



The anti-corruption package*

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Corruption, the abuse of power for private gain, or more generally, the degradation or deformation of the political order, has been with us since the earliest classical city-states. So have complaints about corruption, and so have various politicians who pledged to ‘do something’ about it.

But the global corruption regime, what I have called the ‘anti-corruption industry’, is little more than a decade old (Sampson, 2010a). What has happened over the last 15 years or so to make anti-corruption highest priority for international donors, a budget line with aid agencies, a slogan for both NGOs and authoritarian politicians, and a campaign in countries that would hardly qualify on the Freedom House Democracy Index? Why is anti-corruption hot?

One possible explanation, of course, is that the world is becoming a better place, that moral and ethical projects, the imperatives of transparency and openness, the skepticism about the rich and powerful – even among the rich and powerful – has gotten the upper hand. This renewed moral commitment has compelled public authorities to become more open – if not more honest – with the ever watchful global civil society or the local branch of Transparency International ready to shine a light on suspicious practices. The new business ethics is everywhere, it seems. Private corporations accused of being secretive or unprincipled are starting to think and act ethically. Enron becomes an object lesson, and companies once penalized for gross bribery violations now formulate anti-bribery policies and set up ethics and compliance units. Large multinationals now have literally hundreds of ethics and compliance officers making sure that

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their employees know the code of conduct and that they do the right thing. In this line of thinking, the rise of what I call 'anti-corruptionism' is one sign that the moral state of the world has improved. Civil society, consumer groups and anti-corruption activists are now marching hand in hand with the International Chamber of Commerce, the World Bank, USAID, with Siemens, Rio Tinto and Shell to do battle with the cancer of corruption. Even the Chinese are on board! How nice.

There is a second explanation for the rise of anti-corruptionism. It is that anti-corruption initiatives are but the latest innovation of global capitalism. In this view, neoliberal governance and an audit culture, invoking the rhetoric of 'level playing field', seek to increase profitability by reducing the barriers to commerce: no more kickbacks, bribes and under the table agreements. No more so-called 'facilitation payments' to corrupt African finance ministers; no more bribes to a regional governor for a mining concession or to the customs officer at the port of entry. No more outlandish hospitality payments, free trips to business partners or the hiring of their children as interns. The slogan is now: 'Say no to corruption'. In this optic, the need for corporations to bribe their way to contracts is an onerous tax; corruption payments, once considered a means of greasing the bidding machine, are now seen as an extra expense that reduces profits. While we may think of the anti-corruption movement as being driven by civil society groups such as Transparency International and local anti-corruption NGOs, especially those in the developing world, the global anti-corruption agenda seems to be driven by the World Bank, OECD, the EU, the corporate leaders promoting the Global Compact, and the other usual suspects. These actors are backed up by policies and laws such as the UN Convention Against Corruption, the UN Global Compact (of corporations supporting ethical behaviour), the OECD anti-bribery convention, by renewed enforcement of the U.S. Foreign Corrupt Practices Act (1977), by the newly enacted UK Bribery Act (2010), by the anti-bribery and ethics units of the major accounting firms, and most spectacularly, by the U.S. Security and Exchange Commission's Office of the Whistleblower, which now pays out cash rewards to whistleblowers who report corruption in their companies (the most recent payout to a single whistleblower being no less than USD 30 million! [U.S. Securities and Exchange Commission, 2014]). With China and Russia promoting anti-corruption campaigns as well (for very different reasons), we can detect some kind of confluence of states, public authorities, international organizations, the private sector, authoritarian political leaders, aid organizations, NGOs, political activists, civic groups, financial institutions, multinational companies, and yes, even Swiss banks, all of whom suddenly want to fight corruption. Forget the moral progress argument. It looks like we have some kind of global conspiracy here. Is anti-corruption the new 'capitalist plot?'

Morality or conspiracy?

Let me use the remainder of this commentary to unpack the global morality explanation for why anti-corruption is hot, versus this conspiracy theory argument. It is not my purpose to promote one or the other explanation as the key to understanding the anti-corruption wave. Rather, I will argue that anti-corruption seems to be both: a platform for a new global morality and a channel for yet another readjustment of global capitalism, where ethics and reputation are a valuable asset and where 'reputation management' is now a corporate priority on a par with cost accounting.

A *global morality argument* would postulate that due to the collapse of time and distance, what we call 'globalization', and with the aid of new technologies and transnational movements, the corporations and corrupt officials who once acted with impunity cannot act with impunity anymore. It is an argument based on an assumption that corruption has become more intolerable, that political and economic actors need to become more accountable, and that the mechanisms for assessing this accountability are more readily accessible (more frequent auditing reports, universal smart phone cameras, easy-access anonymous whistleblowing sites, etc.). The trend here is towards more transparency, more democracy, more human rights, more welfare and more economic prosperity as desirable and inevitable. It is an argument for governance over government, and it is promoted not only by populist movements such as the World Social Forum and Occupy and by advocacy groups within 'global civil society' but also by major international institutions and Western governments. This liberal, human liberation project certainly has its setbacks (authoritarian 'retreats from democracy', civil wars, collapsing states, spectacular corruption scandals, uncivil society, fundamentalist movements, Islamic State beheadings). Yet the pressure toward transparency and disclosure as keys to democracy remains. And it is this pressure that keeps anti-corruption at the top of the global development agenda, making it an integral part of public administration, corporate governance, and civic movements.

Added to this general morality project is an additional argument: that good ethics is also good for business, that ethics is profitable. Hence, a recent study was cited to me by the ethics officer at Coca Cola, describing that companies with ethics and compliance programs had 16% greater profitability over a ten-year period than companies that did not have such programs. Sixteen percent is 1.6% per year. We might call this the 'morality dividend'.

Now we need not exaggerate this morality trend. A recent Ethics Resource Center (2013) survey of employees in U.S. companies notes that one out of three

employees still do not report misconduct in their companies, and that 21% of those who did report experienced retaliation from their employers. Not everyone is doing the right thing just yet.

Nevertheless, if we survey the number of ethics and compliance officers being hired, the ethics and compliance departments being created inside companies and public authorities, the numerous anti-bribery training and certification courses being conducted, and the large number of vendors now selling 'ethics and compliance solutions', it seems that there is now a moral and ethical dimension to business that did not exist some years ago (this includes Master's programs in ethics and compliance, echoing the trend toward specialized programs in areas such as Non-profit Management, Disaster Management, or Human Rights Law).

The conspiracy argument for anti-corruption, like any conspiracy, requires that 'we' can identify an insidious 'them' who have some kind of master plan with a secretive, power agenda. A conspiracy theory of anti-corruption would have to identify this master plan for domination and trace links between various powerful groups and institutions. We would have to 'connect the dots'. In trying to understand the emergence of a global anti-corruption regime, conspiracy theory is good to think with. This is partly because conspiracies always have contradictions embedded within them. On the one hand, everything is connected, there are links between actors and forces which show the extent of the conspiratorial network. On the other hand, every conspiracy theory has many loose ends; the dots are never fully connected. Viewing anti-corruption as a plot, hatched with World Bank President James Wolfensohn's 'cancer of corruption' speech in 1996 and continuing with the enhanced prosecutions under the U.S. Foreign Corrupt Practices Act and the UK prosecutions under the Serious Fraud Office, along with the spectacular rewards to whistleblowers by the U.S. government, we have a configuration of actors and networks, an 'anti-corruption assemblage' (following Ong and Collier, 2005), with its rhizomatic characteristics so beloved by Deleuze and Guattari (1987) adherents. We have a kind of loose grouping of animate and inanimate actors, discourses, policies, resources, metaphors and ideologies bringing together a global elite across the political spectrum. Anti-corruption in this sense, becomes part of Hardt and Negri's *Empire* (2000). The difference, however, is that the 'multitudes' who are supposed to resist Empire seem to be coopted into the project. Anti-corruptionism rewards the professional corruption fighters with project grants for anti-corruption advocacy campaigns. Excluded from the anti-corruption scene are (1) fundamentalist anti-corruption fighters, who seem to operate not just with a concept of corruption as bribery of corrupt officials, but of a larger, entirely corrupted society which has cowered to Western, secular influence, (2) mass

movements who take to the streets and try to overthrow corrupt regimes and (3) authoritarian anti-corruptionism in Russia and China, which is avidly pursuing bribe-giving Western managers instead of their own bribe-taking officials.

From fighting corruption to fighting what?

Taken as a global morality project or as a conspiratorial plot, anti-corruptionism is both less and more than what political scientists would call a 'regime'. Anti-corruptionism is amoeba-like, much like corruption. The unstructured character of anti-corruptionism is due to continuing changes in the definition of its 'enemy', i.e. corruption. Corruption is no more the straightforward bribery of public officials. It is now a more general abuse of power in all forms of social and political relationships: in governments, in the private sector, in NGOs. This new understanding prompted Transparency International, following the Enron scandal, to alter its own definition of corruption from 'abuse by public officials...' to 'abuse of entrusted power for private gain' (Enron, by the way, was once a donor to TI).

The liquid character of anti-corruption is amplified by the problems of measuring or assessing the phenomenon they are fighting. Transparency International's Corruption Perceptions Index and the Bribe Payers Index, the various World Bank 'Governance matters' indicators (e.g., 'State capture', 'Control of corruption', 'Voice and accountability'), and 'Doing business' statistics (e.g., comparing the costs in time and money necessary to obtain a building permit in, or to import a container into, Nigeria versus Singapore, these measurements now capture only a very small part of the phenomenon that is 'corruption'). 'Corruption' has now become abuse of any and all kinds of power in any and all ways.

The 'corruption' concept has become inflated, a floating signifier, encapsulating the general decadence of the political regime in which people find themselves. This definition of corruption as general decadence or decline reflects the Classical and early Christian view, a view gradually replaced by the familiar focus on making public officials made more accountable through rules, regulations and procedures, and most lately by the kind of ethics training that we now call 'awareness raising' (Buchan and Hill, 2014). Fighting corruption has now reached into every aspect of social and policy life: not just foreign aid and international business, but political contributions, health services, education, environment, security and antiterrorism. 'Everything' used to be human rights. Now 'everything' is anti-corruption. Every new scandal of a company, a bureaucracy or a politician brings corruption and anti-corruption to the forefront

in a way that was unimaginable a decade ago. We may not be able to define, nor measure, what it is we are fighting, but there is no doubt that we have to 'do something' about 'it'. Fighting corruption, or just fighting, is now a set of 'tools' that we learn; these tools include awareness raising, diagnostics, metrics, e-bidding, incentivisation (yes, it is a word) and ethics training. It includes training in the UK Bribery Act's 'adequate procedures', guidelines to firms on how to avoid being listed on the World Bank list of debarred companies, publicity of the SEC's whistleblowing cash bounties, and that brilliant invention by the U.S. SEC known as 'deferred prosecution agreements', used to compel firms to establish anti-bribery programs in exchange for lowered fines or reduced jail time. The anti-corruption toolkit has grown large indeed. The final stage, a global ISO 'anti-bribery management system' (ISO 37001, based on the British standard BS 10500) is now being finalized. This is global governance with a vengeance.

Perhaps it is time to reconcile the tendencies of the global morality theory, keyed to global governance, and the capitalist conspiracy theory whereby international financial institutions and global firms now attack corruption. Are we now living in a world where there are indeed new moral visions? Or is this transparency and morality discourse but a cover for conspiratorial, more sophisticated capitalist practice? What kind of world is it when Transparency International representatives (whose driving force, Peter Eigen, himself worked for the World Bank), are invited to Davos but where they also attend the World Social Forum? In what way are ostensibly grass roots organizations also a part of some kind of global elite? How did the World Bank and Statoil become part of what is known as 'the anti-corruption movement'? Can we envision a world where there is both more morality and more conspiracy? Why indeed is everyone against corruption?

This is not to demonize Transparency International as part of a global plot. One cannot equate the hundreds of millions of euros used by multinational mining or defense companies to implement anti-corruption programs (and avoid prosecution) to Transparency's 10 million euro budget, most of which is donated by European foreign ministries. Laws and conventions aside, the enforcement of anti-corruption remains an uphill battle. Nevertheless, we would be remiss not to observe that anti-corruption has entered the center of much global policy-making, and that we really do not know why.

What we do know is that 'corruption' has now become an all-purpose explanation for social and political deroute, and that 'anti-corruption' has become an all-purpose cure. Corruption is invoked to explain poverty and underdevelopment, alienated youth and fundamentalism, fragile states, political instability and poor business climates. Corruption is now something everyone wants to do something about. It is something we fight, and the 'we' now includes Vladimir Putin and

the Chinese Communist Party (whose arrest of executives from GSK and other Western firms is now the topic of many compliance and anti-corruption gatherings).

Industry, landscape, assemblage, package, gift

In this milieu, we might profit by combining the moral project and the global capitalist conspiracy into a single framework. In studying anti-corruption, I myself have wandered through a kind of metaphorical excursion, seeing anti-corruption as a 'landscape', as an 'industry', as a discourse of 'anti-corruptionism', as what Ong and Collier call a 'global assemblage' or what Latour might refer to as an 'immutable mobile' (Latour, 1987; Ong and Collier, 2005; Sampson, 2005; 2009; 2010a; 2010b).

Perhaps the simplest metaphor for this combination of morality and conspiracy is that of a 'package'. The word may be reminiscent of Latour's actor-network-theory, but it is also frequently used in Scandinavia (Danish: *pakke*) to denote a set of legal and regulatory measures attacking a certain issue, such as the 'immigration package' or 'youth unemployment package'. The anti-corruption package contains conventions, laws, policies, resources, project units, consultants, donors, recipients and sets of practices. The package originates in the centers of anti-corruptionism, which are the Western governments, international organizations, financial institutions and aid agencies, and the package is then wrapped up and delivered by consultants, NGO project managers, trainers and IMF loan officers. There may be anti-corruption activities elsewhere (such as the anti-corruption political movement in India), but these are not part of the anti-corruption package described here. Anti-corruptionism is not about demonstrations but about 'coalition-building' between business, government and responsible advocacy groups (to cite the Transparency International policy). The project is to get everyone 'on board'.

Such packages are transmitted as gifts, which means that there are gift-givers and gift-recipients. And as every anthropologist knows, gifts express social relations and moral obligations (Mauss, 1925). We have the obligation to give, the obligation to receive, and the obligation to reciprocate. Anti-corruption programs are also gifts. But they are gifts with strings. The anti-corruption gift package is usually attached to another package of obligations. In the EU, for example, borderline candidate countries such as Romania and Bulgaria, in order to gain full entry, had to establish anti-corruption agencies. Under EU scrutiny, they had to demonstrate sufficient resolve in fighting corruption (by showing the number of high-level politicians prosecuted). This effort helped them finally enter the EU. As soon as they entered, however, the corruption fighting began to cease. The EU

has now been compelled to establish a special post-accession monitoring unit to oversee the seriousness of the Romanians' and Bulgarians' anti-corruption commitment. It is as if the Romanians and Bulgarians took the gift package, and like the proverbial Christmas necktie, threw it away. Now they have had to retrieve it and show the gift-givers that they are using the gift in the way it was intended.

EU membership itself was also a gift, but the EU has also extracted something in return. European integration has wreaked havoc on local industries in Romania and Bulgaria, as well as the other Balkan countries seeking membership. In these candidate countries as well, officials trying to extract facilitation payments from European investors is a means of 'leveling the playing field' (for Albania, for example see Kasjiu, 2013). Hence, corruption agencies notwithstanding, there is still plenty of bribery going on in all the Balkan countries. Seen from Tirana, Skopje or Bucharest, the Western anti-corruption project has been viewed as a scheme to make the world safer for international capital. The EU emphasis on 'corruption awareness' and metrics has not had any impact on the crude abuse of political power and the kinds of entrenched networks that we would otherwise call nepotism, cronyism or clientelism. Anti-corruptionism has not reduced corruption.

The gift of anti-corruption

Corruption research has concentrated on theorizing the causes, consequences and impacts of corruption. We have done much less in trying to understand the dynamics of anti-corruptionism.

Globalization involves the diffusion of resources, people and discourses. But globalization also standardizes and homogenizes. This is what has happened to the anti-corruption package, as it took the form of a gift wrapped up by major donors and then given to countries seeking foreign assistance or foreign investment. The moral appeals, transparency pressures and imposition of bribe-free trade have become standard elements of the anti-corruption gift. As such, we need to understand who packs this gift, how it is 'wrapped', how it is sent, and how it is opened. We then need to study what the recipients do with its contents. Gift-giving has always been a combination of social obligations and hidden agendas, of morality and conspiracy. So is anti-corruptionism.

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