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## **Contextualizing Conceptions of Corruption: Challenges for the International Anti-corruption Campaign**

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## **Contextualizing Conceptions of Corruption: Challenges for the International Anti-corruption Campaign**

### **Abstract**

While in an initial legal and academic anti-corruption wave corruption itself was at the center of analysis, research is now increasingly focused on anti-corruption discourse and praxis. The latter analyses have generated numerous criticisms of anti-corruption activities and anti-corruption research, and these are presented in this literature review. These criticisms range from the anti-corruption norm's legitimacy deficit, to the difficulty of defining and measuring corruption, to the discourse's depoliticization through its technicalization. The anti-corruption movement faces particular difficulties with respect to the tension between the universality of the anti-corruption norm and its simultaneous contextualization for specific and local application. This tension is especially important because it touches upon the central issues of the respective political communities, such as the division of the private from the public, which differ from one cultural context to another. The contextualization of anti-corruption concepts has to be enabled in various areas: first, with respect to the culturally shaped conception of the division between the public and the private; second, with respect to local understandings of corruption, that is, what is actually meant when talking about "corruption"; and third, with respect to the low socioeconomic development levels in some countries, which do not permit the absence of corruption (evading a zero-tolerance rhetoric).

Keywords: corruption, anti-corruption, global governance, norms, cultural specificity, local implementation

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## **Zusammenfassung**

### **Korruptionsverständnis kontextualisieren: Herausforderungen für internationale Anti-Korruptionskampagne**

Während in einer ersten völkerrechtlichen und akademischen „Anti-Korruptionswelle“ Korruption selbst im Zentrum der Betrachtung stand, wird zunehmend der Korruptions- und Anti-Korruptionsdiskurs und die damit verbundene Praxis untersucht. Die Analysen haben viele Kritikpunkte hervorgebracht, die in diesem Literaturbericht zusammengefasst werden. Sie reichen von der mangelhaften Legitimation der Anti-Korruptionsnorm und – Programme, über die Schwierigkeit, Korruption zu definieren und zu messen bis hin zur Entpolitisierung des Diskurses durch seine Technisierung. Die internationale Anti-Korruptionsbewegung (deren Konzeption und Durchsetzung) ist zudem mit besonderen Schwierigkeiten in Bezug auf die Universalisierung der Anti-Korruptionsnorm und der gleichzeitigen Kontextualisierung dieser Norm für die spezifische, lokale Anwendung konfrontiert. Die Kontextualisierung ist jedoch gerade in Bezug auf Korruption von zentraler Bedeutung, da sie zentrale Fragen u. a. der jeweiligen politischen Gemeinschaft berührt. Sie muss in verschiedenen Bereichen ermöglicht werden: erstens in Bezug auf das kulturell geprägte, kontingente Verständnis zur Trennung von Privatem und Öffentlichem; zweitens in Bezug auf lokale Korruptionsverständnisse, d.h. was mit „Korruption“ eigentlich gemeint ist und drittens in Bezug auf sozioökonomische Niveaus, die die Abwesenheit von Korruption erst ermöglichen (weg von einer 0-Tolerance-Rhetorik).

# Contextualizing Conceptions of Corruption: Challenges for the International Anti-corruption Campaign

Malte Gephart

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“What do you think you could do so that there is less corruption?”

“I don’t know if I can do many things, but I can do small things in my area, with the people I live with. In Greece, we have a saying that goes: ‘Good deeds make good friends.’ If you have things in the right order close to you, you will live a nice life. I would like to do things for the people around me.”

(Interview with Eleftherios Anastasiadis,  
security staff at the 13th International  
Anti-Corruption Conference, November 2008: 4)

## 1 Introduction

Over the past 15 years international organizations, governments, NGOs and last but not least academics have been paying increasing attention to corruption. There has been a veritable “explosion” of the debate (Alemann 2005: 14). Initially there was consensus that corruption

has negative effects on development; the negative macroeconomic effects, the negative effects on the rule of law and democracy, and the negative effects on social expenditure were accepted as unquestioned facts (Della Porta/Vannucci 1999; Egger/Winner 2006: 479; Kaufmann/Shang-Jin 2000: 9f; Lambsdorff 2003: 468-469; Mauro 1995: 695; Tanzi/Davoodi 2000: 15; Kaufmann 1997). The assumption that corruption hurts democracy was also unanimously supported (Oquendo 1999; Seligson 2002; Warren 2004).

Corruption has been fought on many levels, for instance, through the conventions of international law, through national anti-corruption institutions, and through a number of NGOs that have dedicated themselves to advocating an anti-corruption norm. The US Foreign Corrupt Practices Act of 1977 was an early milestone in the fight against corruption. However, more than two decades passed between its ratification and the transnationalization of the anti-corruption norm through the United Nations Convention against Corruption in 2003. To date, numerous global governance structures have emerged around the topic of corruption (Moroff 2005). The following legal acts are important components of the international anti-corruption campaign: the Inter-American Convention against Corruption of the Organization of American States (OAS) from 1996, the OECD Convention on Combating Bribery of Public Officials in International Business Transactions from 1997, the UN Convention against Corruption from 2003, and the African Union Convention on Preventing and Combating Corruption from 2006. A prominent example of a national anti-corruption organization is Hong Kong's Independent Commission Against Corruption (ICAC) (for a critical assessment see Heilbrunn 2004: 3-6). Well-recognized NGOs dedicated to the topic and active in the fight against corruption through lobbying and awareness raising as well as through their own activity in knowledge production and concrete recommendations include, among others, Transparency International (TI), Global Integrity, and Global Witness.<sup>1</sup>

In order to conceptually capture the phenomenon of corruption, TI's broad definition, according to which corruption is understood as the "misuse of entrusted power for private gain," will be used here as a working definition (Transparency International 2009).<sup>2</sup>

Numerous theories compete to explain corruption; some of these assume that a society's ongoing moral decay is the main cause of corruption (Alemann 2005: 27-31). Corruption can also be understood as an expression of deficient modernization, in which case continuing modernization efforts are the solution (Huntington 1968: 63). From a systems theoretical perspective, Niklas Luhmann observes corruption simply as the traditional use of modern societal structures. In the case of structural corruption, the private or traditional network's way of functioning is being applied to modern society's organizations (Luhmann 1995: 21-22). The presence of corruption means that the system's boundaries between economics and politics are being illegitimately overstepped. Corruption, then, can be understood as a disturbance in

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<sup>1</sup> Transparency International's Sourcebook as well as the Global Integrity's Integrity Index are of particular importance.

<sup>2</sup> See also the discussion on the adequate definition: 4.1 The Difficulty of Defining Corruption.

a society's modernization process and its inherent differentiation of various subsystems (Morlock 2005: 136). Gjalte de Graaf distinguishes between the different types of theories of corruption, which include, among others, "organizational culture theories" and "bad apple theories." The latter see the cause of corruption in individual character weaknesses (Graaf 2007: 49-50).

In recent years various critics have contested the international anti-corruption campaign and its underlying concepts and theoretical assumptions. The frequently asserted anti-corruption consensus is seen as problematic because its concept of corruption is so widespread that the concept's historical specificities and social functions remain hidden, argues Peter Bratsis (Bratsis 2003: 10). His and other authors' critiques take into account historical, cultural, and social specificities, which are overlooked by a universalist and ahistorical concept of corruption. This literature review summarizes and discusses these recent critiques of the international anti-corruption campaign. Based on the criticisms raised, the paper seeks to determine which factors would have to be taken into account by corruption and anti-corruption concepts in order for the concept to be feasible for global application, for example, within the conventions of international law, and to be applicable in local contexts for governments and NGOs.

Since corruption exists in all regions of the world, at all societal levels, in all sectors, and in various forms and since it is being fought in equally manifold ways, general conclusions on "the" anti-corruption campaign are subject to the accusation that they do not constitute a sufficiently differentiated perspective. This article assumes that the World Bank, the International Monetary Fund (IMF), various NGOs, and international law share a common set of concepts in the fight against corruption and that this commonality allows one to speak of "the" anti-corruption campaign.<sup>3</sup> This article will particularly consider that literature which focuses on the global anti-corruption campaign directed from the global North towards the South. In critical anti-corruption literature special attention is paid to the World Bank, which has attracted critiques aimed at the entire anti-corruption movement.<sup>4</sup> These critical voices are reflected in this article not in order to generally reject the World Bank's activities but rather as points of departure for identifying the preconditions of a successful fight against corruption.

The paper proceeds as follows: A brief description of the rational choice-institutionalist perspective presents the predominant conception of corruption (Section 2). Critiques often impute a "liberal rationalist" approach, which Gjalte de Graaf identifies as being based in public choice theory, to the international anti-corruption campaign (Bukovanski 2006: 184-187; Graaf 2007: 46-48). Accordingly, many critiques on the current anti-corruption discourse re-

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<sup>3</sup> On the convergence of the predominant governance indicators and their underlying normative assumptions see Erkkilä/Piironen 2009.

<sup>4</sup> The World Bank considers itself the "leading donor globally in providing support for strengthening public sector management" (World Bank 2009). On the discursive power of the World Bank see Goldman 2005.

late to the rational choice–institutionalist perspective. In the third section a short discussion of the corruption concept’s trajectory illustrates various assessments of the anti-corruption norm’s diffusion. This section demonstrates that no consensus exists on how and why corruption has evolved from a taboo to a central theme in development discourse. In the following section (Section 4) I discuss recent critiques undertaken from a sociological and anthropological perspective. These critiques highlight certain challenges in the development of an adequate conception of corruption. The critiques outlined in this article are presented not according to their discipline but rather according to their topic. They address the problems of defining and measuring corruption as well as the liberal-rationalist premises of the dominant conception of corruption, issues of legitimacy, and one-sided causal analyses. In conclusion, I summarize the most important points of departure for a potentially successful fight against corruption.

## 2 A Rational Choice–Institutionalist Conception of Corruption

Rational choice theory explains corruption as a problem of political economy. It includes a principle-agent model, according to which each player acts in the interest of his/her own—mostly economic—utility (Alemann 2005: 29). A rational choice–institutionalist perspective understands corruption as the outcome of an overarching “stateness,” subsequent monopolies, discretion (ergo deficient transparency), and a lack of accountability. For instance, when public institutions decide on the allocation of resources, incentives for a relevant actor (for example, a civil servant involved in a public bidding process) to commission a contract according to an “impersonal order” exist. If the decision-making process is characterized by discretion and deficient transparency, it is easy for an outside company to influence the public actor’s incentive structure with bribes in such a way that his personal advantage (and the company’s advantage) gains more importance than the “impersonal order.” Robert Klitgaard has summed up this assumption in the well-known formula:  $\text{Corruption} = \text{Monopoly} + \text{Discretion} - \text{Accountability}$  ( $C=M+D-A$ ) (Klitgaard 1988: 75). In such a situation a supposed win-win situation emerges, from which both the bribed and the bribing actor benefit. The aggrieved third party is then the community, whose recourses are being dissipated—a fact that is not initially obvious (Alemann 2005: 29). This rational choice–institutionalist conception of corruption assumes that an actor ultimately decides according to the cost-benefit relationship, which hinges first and foremost on economic factors. Robert Klitgaard (1998: 4) correspondingly asserts,

Corruption is a crime of calculation, not of passion. True, there are both saints who resist all temptations and honest officials who resist most. But when bribes are large, the chances of being caught small and the penalties if caught meagre, many officials will succumb.



This rational choice–institutionalist assumption regarding the causes of corruption is valid everywhere, because whether “in Ouagadougou or Washington,” whether in the public or the private sector, corruption will occur when an organization or a person has a monopoly on power over resources and this is combined with discretion and a lack of accountability (Klitgaard 1998: 4). Cultural factors influencing the understanding of *how* delegated power is to be used and, based on this, how the misuse of power is understood, remain largely unconsidered in anti-corruption research and practice, both of which are based on the rational choice–institutionalist conception of corruption (see below on the cultural contextualization of the concept of corruption, Section 4.6).

The strategy implied by Klitgaard’s approach concentrates on the modification of incentive structures that immediately affect an actor. According to an “economic conception of crime” (Bachmann/Prüfer 2005: 11), the incentive structures are changed in such a way that the risks and cost of the illegitimate salary increase through a bribe are higher than the costs of following the rules. According to Klitgaard, this also implies the existence of increased accountability and transparency in order to develop incentives for rule conformity. In current anti-corruption practices—which aim to eliminate the above-mentioned corruption-promoting incentive structures—the anti-corruption strategy deduced from Klitgaard’s formula, that is, the reduction of public influence on the economy, plays a central role (Rose-Ackermann 1975, 1996; Kaufmann 1997: 128).

Klitgaard’s understanding of corruption is of tremendous importance in the international and transnational anti-corruption movement, which has committed itself, more or less exactly, to this conception. The World Bank’s concept for fighting corruption from 2007 describes, in accordance with Klitgaard, the causes and effects of corruption as follows:

Excessive regulation, for instance, increases the cost of doing business and often provides opportunities for corruption. By contrast, reforms that clarify the role of the state, reduce excessive regulatory burden, and promote competition can result in stronger firms, more jobs, and better public services.

(World Bank 2007: ii)

### 3 The Diffusion of the Anti-corruption Norm

Corruption has now become somewhat of a cross-sectoral topic: “it seems that there is hardly any contemporary political tendency that does not contain some form of anti-corruption agenda” (Bratsis 2003: 9). Discord exists with regard to the questions of when and with what intention the topic began to be included in international politics (in the broadest sense), which interests are pursued by the actors involved, and how global governance structures in the anti-corruption domain have ultimately emerged. Three roughly differentiated explanations about the norm’s diffusion are competing with each other:

- The first explanation refers to an evolved state of knowledge about the various effects of corruption on societies, which has led to growing attention being given to the issue.
- The second explanation refers to a superficial convergence of interests between three collective actors: first, the World Bank and its attempt to counteract its diminished importance since the mid-1990s through “mission creep”<sup>5</sup>; second, US investors, who have called for a level playing field with regard to investment rules; third, democratization movements in Latin America (and after the Cold War in Eastern Europe), who have an interest in fighting corruption to strengthen democracy. All three collective actors have divergent motives for their engagement in anti-corruption activities. Still, these motives can all be labeled “anti-corruption” and thus enabling of a collective anti-corruption campaign.
- The third explanation, which refers to a genealogy of anti-corruption concepts, describes how the emergence of the anti-corruption movement represents the continuity of neo-colonial North-South relations and the neoliberal project.

### **Increasing Evidence**

Since James Wolfensohn’s “corruption is cancer speech” of 1996, the topic of corruption has received increased attention from the World Bank and its sister organization the IMF. The World Bank, which is, according to its own statement, the leading actor in the restructuring of public institutions, simply states that “increasing evidence” accounts for the remarkable increase in interest in the investigation of and fight against corruption (World Bank 1997: 1; World Bank 2009). The IMF has also contributed to the production of knowledge on the causes and consequences of corruption from an economic perspective through numerous quantitative studies (Mauro 1995, 1998, 2002; Kaufmann 1997; Tanzi 1998, Tanzi/Davoodi 2002). The World Bank states that countries of the global South approached the bank and asked for assistance in this matter, “adding to the larger number of countries in which the Bank is already supporting policy and institutional reform that, among other things, contributes to the fight against corruption” (World Bank 1997: 3). According to this interpretation—which will not be elaborated further—two aspects are responsible for the visible presence of the anti-corruption movement: the growing body of knowledge and the subsequent demands made by developing countries to fight corruption.

### **Converging Interests**

The second explanation refers to a convergence of interests between transnational corporations in the US (and their interest in investment), the World Bank’s desire to overcome its in-

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<sup>5</sup> On the World Bank’s “mission creep” see Fuhr 2005.

creasing insignificance in the 1990s, and the democratization movements in Latin America and Eastern Europe.

The US has played a crucial role in the global diffusion of the anti-corruption norm. Following the introduction of the Foreign Corrupt Practices Act of 1977, American firms complained that the conditions of international economic competition had, from their point of view, worsened. They put pressure on subsequent US governments to either weaken the law or create a “level playing field” at the international level: European companies should lose their advantage of being able to use bribes for tax deductions while US entrepreneurs were subject to prosecution for the same conduct. This leveling of disadvantages became even more urgent in light of the increased importance of foreign direct investment in the 1990s. In countries such as China, where corruption was seemingly very present and where big infrastructure projects were particularly important, the creation of a level playing field was seen as necessary (Moroff 2005: 452).

Ivan Krastev supports the assumption of converging interests rather than that of effectively increasing levels of corruption or the increasing evidence claimed by the World Bank. According to him, the anti-corruption consensus emerged due to a coalition of various global actors, namely the US government, international financial institutions, and internationally active investors (Krastev 2004: 34). He states, as Moroff assumes, that the US government supported the anti-corruption norm to protect its trade interests. Additionally, because local mechanisms of distribution were simply difficult for international investors to understand, these investors sought to have them changed (Kennedy 1999: 465).

Kalin Ivanov draws attention to the fact that corruption had to be redefined by the World Bank in order for the definition to be in line with the bank’s statute to reduce poverty. James Wolfensohn, the bank’s president at the time the organization explicitly included the topic in its programs and concepts, made the following comment on this matter:

I visited a number of countries [...] and I decided that I would redefine the [previously unspeakable] “C” Word not as a political issue but as something social and economic.

(Wolfensohn, cited in Ivanov 2007: 31)

By redefining it in this way, the World Bank and the IMF were able to easily integrate the corruption theme without obviously overstepping their statutes (Ivanov 2007: 31). Ivanov assumes that by emphasizing the topic at that time, when the World Bank’s *raison d’être* was questioned, the bank actually strengthened its legitimacy. The Bretton Woods Project, an NGO that critically analyzes the World Bank’s work, stated that the bank’s intensified attention to corruption could lead to a serious “mission creep,” that is, to an unlimited extension of its projects (Bretton Woods Project 2006; Ohnesorge 1999: 469). According to both Ivanov’s and the Bretton Woods Project’s assessments, the international financial institutions urgently needed to legitimize and secure support for their policies and programs.

Ultimately, the various actors (transnational companies, the Bretton Woods organizations and local movements for democracy) have followed very distinct arguments, that is, the free market argument on the one hand and the democracy argument on the other (Krastev 2004: 36-38). The former argument indicates, as formulated in Klitgaard's formula, that public sector interference supports corruption. The democracy argument says that it is not big states that fuel corruption but rather big money, because it corrupts politics. The democracy movement's engagement in anti-corruption was meant to be in defense of local populations' interests. Although the two arguments display highly divergent motives for engaging in anti-corruption endeavors, it was precisely this misleading coalition of interests that enabled the global fight against corruption to emerge. TI fulfilled a specific function in this context because, according to Krastev, it pretended to speak for the local population, something which, in combination with the quantitative data from the new anti-corruption research, led to the consensus that corruption ought to be a central topic at the global level (Krastev 2004: 35). Taking into account the different actor's interests in the fight against corruption, one can arguably speak of a remarkable "misunderstanding." A convergence of interests emanating from very distinct motivations appears to have existed and to continue to exist. In this context, the question of how the concept of corruption managed to bring together varying movements and to develop such a pronounced *communicative power* is of special interest. Ivan Krastev goes even further than just identifying a misunderstanding concerning the different motivations for the fight against corruption when he writes about the "history of anti-corruption": "It is the story of how anti-corruption sentiments of civil society and the local pressure for more democracy were used to re-legitimize the policies of structural adjustments" (Krastev 2001: 15). Thus, it was not necessarily an *accidentally* misleading coalition of interests that supported the corruption concept. From Krastev's perspective, local grassroots movements have been intentionally used to legitimate the World Bank's and the IMF's ongoing structural adjustment programs.

### **Continuation of Uneven North-South Relations**

When examined from a critical perspective, the anti-corruption discourse's trajectory can be placed within a broader historical context. The resulting "genealogy" of the history of corruption assumes that the anti-corruption movement represents the continuity of unequal global North-South relations and of the "neo-liberal project." This understanding, realized by Tara Polzer, Peter Bratsis and Barry Hindess (2001; 2003; 2009), is more or less in accordance with Foucault.

Tara Polzer puts anti-corruption politics into the context of development cooperation since the end of WWII and the end of the Cold War (Polzer 2001: 6-8). She argues that the rise of the topic has not been the result of changing insights but has rather been embedded in larger historical periods.

As of the 1970s, the neoliberal paradigm considered the state to be a cause of underdevelopment and, according to Polzer, development became increasingly technicalized and depoliticized. However, since the end of the Cold War, the Washington Consensus, which represents such technicalized concepts of development, has increasingly been criticized by numerous NGOs because of its exacerbating effects on social exclusion in Latin America. Consequently, public structures have been taken into consideration by scholars with respect to development processes. However, the public sector has been perceived as an endogenous cause of deficient development. Corruption and the absence of “good governance” have been considered the crucial contributors to underdevelopment.

Instead of constituting a transition from an absolute belief in market structures to a recognition of the role of the state in development processes, the World Bank’s anti-corruption discourse has signified the incorporation of increasing critiques of the structural adjustment programs in order to fundamentally distract critics from systemic questions (such as unequal world markets and unequal global governance structures) (Polzer 2001: 9). According to Polzer’s interpretation, the anti-corruption discourse offers the possibility of sustaining unequal North-South relations, which themselves—rather than corruption—cause underdevelopment. With respect to TI’s Corruption Perception Index (CPI), Hans See brings forward the following reproach:<sup>6</sup>

The index [CPI] facilitates and ostensibly legitimizes richer states’ and investors’ influence in politics and policy-making, above all in poorer and the poorest countries. It also further exacerbates the already existing disadvantages.

(Hans See in a discussion with Peter von Blomberg, in: von Arnim 2007b: 133)

The three explanations on the trajectory of the topic of corruption presented in this section derive from the scholars’ respective theoretical and institutional perspectives. Increasing knowledge has not been the lone cause of “corruption” term’s trajectory; rather, several coinciding factors have been responsible for the remarkable rise of the anti-corruption movement. This paper’s author disagrees with the assessment that the World Bank’s and the IMF’s real intentions in engaging in the topic have been the maintenance of unequal power structures; speculations regarding hidden intentions are not the goal of the paper. Nevertheless, this perspective is interesting because it raises questions about the possible negative effects of the current international anti-corruption campaign on the global South (whether these are interpreted as intentionally produced effects or as “unintended consequences”). These consequences and conceptual weaknesses will be explored in the following sections.

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<sup>6</sup> “Der Index ermöglicht und legitimiert vordergründig die Einmischung von reicheren Staaten und Investoren in die Politik vor allem der ärmeren und ärmsten Länder der Welt, richtet aber damit zusätzlichen Schaden zu den ohnedies vorhandenen Benachteiligungen an” (Hans See in discussion with Peter von Blomberg, in: von Arnim 2007b: 133). Translated by the author.

#### 4 Deficiencies in Current Conceptions of how to Fight Corruption

A broad consensus exists that corruption needs to be fought, but anti-corruption efforts have so far not been able to significantly reduce corruption (or whatever is understood as corruption) (Shah 2007: 234). Those theoretical approaches which question the consensus on the negative effects of corruption on societies and which conceptually criticize the anti-corruption movement are confronted with a difficult rhetorical condition: they come under suspicion of advocating corruption. Syed Hussein Alatas calls those analysts who mention the possible social functions of corruption the “ideologists of corruption” (Alatas 1990: 183). Klaus von Beyme, too, observes that functional analyses of “moral-political questions” often result in “a cynical attitude where all political aspects, even the most dubious (for example, corruption), are evaluated positively as necessary functions in a model of system survival” (von Beyme 1992: 99).<sup>7</sup> Daniel Kaufmann identifies researchers and analysts who emphasize the imprecision and inconsistency of the term corruption as belonging to the “fatalist camp.” According to him, this “fatalist camp” is not willing to actually defeat corruption (Kaufmann 1997: 115).

The analysis of corruption, especially when characterized by a critical attitude, has to disclose its normative basics. This article’s author takes the position that corruption needs to be fought. The “misuse of power” connected to the idea of corruption excludes any possible kind of approval. Nevertheless, with respect to current attempts to conceptualize corruption and to fight corruption according to these concepts, the question of whether one affiliates him/herself with current methods of fighting corruption or whether one criticizes them does arise. David Kennedy labels the critical position regarding the anti-corruption campaign as “anti-anti-corruption” (Kennedy 1999: 456).

The varying causal analyses and explanations regarding the anti-corruption norm’s trajectory also see the causes of the present failure of the anti-corruption campaign very differently. Criticisms of common conceptions of corruption and of programs to fight corruption arise out of various theoretical perspectives—for instance, from anthropological and sociological perspectives and from a systems theoretical perspective, among others.<sup>8</sup> In this section the criticism is presented thematically rather than according to the respective disciplines.

The criticisms focus on the following problems:

- The proper definition of corruption
- The measurement of corruption

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<sup>7</sup> “zu einer *zynischen Einstellung*, wenn alle politischen Erscheinungen, auch die bedenklichsten (wie zum Beispiel die Korruption), als notwendige Funktion im Systemüberlebensmodell positiv bewertet werden” (von Beyme 1992: 99). Translated by the author. For a functionalist discussion of corruption see Nye 1967; Smelser 1985; Alatas 1990; von Beyme 1992; Luhmann 1995; Becker 2000; Morlok 2005.

<sup>8</sup> Anthropological: Robertson 2006, Harrison 2006, Nuijten/Anders 2007, Haller/Shore 2005; sociological: Höf-  
fling 2002, Fleck/Kuzmics 1985, Karstedt 2004; post-structuralist: Polzer 2001, Bratsis 2003, Hindess 2005, 2009,  
Sousa et al. 2009.

- The liberal-rationalist premises of the predominant theoretical conception of corruption
- The various legitimacy problems with respect to elected governments that are engaged in the fight against corruption
- One-sided analyses of the causes and effects of corruption

Based on the preceding issues, it also examines the difficulty of socially and culturally contextualizing a universalist conception of corruption.

Daniel Kaufmann, who was in charge of anti-corruption research at the World Bank until 2008, holds endogenous factors responsible for the limited success of the fight against corruption in developing countries (as well as considering them the causes of corruption). According to him, persistently high levels of corruption are caused by deficient local capacity, for instance, deficient strategies and low incentives to fight corruption (Kaufmann 1997: 3). He also assumes that the respective political elites lack the political will to fight corruption: local leaders of the global South obviously do not wish to give up the advantages that are brought about by systems of corruption (Camerer 2008: 2).

Many other authors argue against this exclusive focus on endogenous factors in the fight against corruption. They hold the conceptual weaknesses of the anti-corruption campaign as well as the international financial regime's structures responsible for the campaign's bad performance.

#### 4.1 The Difficulty of Defining Corruption

The conceptual critiques deal with the insufficient definition of corruption. Michael Johnston states that everybody knows what is meant by the term corruption (Johnston 2005: 61). Nevertheless, he opens up the debate on attempts to define corruption, attempts which have so far not culminated in a consensus. The multitude of competing definitions shows that it is by no means clear what is meant by corruption. Wolfgang Schuller has written that corruption is not practical "as a scientific term" (Schuller 1982: 125). In a well-known definition by Joseph Nye corruption is limited to the public sector and its formal rules:

Corruption is behavior which deviates from the formal duties of a public role because of private-regarded (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence.

(Nye 1967: 284)

This definition might be useful for specific research contexts, but it leaves aside all kinds of illegitimate contributions in the private sector and conceals the fact that many acts of corruption are executed as a result of mutual agreement between economic and political actors (See von Arnim 2007: 136). Furthermore, it is restricted to formally existing boundaries between the public and the private and therefore excludes types of corruption that are not judicially

regulated but which are nevertheless perceived by the common sense of a society as immoral and illegitimate.

A well-used definition has been published by TI and predominates in the international understanding of corruption: “the misuse of entrusted power for private gain” (Transparency International 2009). Michael Schefczyk draws attention to one problem of this broad definition of corruption: Corruption is commonly defined as the misuse of power, and this understanding of corruption is expressed in daily communication by the protagonist organizations of the anti-corruption campaign. When one takes into account the fact that the representation of particularistic interests is sometimes viewed as a misuse of power by critics, this definition leads to a condemnation of an entire political system. According to Schefczyk, the representation of specific and particularistic interests simply belongs to a modern democracy (Schefczyk 2005: 103). Thus, using the TI definition, corruption cannot be clearly delimited from the regular democratic processes of a complex society. Those processes of representing particularistic interests, Schefczyk asserts, are possibly not desirable but may be inevitable. According to TI’s conception, then, corruption can be understood to be part of any modern democracy. Corruption is therefore paradoxically conceptualized as something that is not worth fighting. Schefczyk calls this a “strategy of normalization” (Schefczyk 2005: 103). He points out that such an understanding of corruption rejects the classical liberal understanding of politics. Given Schefczyk’s argument, it is evident that the respective conceptions of corruption derive from different and at times conflicting world views (Schefczyk 2005: 111). In the German Bundestag, too, the debate on what constitutes the judicial definition of corruption with respect to bribing a member of parliament is still underway. This is the reason why the UN Convention against Corruption has so far not been ratified. At the center of the German parliamentary debate on the subject in September 2008 was the question of the extent to which the representation of particular interests constitutes illegitimate and therefore corrupt conduct, as stated by Christian Ströbele (Green Party), and whether such representation is a central task of a member of parliament. As Jörg van Essen (Liberals) asserted: “It belongs to the freedom of mandate of a member of parliament that he, unlike a civil servant—I once was one myself—who has to be objective, can represent completely particularistic interests, for example, those of his constituency. This is part of a democracy” (Deutscher Bundestag 2008: 19122).<sup>9</sup> The question of what really constitutes corruption clearly touches upon conflicting conceptions of democracy.

Kalin Ivanov points out another problem with TI’s very broad definition of corruption: Defined in this way, corruption implies more than just an elementary critique of a liberal, delegative democracy in complex societies. Additionally, far more than just serving as an explanation of a variety of deviances from law, it supposedly explains a large number of political

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<sup>9</sup> “Zur Freiheit des Mandats des Abgeordneten gehört, dass er anders als beispielsweise ein Beamter – ich war einer –, der objektiv sein muss, völlig einseitig Interessen vertreten darf, beispielsweise die seines Wahlkreises. Das gehört zur Demokratie” (Deutscher Bundestag 2008: 19122). Translated by the author.



problems. Corruption has been promoted to an all encompassing explanation for all sorts of societal problems. As a consequence, the talk about corruption diverts attention from other crucial policy fields (Ivanov 2007: 40). It is problematic that TI seemingly takes up almost every topic of day-to-day politics and relates each one to corruption. To explain the world-wide water crisis, TI states: "It is a crisis of governance: man-made, with ignorance, greed and corruption at its core. But the worst of them all is corruption" (TI 2008: XIX). According to TI, the infringement of human rights is also closely related to corruption: "Corruption is the cause and core of many human rights violations" (TI 2008b: 10<sup>10</sup>). The judicial system is of course also affected by corruption, thereby leading to conditions in which corrupt conduct is above the law in every other sector of politics as well (TI 2007: XVI).

If corruption is broadly understood as the "misuse of entrusted power," the phenomenon cannot be isolated from other types of criticism in politics and the corruption reproach therefore loses its meaning. Accordingly, Sarah Bracking observes that the charge of corruption is often used imprecisely, for example, with reference to more specific crimes such as theft or fraud. On the other hand, conduct often is classified as corrupt when it can actually be identified as belonging to networks or nepotism (Bracking/Ivanov 2007: 298). In this sense, corruption signifies the "symbolic consolidation of the immoral"<sup>11</sup> (Höffling 2002: 15). However, it is then almost impossible to isolate corruption from any kind of illegal or illegitimate conduct and the term is thus, as Wolfgang Schuller stated, "useless" scientifically.

Corruption is a fundamental cause of the ineffective realization of judicial norms and of failed attempts at regulation because, by its very definition, corruption signifies a deviation from existing judicial norms. Looked at in this way, corruption is indeed related to all topics related to the implementation of norms. The problem, though, is that not much is revealed with respect to all the above-mentioned day-to-day problems when a failed attempt at norm implementation is automatically related to corruption. Thereby originates, as seen above, an unlimited causal connectivity between the corruption issue and all kinds of political problems. However, this causal connectivity reduces the explanatory power of analyses of corruption.

The predominant understanding of corruption in economic terms implies Klitgaard's corruption formula ( $C=M+D-A$ ) to solve all kinds of problems (human rights, water supply, security, etc.). In practice, anti-corruption activities range from institutional reforms to anti-corruption educational programs to methods of criminology. However, Klitgaard's corruption formula remains present. This means that for almost all political governance problems, transparency and the limitation of delegated power are implied as solutions. This approach to anti-corruption does not in fact explain, for example, how delegated power, which is necessarily equipped with discretion, is to be used properly.

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<sup>10</sup> On corruption and human rights see Kiai/Kuria 2008.

<sup>11</sup> "Symbolische Verdichtung des Unmoralischen".

A practical definition of corruption should therefore not include all sorts of misuse of power. On the other hand, a usable definition would have to include corrupt conduct, not necessarily according to its legal definition but in accordance with the broader society's common sense—that is, what society generally conceives of as corrupt conduct.

The problems of ontological inclusion and exclusion in the definition of corruption presented in this section demonstrate the challenge of the complex but necessary search for an adequate definition of corruption. The definitional difficulty enables the comparison of certain types of corruption in Uganda, in Chile, in China, and in Germany, something which leads to very broad definitions of corruption. Nonetheless, corruption has to be isolated in such a precise manner that, in an ontological sense, it is clear what exactly is meant when speaking of corruption. Those who represent the anti-anti-corruption position will have to continue this debate, which is far from being concluded. Schefczyk states appropriately that it is necessary to “characterize relations of cooperation between political-administrative actors and representatives of organized societal interests in a way which sufficiently distinguishes between legitimate and illegitimate influence” (Schefczyk 2005: 113).<sup>12</sup>

#### **4.2 Problems in Measuring Corruption and the Poor Academic Quality of Corruption Studies**

The commonly accepted findings on the effects of corruption on both the economy and society as a whole are based on quantitative studies. These studies seek to identify correlations between different variables, such as democracy or economic growth, and the measured level of corruption. In fact, no precise measurements of corruption exist, because it is a clandestine phenomenon. An approximation of the “actual” level of corruption is sought through corruption perception indices, for example, through the TI's CPI and the World Bank's governance-indicators. A lively debate has developed regarding how precise the corruption perception indices are, what they really measure, and which consequences result from the ongoing use of these indices in statistical studies.<sup>13</sup>

Criticism of the use of aggregate corruption perception indices is based on the argument that corruption, a clandestine phenomenon, cannot be measured effectively. “Since corruption is clandestine, it is virtually impossible to come up with precise measures of it,” state even Kaufmann et al., who were in charge of developing and using the corruption perception indices at the World Bank (2007: 321). According to them, measurement errors should be ignored, simply because there is no data that is more precise than the existing perception indices. In addition, perceived levels of corruption, according to Kaufmann, influence real in-

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<sup>12</sup> “Kooperationsverhältnisse zwischen politisch-administrativen Akteuren und Vertretern organisierter gesellschaftlicher Interessen auf eine Weise zu charakterisieren, die legitime von illegitimen Einflussnahmen hinreichend deutlich unterscheidet” (Schefczyk 2005: 113). Translated by the author.

<sup>13</sup> For an extensive discussion on the measurement of corruption see Sampford et al. 2006.

vestment decisions; that is, the published numbers should be taken into account (Kaufmann et al. 2007: 319; Kaufmann et al. 2008: 3). Razafindrakoto and Roubaud contest this argument and state that no proven link exists between the indices, which are based on experts' perception of corruption and the "real" level of corruption (Razafindrakoto/Roubaud 2005: 292). They assert that it is not corruption, and not even the perception of corruption, that is measured, but rather the perception of good governance and the strength of democracy (Razafindrakoto/Roubaud 2005: 294). Both good governance and the strength of a democracy are related to one another and to corruption, but they must neither be equated with each other nor understood as corruption's exact opposite. In a study in which perception indices were compared with direct household surveys in sub-Saharan Africa, they found that experts often strongly overestimated levels of corruption—in the case of their study as much as four times more than estimates derived from household surveys (Razafindrakoto/Roubaud 2006: 21).

De Maria and Galtung criticize the selection methods of the most popular corruption indices. According to them, these indices prefer business men's statements instead of those of the regular population or of civil servants. This results in a distorted analysis of corruption, because the private sector operates with different conceptions and therefore different perceptions of corruption than the general population of a country (de Maria 2008: 781f; Galtung 2006: 109). The above-mentioned measurements and studies reproduce and consolidate the Western-driven definition of what corruption is. According to William de Maria, the strength of the anti-corruption campaign lies precisely in its projection of a scientific aura, which is misleading in respect of the problematic statistical material (de Maria 2008: 780). Kalin Ivanov states that the attempt to generate universally valid statistical knowledge is responsible for the deficiencies of the anti-corruption agenda, because statistics cannot include varying conceptions of corruption (Ivanov 2007: 42). Razafindrakoto and Roubaud suggest combining expert opinions with "objective" numbers, that is, including formal institutions, which are supposed to reduce corruption, in the quantitative studies of corruption (Razafindrakoto/Roubaud 2005: 295). Although a combination of different methods for observing corruption could make a realistic approach to the phenomenon of corruption more likely, the question of which formal institutions really reduce corruption is highly contested. Thus, this proposition still does not solve the problem of the difficulty of precisely measuring levels of corruption and again suggests objectivity where such objectivity does not exist.

The effects of using corruption perception indices can be illustrated with the example of the US Millennium Challenge Account (MCA). Among other indicators, it uses the World Bank's "Control of Corruption" governance indicator and TI's CPI to qualify development countries for special development aid, which is declared to be "unbureaucratic" (Millennium Challenge Corporation 2009: 18). In a different context, but perfectly fitting to the political use of corruption perception indices, Paul Hoebink asks "Condition or Goal?" He thus points to the contradictory use of corruption perception indices by donors of development aid (Hoebink 2006: 131). It remains unclear whether the MCA's conditionality is supposed to support the

engagement of development countries' political elites in anti-corruption reforms by using the corruption perception indices as a trigger for sanctions, or whether development cooperation is itself necessary to fight corruption. This contradictory use of corruption perception indices opens up numerous possibilities for externally influencing countries that receive monetary aid, as Hans See notes (Section 3). When decisions regarding the allocation of resources are influenced by the perception of corruption and, at the same time, this expert perception of corruption clearly differs from household survey results, then the publication of corruption perception indices, the studies based on them, and their use as an informational foundation for decisions concerning the allocation of development aid clearly have to be contested.

In addition to the problematic data basis of quantitative corruption research, some scholars contest several commonly accepted causalities with respect to corruption and development. According to Stephan Jansen, corruption studies are trying to suggest objectivity but are nevertheless unscientific (Jansen 2005: 14). In fact, the presumed causalities between corruption and economic growth cannot be distinguished clearly from mere statistical correlations. Jansen points out that the cases of China, Russia and India, with their high rates of growth and their bad performance in corruption indices, particularly challenge the assumption regarding the negative effects of corruption on economic growth (Jansen 2005: 16-17). Stephen Jones notes that most studies on the economic effects of corruption are "cross-sectional"; they compare countries with different levels of corruption and different levels of economic performance at a certain point in time. That is, they don't say anything about whether corruption was first reduced and then the economy grew, or whether the process happened the other way around. According to Jones, it is quite possible that the economy of a given country has to grow in order to subsequently reduce the level of corruption (Jones 2007).

Comparisons over time would be necessary to come up with statistically robust findings on the assumed effects of corruption, for example, its effects on economic growth. TI's CPI, probably the best-known index, appears suitable for this task at first sight. But TI itself stresses that the CPI is not constructed for such comparisons over time, because the CPI's database changes from one year to the next. Nevertheless, the CPI appears to be constructed for comparisons over time made by TI itself, since TI speaks of improved and worsened levels of corruption. A petition by European parliamentarians asking for a resolute fight against corruption points to change over time, which is a central reason for the petition: it speaks of the "broad decline of CPI scores among several EU Member States" (Stop Corruption 2009).

With respect to the criticism of measurements of corruption, I follow Frederick Galtung's conclusion: measurements of corruption, their subsequent publication, their processing in studies and in comparative charts and their use as a condition for financial cooperation should be suspended until the fundamental problems of measuring corruption and the problems of properly defining corruption are solved (Galtung 2006: 214). One could object that most ideas with universalist claims—such as "development," "justice," "self determination"—have no precise meaning. According to this argument, political work on pressing

problems would have to be suspended as well if all such indices and measurements were ceased. Numbers are a necessary condition for governing. It is recognized in this article that problems such as poverty, as well as problems based on corruption, exist and that these phenomena have to be communicated quantitatively. However, with respect to the measurement of corruption, the above-mentioned variances between household surveys and the predominant indices of experts' perceptions of corruption still outweigh the possible approval of such indices. The expansion of household surveys seems to be the adequate solution to this problem, but these still would have to be strictly processed as what they are: perceptions of corruption.

#### **4.3 The Liberal-rationalist Premises of the Anti-corruption Campaign and the Technicalization and Depoliticization of Development**

Despite its moralistic undertone, the anti-corruption campaign is, according to Mlada Bukovanski (Bukovanski 2006: 183-184), mainly based on economic analyses (on causes, effects and countermeasures). Ultimately, the conception of corruption that currently predominates concentrates on actors' short-term incentive structures, which function solely in a utility-maximizing manner. Accordingly, some scholars assert that this predominant international conception of corruption has underlying liberal-rationalist premises. According to them, these premises imply the technicalization of fundamentally political questions, leading to the neglect of the normative content of the concept of corruption.

According to Tara Polzer, the World Bank's discourse on corruption reduces the state to a service provider, whereby questions of legitimacy are reduced to a technical problem. Additionally, questions of legitimacy are redirected from a relationship between governments, domestic parliaments and their constituencies to a relationship between national governments and international investors (Polzer 2001: 15). Polzer states that the World Bank differentiates between political and bureaucratic corruption. This differentiation is necessary, given the World Bank's economic statute, in order to be able to engage in bureaucratic and administrative corruption. But the World Bank's approach neglects the political nature of the bureaucratic and obscures the fact that the World Bank's interventions in bureaucracies can actually be understood as something very political (Polzer 2001: 16).

With respect to reforms concentrated on actors' incentive structures, Bukovanski states that it is generally quite reasonable to enable tax reforms to fight corruption. Nevertheless, it is important to take into account who is empowered to realize the respective reform, which types of political authority exist in a society, how the political authority is legitimized, and to what extent those in authority are capable of and willing to engage in reforms (Bukovanski 2006: 183). The focus on incentive structures, in order to make agents act in a "good" way, brings up the question of what is "good" or "bad" and who should decide on this matter. According to Bukovanski, the liberal-rationalist approach to the fight against corruption enables the ex-

clusion of such questions because the ends of modernity (especially macroeconomic growth and governmental structures that maximize individual rights) are seen as unproblematic and unquestionable (Bukovanski 2006: 183-184).

David Kennedy observes that numerous concepts of societal order are equipped with great margins of interpretation. For example, Max Weber's ideal of a legal-rational domination in reality includes room for "discretion" yet can still be classified as a legal-rational type of domination (Kennedy 1999: 461-462). The anti-corruption campaign's underlying assumption regarding the unequivocal meaning of corruption transforms the politically and ideologically contestable into something technically necessary and morally unequivocal (Kennedy 1999: 462). Kennedy's argument, similarly to Polzer's, emphasizes the manifold political implications of the term corruption. As long as these implications are not explicitly discussed, it will not be possible to ask the questions about the political community that are really relevant—for instance, how delegated power is supposed to be used.

Besides promoting an apolitical conception of corruption, thereby reducing agents' behavior to short-term incentive structures within the predominant anti-corruption concepts, the liberal-rationalist conception of corruption leads to an ahistorical conception of the phenomenon (Bratsis 2003: 13). The historical and cultural conditions that are constitutive of the division between the private and the public (a fundamental prerequisite in the concept of corruption) are thus obscured (Bratsis 2003). According to Ohnesorge, any policies which arise from this liberal-rationalist anti-corruption discourse are necessarily geared towards economic liberalization, deregulation, and privatization (Ohnesorge 1999: 469).

This criticism of a liberal-rationalist understanding of corruption obviously demands that the concept of corruption be repoliticized. A concept of corruption that goes beyond rational choice constructions of actors' behavior in order to gain substantial knowledge about the misuse of delegated power and related questions about the political community is required. With respect to the World Bank, this would imply, at the least, that it clearly delimit its concept of corruption, since its interventions in development are supposed to be apolitical—insofar as this is possible. In order to develop anti-corruption concepts that are more than just externally imposed, short-term projects, it is very important to explicitly consider the unavoidable but contestable political and normative premises which are always related to corruption and anti-corruption concepts. According to Bukovanski, the debate on corruption should be a debate about a process that involves the production and contestation of identities and collective goals, which constitute the basis for political communities (Bukovanski 2006: 198). Michael Johnston, too, encourages the analysis of fundamental political questions, which are at the core of charges of corruption. According to him, questions of statehood, society, and political change as well as questions regarding the boundaries between the public and the private and between the legitimate and illegitimate use of wealth and power should be discussed (Johnston 2005: 71).

The authors discussed above are unified by their demand to break up the anti-corruption consensus and to explicitly discuss the former taboos created by that consensus. Peter Bratsis goes one step further: according to him the discussion should not even deal with the division of the public and the private, which varies from one historical and cultural context to another. He argues that it is necessary to give up the idea of this division:

The radical position today is to reject the categories of public and private as they are presently constituted and to expose all the questions that have been subsumed by the discourse on corruption. The task at hand today is to go beyond the moralistic, technocratic, and formalistic positions that the concept of corruption leads us to. The real problem is not that something is out of place; it is that there is no political process through which we can posit what we think the good society is, in order to know if we are moving in the proper direction or are in a state of diaphthora. Illusions of purity and the desire for order have replaced real politics; that is the problem.

(Bratsis 2003: 29)

This radical position is interesting but it does not address the fact that corruption is actually perceived as a real problem by many people. Abandoning the discussion on corruption is less fruitful than engaging in discussions on the questions that lie beneath the concept of corruption.

#### 4.4 Legitimacy Issues

Many criticisms of the anti-corruption mainstream focus on questions of legitimacy. They refer to the deficient democratic legitimacy of the anti-corruption norm and of programs and projects based on this norm, as well as to the effects of the anti-corruption campaign on the reputations of countries and societies in the global South.

##### *The Deficient Democratic Legitimacy of the Anti-corruption Norm*

Mlada Bukovanski asks to what extent countries of the global South are included in the process of norm formulation with respect to the anti-corruption norm. She argues that the ethical problem of a liberal-rationalist conception of corruption lies in the imposition of anti-corruption standards on societies which have not been included in the process of formulating these standards (Bukovanski 2006: 184). Numerous anti-corruption concepts have been developed and diffused by international organizations known for their deficient democratic legitimacy: first of all the World Bank, with the well-known US vote-blocking minority, together with the IMF. That is, anti-corruption programs are in large part designed by those countries which, as is the case with the World Bank, possess the largest share of capital (which determines their share of the votes). This consequently provides the necessary vote count to determine the decisive questions of principle with respect to anti-corruption concepts. These programs are subsequently applied to those countries which have had almost

no influence in the conceptualization of these anti-corruption measures. However, democratic legitimacy is especially important with respect to corruption and, accordingly, anti-corruption concepts. The previously mentioned dispute in the German Bundestag regarding the legal definition of corruption clearly demonstrates how much concepts of corruption vary between different political parties within Germany. These concepts will most likely be even more divergent between, say, the US and Paraguay or between capitals and rural areas, and even more so between different world regions.

This broad variance among concepts of corruption implies a similar variance among ideas regarding the proper functioning of a political community and the specific way the public is divided from the private. These variations, in turn, most likely affect the applicability of a universal anti-corruption concept. Democratic theoretical contemplations aside, the anti-corruption norm's deficient legitimacy presumably leads to its diminished effectiveness:<sup>14</sup>

The practical conclusion [...] is that externally imposed governance standards will have less legitimacy, and hence less capacity to motivate actors to follow them, than will standards which are deliberated and agreed upon by the political community in question.

(Bukovanski 2006: 205)

### *The Delegitimization of the States, Governments, and Societies of the Global South*

Some of the problems with respect to the measurement of corruption and the publication of corruption perception indices have already been mentioned. In addition, the corruption perception indices have controversial effects on the legitimacy of states and governments and are contradictory with respect to their support for anti-corruption reformers.

Daniel Kaufmann defends the publication of subjective indices because they help to identify general fields of action against corruption (Kaufman et al. 2007: 322). According to him, the perception of corruption also helps to evaluate anti-corruption activities. In general, he argues, the publication of these indices supports anti-corruption reformers' efforts. Ivan Krastev contests this assumption: he argues that due to effective anti-corruption activities, the perception of corruption could initially rise. A government that credibly engages in the fight against corruption will at first be confronted with a higher level of perceived corruption, something which clearly demonstrates the contradictory effects of the CPI and other perception indices on anti-corruption engagement (Krastev 2004: 69).

In addition, in the course of the international anti-corruption discourse political opponents can arbitrarily accuse each other of corruption, thereby delegitimizing each other politically. The predominant zero-tolerance rhetoric of the international anti-corruption campaign facilitates the legal and political prosecution of politically disagreeable actors.

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<sup>14</sup> On problems related to the implementation of externally formulated policies see David Mosse 2004.



The corruption charge delegitimizes not only reformers and members of the opposition but also entire societies, with their varying values, norms, and social practices. Tara Polzer concludes in respect of the anti-corruption activities of the World Bank that corruption is tightly embedded within the bank's broader project of modernization and that the Bank extends its scope of influence into the lives of its target groups. Far from constituting just technical consulting, the anti-corruption discourse categorizes and thereby delegitimizes entire societies (Polzer 2001: 24). Sarah Bracking and Kalin Ivanov agree: "Political hazards [...] include the holistic de-legitimization of southern states and polities" (Bracking/Ivanov 2007: 298). Once again, Kalin Ivanov relates these delegitimizing effects on statehood to econometric studies on corruption: "Econometric research on corruption became part of a larger discourse delegitimizing the state" (Ivanov 2007: 35).

The predominant anti-corruption campaign also has severe effects on the fundamental approval of democracy in the global South. The campaign promotes a discourse which supports a zero-tolerance rhetoric. Such zero-tolerance rhetoric is unrealistic because corruption occurs in all known democracies. The contradiction between a "real, existent" democracy on the one hand and the idea that only a democracy completely free of corruption would function on the other hand leads to the possible discrediting of the democratic type of domination (Andersson/ Heywood 2009: 33; Ivanov 2007: 39). Especially in those countries without stable support for democracy, anti-corruption programs which are not able to fully efface corruption (and none are able to do this) can result in growing skepticism regarding democracy and again lead the way to "zero-tolerance populism."

The arguments presented in this section demonstrate that in countries characterized by a high level of perceived corruption, those governments that are willing to really implement reforms to fight corruption will consequently be faced with a twofold legitimacy problem: it is not just corruption that delegitimizes governments and democracy in general; under certain circumstances, anti-corruption programs have equally delegitimizing effects on democratic systems.

According to the criticisms presented here, the procedural legitimacy of the anti-corruption norm has to be improved: with respect to the World Bank and the IMF this relates to the—still fruitless—debate on the increased participation of developing countries in the Bretton Woods organizations.<sup>15</sup> TI, an NGO that is perceived as a grassroots organization, would have to ensure the global South's participation in respect of the NGO's fundamental programmatic orientation. It is important that the anti-corruption norm—created through the interaction of international organizations, NGOs and governments—can be influenced by those countries in which this norm has an impact. With respect to analyses of the anti-corruption campaign undertaken by the scientific community, this is a process requiring constant observation.

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<sup>15</sup> For more on the proposition of "Selective Double-majority Voting" see Jakobeit 2005.

#### 4.5 One-sided Causal Analyses

Critics of the anti-corruption campaign have argued that the analyses related to the causes and effects of corruption are characterized by arbitrariness. Sarah Bracking notes with respect to corruption and, in a much broader sense, with respect to questions of development that “development knowledge” has been contradictory; causalities have sometimes been characterized by cultural relativism and sometimes by universalism, depending on the strategic interests of those in power (Bracking 2007: 15). In addition, the handling of corruption has varied tremendously: “Sometimes donors pay little attention to corruption, despite its high prevalence, where it is found within donor practice [...]; sometimes donors insist on the salience of corruption, only to withdraw from decisive action where other strategic objectives rank higher [...]” (Bracking/Ivanov 2007: 295).

A large part of the literature on corruption focuses on endogenous factors as causes of corruption. But John Christensen of the Tax Justice Network argues that the cause of corruption is poorly regulated financial globalization. He states that a world map of the companies bribing the most would look very different from a world map based on TI’s CPI (Christensen 2007: 2). According to him, 53 percent of the least corrupt countries (according to the CPI) are tax havens (for example, Iceland, New Zealand, Switzerland, and Singapore). Accordingly, it is as necessary to pay attention to international financial experts, who foster tax havens, as to civil servants in the global South, who sometimes (have to) improve their salary (Christensen 2007: 15). He points out a certain imbalance in the perception of causes of corruption when he states that it is ironic that TI would not classify Switzerland as one of the most corrupt countries, although the country is known for handling money which could be related to corruption, thus “encouraging and enticing all robbers of public treasuries around the world to bring their loot for safe-keeping in [its] dirty vaults” (Christensen 2007: 4).

His remark is important in order to include not only the role of the private sector but also that of countries which are supposedly not very corrupt but in which bribe paying transnational companies are based in the analyses. Many of these countries have so far failed to regulate tax havens, something which would be necessary for a more transparent international flow of capital. The financial crisis, which since 2008 has led to a change in the global financial architecture, could be a trigger for a serious attempt to reduce corruption-fostering structures. This ongoing process cannot be completely evaluated at this point in time.

#### 4.6 The Deficient Contextualization of the Universal Anti-corruption Concept

As exemplified through Klitgaard’s conception of corruption, a rational choice–institutionalist perspective views corruption as an outcome of negative incentive structures, independent from time, place, and cultural or socioeconomic contexts. This conception is advantageous from a poststructuralist point of view, because it doesn’t conceptualize corruption in a cultural-essentialist sense, which would mean identifying it as a fixed and static part

of a certain culture. At the same time, it evades a series of necessary contextualizations, because ultimately corruption is always connected to certain cultural and social contexts—the concept of corruption is actually constituted by those contexts. Numerous scholars state, accordingly, that so far the cultural and social specificity of the term corruption has not been sufficiently accounted for (Christensen 2007: 16; de Maria 2008: 780; Schefczyk 2005: 113; Karstedt 2004: 407). Taking cultural and social contexts into account when conceptualizing corruption would affect prescriptions for the fight against it. Kalin Ivanov asserts that the predominant conception of anti-corruption programs pretends to be tailored to country circumstances, but always contain the same perspective (Ivanov 2007: 28).

To explain the deficient ability of anti-corruption projects to really fight corruption, Richard Heeks focuses on the different premises that exist in the different phases of project planning and execution:

Initiative designers are typically external to the context of deployment, thus inscribing assumptions that may mismatch the latter context. This helps us to understand the outcome of anti-corruption initiatives—the total failure of implacable “contextual collision”; the partial failure of local appropriation of inscribed elements; or the relative success of reciprocating accommodations between contexts of design and use.

(Heeks 2007: 270)

Anthropological approaches in turn describe the various daily social routines that exist in local contexts with respect to corruption. A prerequisite for detecting corruption is the division between the public and the private. Dieter Haller and Chris Shore assert that the term “corruption” has so far not been able to address daily routines which take place in the “grey area” between the public and the private:

While public and private realms may be codified by rules in most Western democracies, there are invariably “grey zones” between the domains. Officials will always have discretion and room for manoeuvre—they could not fulfill their duties otherwise.

(Shore/Haller 2005: 6)

According to these authors, it is exactly this “room for manoeuvre” which enables clientelism, personalized preferences, and therefore corruption. At the same time, the so-called “grey area” is a central part of any bureaucracy: “Every office drudge knows that it’s the ‘grey area’, not the rules, which actually makes bureaucracy work, for better and for worse” (Robertson 2006: 9). These grey areas—areas of “discretion” in Klitgaard’s sense—are especially suitable as an object of study in order to shed light on the culturally shaped division between the public and the private and the way this division is dealt with. Due to its “illusions of purity,” the anti-corruption discourse has so far not been able to take the inevitable grey area into account (Bratsis 2003). This erroneous exclusion of “discretion” in administrations misses important insights about why corruption sometimes does not occur in “grey ar-

eas," even though according to Klitgaard's formula an actor would have incentives in that situation to act in a corrupt manner. Klitgaard's understanding of corruption only recognizes the avoidance of delegated and uncontrolled power; it cannot contribute anything to the "good" use of necessarily delegated power which is equipped with "discretion."

John Ohnesorge argues similarly that the predominant anti-corruption movement acts on the assumption of a perfect division between the private and the public and of the purity of rational-legal authority (Ohnesorge 1999: 468). The "impersonality" implied by rational-legal authority, that is, the imperative of strangeness, is not perceived by the anti-corruption campaign as an analytical ideal type in a Weberian sense, which by definition does not appear in reality (Weber 1972: 10; 124-125). The anti-corruption movement normatively conceptualizes the legal-rational authority as a condition to be strived for. Thereby, the prescriptive-normative and the analytical perspective are mixed up in a problematic way and the differences between the two perspectives are blurred. This is analogous to the assumption that perfect markets are, by definition, characterized by full information and the absence of transaction costs. If this type of market were conceptualized as a real necessity and formulated within a zero-tolerance conception, it would mean a similar, and unrealistic, mixture of analytical ideal types and prescriptive-normative conceptions (Ohnesorge 1999: 468). The relevant argument opposing this mixture is as follows: reality looks very different, because there is no market which is not socially embedded, just as there is no bureaucracy which functions without grey areas and without spaces of discretion. To demand this in the countries of the global South, or elsewhere, is at best unrealistic, if not a double moral standard. Peter Bratsis denominates this double moral standard as "cynical." For him, it is well known that the idea of a public sector completely free of private interests can only be fictional. Nevertheless, the anti-corruption campaign implicitly demands that this counterfactual assumption be fulfilled (Bratsis 2003: 28).

In addition to paying attention to the so-called grey areas in bureaucracies and the varying use of them, it is important to analyze the functions fulfilled by the talk about corruption, which give this issue its extraordinary capability of diffusion. Sarah Bracking states that the effects of the anti-corruption discourse are actually more interesting than corruption itself (Bracking 2007: 11). In studying India, Ahil Gupta found that the talk of corruption is part of the "folkloristic inventory" and that the story of corruption can be heard more often than any other story (Gupta 1995: 173).

In Bolivia the narrative of corruption pertains to the general debate on politics and the state, because corruption offers explanations for otherwise unexplainable activities (Haller/Shore 2005: 6). According to Sian Lazar, charges of corruption in Bolivia would generally evaluate politicians and not condemn the misuse of delegated power for private gain. The term "corruption" in Bolivia is in fact used in a way that is contrary to the international understanding of corruption: "Politicians are entitled, and expected, to accumulate wealth personally, and use it to benefit their social networks, including above all their family" (Lazar 2005: 223). The

corruption charge in this context signifies rather a general evaluation of how well or how badly money is being distributed through networks. The exact division between the public and the private is not even considered in a corruption charge. Rather, almost the opposite is true: reliably deviating from the law in a manner that correlates with a clientelist norm can disburden a politician of a corruption allegation. In fact, the talk of corruption within local settings does not have much in common with the understanding of corruption at the international level, but the commonly used word "corruption" leads to this misleading convergence of interests between international organizations and local strategies for evaluating politicians.

Corruption is supposed to undermine the values and norms of a society (Fraser-Moleketi 2009: 332). The Bolivian example clearly shows that whatever is understood at the international level as corruption probably expresses the norms and values of a given society. The assumption that corruption undermines *actual*, existing value systems carries presuppositions because it refers to the predomination of norms of modern statehood (for example, the division of the public from the private and an impersonal order) and democracy (and, related to this, a specific idea of the common good).

Giorgio Blundo and Olivier de Sardan examine various narratives of legitimacy with respect to corruption in Benin, Niger and Senegal. Their study shows that in these countries corruption is condemned and legitimized at the same time, for example, through the idea of "corrupt behavior" being courteous (Blundo / Sardan 2006: 113). In this context, corruption is not conceptualized from a legal perspective where corruption means that someone has broken the law. Ultimately, someone is called corrupt not when he or she breaks the law for personal gain, but rather when this breaking of the law is exaggerated.

From a political science perspective, one would argue that the Blundo's and Sardan's study actually deals with institutionalized corruption, which has to be overcome no matter which local meanings are attributed to the word "corruption." Although the justification of corruption is not the intention, Blundo's and Sardan's example clearly shows that the corruption charge often condemns very different behavior from that condemned by the dominant anti-corruption campaign. Kalin Ivanov agrees on this: "The global agenda diverges from local understandings of corruption in developing and post-communist countries" (Ivanov 2007: 28).

It is not just the meaning of corruption that varies strongly and makes its contextualization as necessary as it is difficult. William de Maria argues that corruption in Nigeria is described as if it happened in a modern welfare state, but that the modern welfare state does not actually exist there; this leads to a conflict of objectives, between the necessity of ensuring one's own survival in the clientelist system on the one hand and a definition of corruption that assumes functioning modern state structures and structures of a welfare state on the other. DeMaria asserts that corruption is conceived by the international anti-corruption campaign as a disease which is the same everywhere and which has to be fought everywhere as well. Accord-

ing to him, this does not shed light on how corruption could actually be reduced in an environment of extreme economic inequality (de Maria 2008: 780). In part, the resource distribution mechanisms are fundamentally different due to differences in a nations' wealth. This means that the term "corruption" is really misleading.

The World Bank visibly places strategies for "tailoring reforms to country realities" in its concepts for engagement in anti-corruption activities (World Bank 2007: 11). But in this case contextualization simply means the different "entry points" that the World Bank identifies to introduce its programs and exert influence, rather than critical reflection on the content of its anti-corruption approach (World Bank 2007: 7). The contextualization of "entry points" in the World Bank's sense does not replace the necessary debate on what actually constitutes the understanding of corruption in a given society or to what extent a given country's socio-economic inequalities (which are closely related to clientelism) fuel corruption.

In addition to the political dimension of the term corruption, a second dimension has to be considered in social science research on corruption. This second dimension concerns local understandings of corruption, which are closely related to accepted social practices. The above discussion has clearly pointed to this necessity. A further question directly related to this point is how such an ambiguous and diffuse phenomenon as corruption can be delineated theoretically. Accordingly, Dieter Haller and Chris Shore ask whether it is even possible to conceptualize this concept across different cultures in a meaningful way (Haller/Shore 2005: 9).

Moreover, Ivanov concludes that a more contextualized analysis, which understands corruption as a social construct, would ultimately facilitate more successful anti-corruption efforts (Ivanov 2007: 42). The anti-corruption movement's liberal-rationalist premises should therefore be given up and replaced by improved knowledge about the social construction of the corruption term and, accordingly, the true contextualization of any anti-corruption effort. The formulation and operationalization of unwanted and unrealistic goals according to Western standards is neither helpful nor effective. Overcoming the criticisms often directed at development blueprints will require more than just the adaptation of the existing corruption concept to different entry points in the respective contexts—as the World Bank has done. What corruption is and, closely related to this, what development is has to be defined locally. The anti-corruption campaign must also pay increased attention to its contextualization regarding realistic anti-corruption goals. First of all, this means avoiding all kinds of zero-tolerance rhetoric. Elected politicians' usual announcement that they will completely eradicate corruption once and for all and can only lead to a disappointment with respect to the impossibility of a corruption-free public sector—especially when questions regarding the nature of a political community are not addressed by those fighting corruption.

Also, the anti-corruption movement has to take into account the extent to which the problem of corruption has actually developed or is developing before operationalizing anti-corruption concepts more concretely: Is the specific corruption problem about fundamental

conflicts of norms and questions of domination? Is it about overregulation? On which level is the problem manifested? Questions which not only allow contextualization with respect to concrete operationalization but which also enable the determination of what the actual problem is, and what is actually being talked about (which can all be subsumed under the label “corruption”) will be more successful in the long run than a static anti-corruption strategy.

## **5 Conclusion: Contextualizing the Fight against Corruption**

From the 1990s onwards corruption has become a key focus of scholarly and political attention. Increasingly, the anti-corruption consensus has also become the subject of academic research. The criticisms brought forward by a large number of studies focus to a very different extent on concrete institutions or projects. This results in the danger of an imprecise and generalized condemnation of the anti-corruption campaign. Nevertheless, the critiques offer helpful indications of the conditions which a successful anti-corruption strategy has to fulfill. Up to today, the discussion about the adequate definitional delimitation of the misuse of delegated power has not provided a satisfying solution. The term corruption has to be defined in a way which makes the phenomenon tangible and which, at the same time, avoids condemning important social practices in local contexts of the global South. The definition also has to avoid extending the criticism of corruption to a systemic criticism of a modern delegative democracy. This type of fundamental criticism is not generally rejected here, but it has to be formulated as such and not in the name of the fight against corruption. Also, the topic corruption should not be connected with all sorts of problems of norm implementation and norm enforcement. Although this is comprehensible from an “advocacy” point of view, constructing an unlimited number of causal explanations with respect to corruption will hardly assist in comprehensively overcoming corruption.

The critique regarding the measurement of corruption is closely related to the question of how to delimit the phenomenon through a definition. The measurement of a possibly immeasurable phenomenon and the processing of the related data in rankings and as statistical correlations is highly problematic. The knowledge which emanates from this process, the reflection of this knowledge in anti-corruption programs, and the conditionality of decisions regarding resource allocation are all examples of the manifold ways that the anti-corruption norm influences global North-South relations. Some of the anti-corruption concepts are not democratically legitimate, but they are capable of transporting and diffusing entire conceptions of the “correct” functioning of political systems. The demand by critical anti-corruption scholars to overcome the quantitative and positivist premises which characterize the work on corruption implies the necessity of repoliticizing the anti-corruption discourse—that is, the necessity of recognizing the political implications which are carried by it. The “political” refers to the constitution of political communities, to how power is being used and how it should be used in these communities, and, accordingly, what understanding of

the misuse of delegated power exists. Repoliticizing also means increasing the democratic legitimacy of the anti-corruption norm, that is, really including countries affected by anti-corruption programs in the formulation of international anti-corruption standards and concepts. Only in this way will the anti-corruption campaign avoid the unwanted effects through which not only corruption but also the anti-corruption movement delegitimizes whole countries, governments, and—even more fundamentally—the idea of democracy itself. Politicians who are really dedicated to the fight against corruption have to be supported by a realistic discourse which does not insist on a zero-tolerance rhetoric and the supposed measurement of corruption through the measurement of the perception of corruption.

The concept of corruption and ideas on the proper functioning of political systems are exceedingly specific socially and culturally. Therefore, the existing anti-corruption consensus is problematic. It is necessary to learn more about the ambiguities of the term in its local translations. The anti-corruption campaign has to understand much more precisely which types of corruption emerge in different contexts and, even more basically, what corruption actually means in a given context. It appears to be crucial that activities aimed at overcoming corruption consider the extreme cultural variations in the concept of corruption and its related implications. This is imperative in order to avoid the one-sided representation of Western transnational companies' interests and the illegitimate imposition of entire political systems in the fight against corruption. In light of the criticisms presented in this paper, further research on the tensions between the international anti-corruption campaign and local reception of this norm seems to be a necessary undertaking.



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