	• Blame each-other	,332	no relationship

Table 4: ANOVA Analysis Results

#### 4. Conclusion

This study explored the influence of gender and age towards factors affecting lawyers ethical perception in Turkey. Self-administered questionnaire with scale of 1-5 was used to measure attitudes towards lawyers perception of ethics.

The reliability test resulted with a cronbach alpha of 0,722 shows that the data is consistently reliable to analyse especially for factor analysis and regression analysis. Regarding the frequency distribution of the data 77,6% of the respondents were at the age of 18 through 25, 10,6% through 26 to 30 and 4,7% through 31 to 35. Cumulative three percentage of age shows that almost 92,9% of the respondents were at the age through 18 to 35. In our survey 66% of the respondents were females and the rest males. All of the respondents were university graduates and registered with Istanbul Bar Association.

Factor analysis was done twice for different reasons. The first factor analysis (FA#1) was tested for the 21 questions included in the questionnaire related to components making lawyers perception of ethics. The second factor analysis (FA#2) was done to gain the important factors for the demographic issues. Each variables from factor analysis were retained for the regression analysis.

According to the results of regression analysis age and gender factor has a strong relationship with the compelling factor specifically with ‘administrators (administrative) influence at workplace’; with moderate relationship of encouraging and working environment factors components in addition specifically with ‘transparency at work and absence of discrimination and preferential treatment at workplace’. Age and gender factor has a strong relationship with administrative factor same as it had with compelling factor. Age and gender factor has a slight relationship with the working environment and encouraging factors but no relationship with most of its components; with family factor and its components such as being honest and socially responsible.

Recent findings in the literature pointed us to the fact that, open to conflict, most previous research in the field were dominated by normative approach. (Hosmer, 2000) There is a lack of empirical research on legal professionals ethics which this paper hopes to fill by generating facts through empirical research to provide useful data to solve some of the conflicts. Hopefully, our findings could be incorporated into acceptable further normative legal studies incorporating perception of ethics in legal profession in Turkey in light of our findings.

### 5. Discussion

So our current findings with five components under factor one and their relationship to factor two with two components (age and gender) which is trying to establish positive correlation among them. In our case they are age and gender. Our result confirms with the Turkish legal tradition that authority and encouragement is the key factor (compelling and encouraging factors) rather than family or the work environment factor in perception of lawyers ethics. When we take into consideration the current working conditions of lawyers in Turkey and PA’s and their role in enforcing, our result is not surprising. Our current findings where age and gender positively correlated with perception of lawyers ethics and but not as significant as expected. Are coherent with the previous works but not specifically related to legal profession.

### References

1. Joan Marie McMahon, “An Analysis of the Factor Structure of the Multidimensional Ethics Scale and a Perceived Moral Intensity Scale, and the Effects of Moral Intensity on Ethical Judgment”, Dissertation submitted to the Faculty of the Virginia Polytechnic Institute and State University, 2002, pp.1-188.
2. Hortacsu, Ayfer and Ozkan Gunay, E. Nur, “Ethical Issues and Attitude in the Turkish Banking Sector”, June 2004, MPRA Paper, No. 26338, posted 31. October 2010. (<http://mpa.ub.uni-muenchen.de/26338/>)
3. Yurtsever Gülçimen, “The Ethical Beliefs of Turkish Consumers”, D.E.Ü.İ.B.F.Dergisi Issue:13, No:II, 1998, pp:135-146.
4. “Dünyada ve Türkiye’de İş Etiği Yönetimi”Publicatin No: TÜSİAD/T-2009-06-492, June 2009, pp.1-151.
5. Gregory C. Petty, “Work Ethic Characteristics: Perceived Work Ethics of Supervisors and Workers”, Journal of Industrial Teacher Education, Volume 42, Number 2, 2005, pp.1-20.
6. Şafaklı O. Veli, “Ethical Perceptions: Do They Differentiate in Respect to Demographics, Impact Satisfaction and Subsequent Word of Mouth?”, African Journal of Business Management Vol.5(2), 2011, pp.285-293.
7. Sanjay Gupta, Donna J. Cunningham, Avinash Arya, “A comparison of the ethics of business students: stated behavior versus actual behavior”, Journal of Legal, Ethical and Regulatory Issues / July, 2009.
8. Simon, William, "Moral Freaks: Lawyers' Ethics in Academic Perspective", Columbia Public Law & Legal Theory Working Papers. Paper 9171, 1990. ([http://lsr.nellco.org/columbia\\_pllt/9171](http://lsr.nellco.org/columbia_pllt/9171))
9. Hazard, Geoffrey C. Jr., "The Future of Legal Ethics" (1991). Faculty Scholarship Series. Paper 2380. [http://digitalcommons.law.yale.edu/fss\\_papers/2380](http://digitalcommons.law.yale.edu/fss_papers/2380)
10. Christine, Parker, “Regulation of the Ethics of Australian Legal Practice: Autonomy and Responsiveness”, UNSW Law Journal Volume 25(3), 2010.
11. Frisch, Michael S "Lawyers Crossing Lines". Georgetown Journal of Legal Ethics, May, 2011. ([http://findarticles.com/p/articles/mi\\_qa3975/is\\_200204/ai\\_n9063367/](http://findarticles.com/p/articles/mi_qa3975/is_200204/ai_n9063367/))
12. Ethics for the Prevention of Corruption in Turkey (TYEC), Council of Europe and Council of Ethics for the Public Services in Turkey: Academic Researches on Public Ethics, Vol. I-II, Nov. 2009.
13. İGİAD, “İş Ahlakı Raporu”, İstanbul, İGİAD Yayınları, No.9, Rapor.2, 2008.