Anti Anticorruption: Barry’s recent work on Corruption

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Barry’s work on corruption can be found in his work on Antipolitics (Hindess 1997) in a report he wrote for his Department’s ‘Democratic Audit’ of Australia (Hindess 2004) and an article in *Third World Quarterly* (Hindess 2005). It has also been part of his PhD supervision, and his encouragement of the work of younger scholars, particularly at a European Consortium of Political Research meeting he convened with Luis de Sousa in Cyprus in 2006.

It was also part of his teaching in a course on ‘Corruption and Anti Corruption’ (Hindess 2001). The history of the idea of corruption became the subject of a conference that he organised with his PhD student Manu Barcham called ‘Corruption: Expanding the Boundaries’ at the ANU in 2004. The definition and deployment of the idea of corruption by Transparency International, the anti-corruption NGO, was the subject of an ARC project with me and Luis de Sousa (De Sousa, Larmour and Hindess 2009). It drew on Barry’s ideas about how liberalism operated between as well as within states, particularly towards the developing world (Hindess 2006). Running through these are arguments with modern forms of liberalism, citizenship and democracy that are considered in other papers. Here I want to put them in the context of other strands of writing and research on anticorruption, particularly an American critique of the Progressive ‘anti-corruption’ project; arguments about how corruption should be defined; and an Eastern European critique of donor campaigns against corruption in transition economies.

**Antipolitics**

In a section called ‘The Problem of Corruption’ in his chapter on Antipolitics Barry refers to persistent strand in Western political thinking that wants to distinguish two kinds of ‘politics’, one of which is in danger of corrupting the other (or which may even be intrinsically corrupt). He is not talking about a contrast between politics and a quiet life. Rather one kind of politics is defended against corruption by another kind of more ‘political’ politics. Thus for example, the founders of the US constitution, for example, believed in popular government, but were suspicious of the factionalism of politicians and parties. To understand this ‘denigration of politics’ Barry turns to Hannah Arendt’s discussion of the public and the private realm (1958: 22-78), the emergence of an autonomous Weberian state, and modern demarcations between ‘public’ and ‘private’ lives. These demarcations are insecure and shifting. Governments may interfere with the properly private lives of citizens, and private concerns can corrupt government. Ironically politicians can accuse each other of playing politics, but there is no way of stepping outside politics – though coup leaders
claim to. Also ironically states themselves are charged with protecting themselves against the corruption they are vulnerable to

Barry goes on to note that we now distinguish at least three spheres of activity: government, private and civil. Transparency International (TI), the international NGO founded in 1993 that was empirical focus of our ARC project, inhabited the latter, and saw its strategy to creating coalitions of all three sectors against corruption. TI originally defined corruption in the liberal terms of ‘the use of public office for private gain’. Compare this for example with NSW ICAC legislation which talks instead of official ‘honesty’ (a virtue), and ‘impartiality’ (a political value). TI’s founders originally concerned themselves with international business dealings (they thought of calling themselves ‘International Business Monitor’ before settling on ‘Transparency’). They had the bribery of foreign officials – and the extortion of bribes by foreign officials – in mind.

In an example of shifting demarcations TI more recently adopted a broader definition, referring to the abuse of entrusted power for private gain. This was not so much a shift in the theoretical basis of its definition – from the public/private distinction towards, say, ideas of trust and power – but more a pragmatic recognition that privatisation was pushing formerly public utilities into the private sector. TI recognised they still carried out ‘public’ functions and wanted to continue to include them within its scope. In the Antipolitics chapter Barry pointed to difficulty that states have protecting themselves against corruption, and surveys of peoples’ experience of bribery find the police to be the most corrupt branch of government worldwide. Seventeen percent of people report having to pay a bribe when they dealt with the police (Transparency International 2006). The first Independent Commission Against Corruption was created in the face of rampant police corruption in colonial Hong Kong and - in a kind of infinite regression - the NSW parliament recently appointed an Inspector General to supervise the independent exercise of the power the ICAC it had appointed.

**Good Government and Corruption**

Barry is an inspiring teacher, and research supervisor, for which he received an ANU Teaching Award. Some of his ideas about corruption were developed in a course we taught over several years called ‘Corruption and Anti Corruption’, and were sketched out in a book based on lectures for the course (Hindess 2001). The course is taught jointly with the New South Wales ICAC, intensively over two or three weeks, and the students include ANU Masters students as well as officials from anti corruption agencies in Africa, Asia and the Caribbean, funded by AusAID. Most of them have no background in political theory and Barry devised an effective way of getting them to reflect on some classic arguments about corruption. He pared down short extracts from writing by Aristotle, Machiavelli, Hume, and Madison (Ibn Khaldun was added in order to raise cross cultural questions). Students would sit and read each extract quietly alone for 10-15 minutes, then discuss it in small groups, and then in a larger group, which Barry moderated. Then the process would be repeated for the next reading, and each discussion built on the last. The session, which went through a whole morning, was very well reviewed in course evaluations, though some students were frustrated by Barry’s reluctance to prove a ‘right answer’ at the end.
His chapter in the textbook sketched out several lines of argument he developed in other publications. He started by criticising the narrowness of modern economic definitions of corruption, represented in Susan Rose Ackerman’s influential book *Corruption and Government* (1999). Instead he referred to older ideas about corruption as some kind of ‘damaging impurity’. He pointed out how partisanship, factionalism and democracy itself had been regarded as forms of corruption (and the uncomfortable proximity of ideas about purity to ethnic cleansing). Indeed, Barry argued, ‘the history of representative government could be written as the history of attempts to minimise the effects of the new sources of corruption which it creates’ (2001: 9). Finally he criticised the remedies that followed from the economic understanding of corruption as a matter of individual financial impropriety in the public sector. One proposal was to reduce the size of government, but the process of privatisation carried its own corruption risks. The other was increase public service pay, but there was no reason to assume the better off were less susceptible to bribery. More generally, what people counted as corruption depended on their views of what counted as good government, and that was bound to be disputed.

**Corruption and Democracy in Australia**

Barry’s 2004 Report on ‘Corruption and Democracy’ in Australia began with a favourite quote from Huey Long:

> Those of you who come in with me now will get big pieces of pie. Those who come in with me later will get smaller pieces of the pie. Those who don’t come in at all will get – Good Government.

Good government was of course the slogan of the Progressive movement for municipal reform in the US. Anechiarico and Jacobs have described how successive scandals in New York had introduced more and more levels of supervision and blacklisting of firms, so that municipal government was becoming increasingly ineffective. Echoing Barry’s arguments about ‘anti-polities’ they identified this anti-corruption project with the late nineteenth century ‘progressive movement’ which – invoking Weber through Woodrow Wilson’s 1887 essay on the study of administration - had tried to draw and patrol a line between ‘politics’ and administration’. Such a line became increasingly hard to sustain as the administrative state grew in the twentieth century. Everywhere officials were performing ‘political’ tasks of deciding who got what when and how, drafting and interpreting legislation, and negotiating with interest groups (Rohr 1998). Anechiarico and Jacobs also noted the irony the Tammany Hall system which the Progressives railed against had itself been an anti-corruption project – proposed by Jeffersonian democrats as an antidote to the corruption of an East Coast elite, who restricted had public service jobs to their own circle. They also noticed the emergence of a new style of public administration out of the bankruptcy of Progressive assumptions (as accurately caricatured in the 1970s TV series *Yes Minister*). In what is now called ‘reinventing government’ or ‘new public management’ (NPM) the increased use of market mechanisms – Barry’s neoliberalism - coexists with increasing politicisation of the public service, as Ministers play a more direct role in tasks administrators previously kept for
themselves. In another irony, the World Bank has been promoting anti-Progressive NPM at the same time as it has been trying to promote Progressive anticorruption.

Good government then went on became a slogan of British late-colonial policy (sometimes contrasted with ‘self-government’), and of the World Bank, the European Union and other western aid donors in the 1990s. Barry analysed their activities in his chapter on ‘market civilization’ in a book co-edited by his former PhD student, Brett Bowden, discussed below. And Louisiana remains one of the ‘least developed’ states in the US. Huey Long’s slogan also explains one of the reasons – puzzling to anticorruption reformers – why voters might continue to vote for corrupt politicians.

Barry had to accept that Australia performed ‘extremely well’ on TI’s Corruption Perceptions Index and bribe payers index (this was before the revelations of the Cole Commission about AWB’s kick backs to the Iraqi government). But he was determined to show that all was not as it seemed. There were legitimate political differences about what counted as corruption. Corruption was typically hidden. Public regulatory bodies were dependent on political support, so while they sought to reassure the public they were careful not to push their investigations too far. Private money funded political parties, and public money was spent on partisan purposes, particularly close to elections. Codes were proclaimed but set aside as soon as breaches occurred. In the case of the prosecution of officials from One Nation, it seemed that the electoral offences of minor parties attracted more scrutiny than those of well established ones. There were many examples of fraud and corruption in the private sector that had a public impact. The media were powerful, and often deferred to by politicians. The public service was increasingly responsive to politicians (in a breakdown of the ‘Progressive’ separation of ministers and officials).

Barry cited the Metherall case in which an ICAC finding of corruption against a NSW Premier was overturned by the High Court. It had revealed the different standards of public life held by politicians, the media and public opinion. The Premier had offered a sitting member a public service job if he would agree to resign, precipitating a by-election that the Premier’s party expected to win. As in Barry’s criticism of the liberal definition of corruption, there was no suggestion of any ‘private’ gain. More generally he concluded that what one thought of as corruption depended on what one thought of as ‘the proper purpose of government’. That was the stuff of politics.

Barry has pointed out here and elsewhere that the idea that modern democracies exclude citizens from their deliberations is not particularly new (2006: 40). It is a feature of influential ‘realist’ conceptions of democracy. However a particular kind of ‘duplicitous’ exclusion is part of Mark Warren’s argument about the particular character of corruption in democracy. He takes Barry’s line of argument a bit further. Warren (2004, 2006) points out that the modern definition of corruption used by TI, and criticised by Barry, dates back to a pre-democratic period, when reformers sought to protect individual rights against absolute monarchies. Their fear was of an overweening and interfering state. There is nothing wrong with that, Warren argues. It helps with institutional design, for example. However it does not grasp the democratic aspects of modern states which have ‘outgrown’ it (Warren 2006: 803). For example, it provides little help in deciding about the duties of politicians rather than officials. Politicians in a democracy are, after all, expected to be responsive to public opinion ‘Partiality, legislators remind us, is part of their job’ (2006: 804). It
emphasises rules, and their even handed application, but their downside is rigidity, inflexibility, and lack of responsiveness that may – as Anechiarico and Jacobs found in their study of the anti-corruption project in New York – stymie the work of government agencies. And while it speaks to the abuse of power within the executive branch of government, it has less to say about judicial and legislative processes, and corruption in other sites of power in modern democracies, such as the media which Barry targeting as a matter for concern in Australia.

Warren argues that the point of political corruption is that it harmfully excludes people from decisions that affect them. He is not against all forms of exclusion, just those that are hidden, and contradict the professed values of the officials in charge of it. An example might be a job application or public tender that is professed to be open to all, but is in fact decided in advance in favour of particular applicant who has bribed an official. Or a court case in which the judges are secretly biased. Or a law making process in which legislators claim to be acting as they have promised, but are secretly creating exceptions for favoured interest groups. The democratic norm, Warren argues, is inclusion of those affected by a decision in deliberations about it (they may win or lose, but they should expect to be heard). Corruption lies in the exclusion that is both duplicitous (ie hypocritical) and harmful (to the interests of those excluded, and the legitimacy of the system more generally).

Investigating International Anti-Corruption

Barry begins his ‘Review essay’ in Third World Quarterly with a swipe at President Bush (as the leader of ‘one of the most corrupt systems in the western world’ claiming to be against corruption) and turns to TI’s ‘source book’ – its compendium of anti-corruption ‘best practice’ complied by one of its founders, Jeremy Pope, a constitutional lawyer. Pope was the inventor of TI’s trademark idea of a ‘National Integrity System’, represented in the image of a Greek Temple, in which ‘Integrity’ is upheld by a number of pillars such as the executive, the legislature, the judiciary and so on.

Barry’s characterises the source book as ‘neoliberal’ in its ‘desire to govern certain fields of activity indirectly’ through market-like mechanisms and auditing rather than direct state control (2005: 1390). Internationally it promotes trade, commercial law and market disciplines which provide indirect controls on the behaviour of nominally independent states. Barry argues against two claims of the international anti-corruption movement: that corruption is a particularly serious problem for developing countries; and that it is main a problem of the public sector. He argues that TI ‘uses the problem of corruption as a stalking horse for a major societal program of societal reform’ along Western lines. Its model of the Greek Temple falsely implies that without such pillars, societies will collapse. It includes ‘the private sector’ and ‘international actors’ along with the more familiar pillars of legislature, executive etc and so implies they are part of the solution rather than part of the problem. In championing coalitions between the government, the private sector and NGOs it avoids confronting the ‘powerful individuals and political forces’ that, Barry implies, are the cause of corruption.
Like the war on drugs, or the war on terror, the war on corruption is bound to fail but - Barry argues – has other purposes which he unmasks. Finally, the wider definition of political corruption that TI adopted in its 2004 report – the abuse of entrusted power by political leaders for personal gain - is, Barry argues, still too narrow. It misses the abuse of power for political purposes, and depends on contested ideas about where ‘the public interest’ lies. Here Barry draws on Mark Philp’s influential argument (2002) that definitions of corruption imply a specification of the ideal state – the ‘naturally wholesome’ thing which has become corrupted. These ideals, often implicit, are inherently contested. Barry then questions the claim that corruption is bad for economic growth by noticing the pervasiveness of corruption in recent and current economic success stories: the US, Japan, China and so on. Little wonder that this account of the ineffective strategy, and ulterior motives caused some alarm in TI HQ when it was presented to the conference that Barry and Manu organised.

Barry’s argument is that the ineffectiveness and irrelevance of TI’s strategy is part of the point. Another game, of trade liberalisation, common standards, and open access is afoot, and that explains the support TI has gained (after initial resistance) from the World Bank and other international financial institutions. Anti-corruption provides an attractive package for this tougher medicine. But he is not arguing that the international institutions are coercive, forcing policies down the throats of reluctant governments. Rather they rely on indirection, persuasion, and NGOs to make their case that states themselves should choose reform.

The examples of international action that Barry had in mind tended to be post colonial developing countries. Meanwhile the World Bank and other donors were discovering new roles for themselves in the post-communist ‘transition’ economies of Eastern Europe. The EU’s Copenhagen criteria, for example, would insist on the creation of anti-corruption institutions before acceding to the Union. Donors were sponsoring ‘grass roots’ anti corruption campaigns and workshops rather in the way they had been in developing countries. Andras Sajo and colleagues edited a book called Political Corruption in Transition and subtitled it ‘A Sceptics Handbook’. They found donor sponsored anti corruption campaigns were promoting an unproductive politics of accusations and counteraccusations of corruption that was displacing debates about policy, and undermining the legitimacy of newly established democracies in Eastern Europe. Ivan Krastev identified several deleterious ‘Antipolitical’ features of such campaigns. Their definitions of corruption constantly expand to include new activities, and new perpetrators. They moralise politics, and blur the lines between political choices: ‘Corruption –centred politics is in a way the end of politics’ (2004: 69). Talented younger people are turned off careers in public administration, which is seen as tainted by corruption. And there is a redistribution of power in favour of the courts, who must decide on the cases brought to them, but which invariably find less corruption than the media and popular opinion expected – contributing to their own delegitimation.

Civilizing Missions

Barry’s chapter in Brett Bowden and Len Seabrooke’s book on Global Standards of Market Civilization does not deal with corruption as such, but with the global promotion of good government and development within which anti corruption
funding for local TI groups subsists. Barry relates it back to earlier ‘civilizing missions’, but notes that it characteristically post-colonial, eschewing – for the most part – the direct use of force, but intervening indirectly, through NGOs. Rather than insisting on changes through conditionality – an implied threat to disengage that donors are reluctant to follow through with – donors now work through training and workshops to changes governments’ minds (for example see Larmour 2002). As Barry points out ‘ownership’ now plays an important part in development discourse’ (2006: 41). Rather than the stick, governments are offered a carrot If you want to join the WTO, or the EU, you must accept our conditions and we will help you with training programs and technical assistance to help you meet our conditions. But you are perfectly free not to join our club.

We could add that the EU insistence that Eastern European countries adopted anti corruption institutions and strategies was particularly ironic in the light of that organisation’s own corruption scandals, and in the absence of such machinery in many of the community’s core countries. And later Paul Wolfowitz, an anti corruption reformer at the World Bank, was forced to resign over accusations of favoritism towards his girlfriend, a bank employee: anti-corruption campaigns have a way of biting back at their proponents.

Barry also notices that – while every country is brought under the disciplines of the market – corruption is perceived to be a particular problem – perhaps the main problem - in developing countries. Barry’s argument points to the skewed character of TI’s work, and its interest in rankings between formally equal countries. There is a tension in TI’s activities between its universalism – all countries are potentially corrupt and all must be subject to the same standards – and its focus on the particular problems of the developing world (Larmour 2006). Its Corruption Perceptions Index ranks all the countries it can, but developing countries tend to fall to the bottom of the list. TI’s national chapters tend to be more active in developing countries than in the West. It is partly a matter of funding – though formally an NGO TI and its national ‘chapters’ depend largely on funding by national governments in the West, as part of aid programmes to developing countries. Western governments are less willing to fund anti corruption loose cannons in their own countries.

Conclusions

(to come)
References


Hindess, B. 2001 ‘Good Government and Corruption’ in P. Larmour and N. Wolanin, eds *Corruption and Anticorruption* Canberra; Asia Pacific Press and Australian Institute of Criminology pp 1-10.


