



## The 'subject' of corruption



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### ABSTRACT

This paper develops an analysis of corruption as the complement to processes of subjection. In this way the paper offers a way to make sense of how processes of inscription and audit which are designed to prevent corruption, nevertheless also continue to make corruption possible. The paper draws on both Foucault and Lacan's account of the formation of the subject to explore the 'mad' attractions of corruption. The analysis suggests that the attraction of corruption lies not only in the private material advantage it offers but also in the enjoyment and excitement that arises, both from the exercise of quasi-sovereign power within hierarchies, and from transgression of the very rules that hierarchy is formally constituted to enforce. The phantasies of omnipotence and absolute autonomy that animate corrupt subjectivity are further reinforced by subordinates who are too eager to win the recognition of the powerful, or at least too paranoid to overtly challenge their corrupt conduct. Far from the exception that advertises the norm, corruption can be seen as a norm of the conduct of the powerful, masked by the theatre of due process.

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### 1. Introduction

The article that is the basis of this special issue has a very specific point of focus – government procurement processes – which are argued to be particularly vulnerable to corruption as a consequence of their 'unique features and participants'. Corruption is itself defined as the 'illegitimate use of public or communal resources for private gain'. In the context of government procurement, it is argued that the tax-payer or public are not 'proximate in social space and hence difficult to imagine', making those involved in procurement activities 'feel less accountable' to these 'amorphous' others. To the effects of this ethical distance are then added the 'interestedness' of the three main sets of participants; business people, bureaucrats and elected politicians. Business people have incentives to purchase political influence to achieve favourable policy outcomes. Politicians are themselves dependent on resource inflows to fund their own survival and success, whilst it is part of the role of government bureaucrats to 'act at the discretion' of their political bosses. Influence in the form of lobbying or consultation is a legitimate part of these relationships but can easily then step beyond the boundaries of the established 'rules of the game' and become corrupt. Finally, such is the nature of procured goods and services that market prices are often difficult to determine, making procurement a space 'where corruption is both more likely and more difficult to detect'.

Both pre- and post contract phases of the procurement processes offer clear opportunities for corruption. Pre-contract there can be all sorts of opportunities to 'rig' the bidding processes through influencing who will be invited into the process,

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and the terms on which the contract will be awarded. These terms can then be framed such as to allow subsequent cost inflation without the protection of competition, or indeed the application of proper audit and approval processes. The prevention of corruption then depends upon the quality of both internal control and auditing processes as these might serve either to prevent or discover potentially corrupt activities. The focus of '*Preventing corruption within government procurement: constructing the disciplined and ethical subject*' is on the written 'inscriptions' upon which such controls and audit processes must necessarily depend.

It seems entirely appropriate that the particular contribution of accounting academics should be to explore the potential for accounting artefacts and techniques – internal controls and the audit trails that they make possible – to offer a severe constraint or remedy to corruption. The paper focuses on form based practices, and in particular on 'getting the forms right', as ways both to make corruption more difficult, and/or to retrospectively identify its perpetrators. The dominant narrative that the authors wish to tell is a story of hope about the corruption-busting potentials of the well designed form. Here the paper draws both upon the work of Foucault as well as Deleuze to explore how forms and associated inspection practices work to inhibit or reveal corruption. However, the argument developed in the paper offers a rather split appraisal of the potentials of such 'luminous arrangements'. On the one hand, the authors pursue the strong argument that the 'practices pertaining to the forms – including the activities involved in gathering the information, filling in the form, and the subsequent use of archival traces... are constitutive, if successful, in the construction of disciplined and ethical procurement participants' (Neu et al., 2015, p. xx). Against this the authors develop a whole range of parallel arguments which point in the opposite direction; to the ways that the forms and audit processes invariably leave all sorts of spaces of 'discretion' that allow the corrupt to conceal their actions behind the veil of apparently transparent formal processes (Neu, Everett, & Sharman, 2013). From this perspective the well designed form has a perverse character; it makes corruption more possible by virtue of the assurance it offers others of a process that can be trusted (Stolowy, Messner, Jeanjean, & Baker, 2013).

In the paper that follows I want to further explore this split framing of the problem and remedy to corruption. The peculiar problem of corruption lies in the coincidence of the pursuit of private gain within all the privileges and resources of public office. The corrupt individual or group is then more typically enabled rather than constrained by their intimate knowledge of the procedures to which they are nominally subject. Happily I have little direct experience of corruption but a few examples drawn from the work of doctoral students will perhaps be enough to illustrate the inextricably 'doubled' nature of corruption in which processes designed to protect the public interest are mobilised by the corrupt for their private purposes.

The first scene is drawn from research on SMEs in Angola and involved a visit by the economic police to the premises of an entrepreneur running a soft drinks business. Their inspection of his premises revealed a slight leak in the air conditioning unit but this 'infringement' of health and safety regulations provided the police with an excuse to fine the entrepreneur. The unspoken alternative was for there to be an immediate and direct cash payment to the officers involved. In this example the duties of public office and its powers were being mobilised to serve private interests. For the entrepreneur the decision was either to face the inconvenience of challenging the fine through the courts or pay up and have them leave. In this instance the entrepreneur chose to pay; thereby opening himself to future regular visits and payments and making him complicit in this web of petty corruption. A second example is drawn from Russia in the 1990s and a joint venture between a Western company and a group of oligarchs. The knowledge of the latter of the intricacies of Russian bankruptcy law, together with the pliability of the court appointed receiver, allowed the oligarchs first to strip out the assets of the venture and then offer to cooperate with the victim in a new joint venture. The latter offered the Western 'partner' the now obvious protections of the oligarchs' networks of influence, whilst also potentially shielding the oligarchs to some degree from political interference by the Kremlin. Again public and private interests and means were here thoroughly intermingled such that it was practically impossible to use public process to curb private interests. Finally, in a study of University governance in a developed country context the powers of public office were seen to be being used to advance the private interests of 'mateship' amongst a group of colleagues. Such processes were completely invisible apart from the 'coincidental' movements of this group into positions of relative power and influence both within the University and beyond. Yet again it was precisely individual's intimate knowledge of procedures and rules that could be used to effect their construction of this network of private interests; private and public interests were again indistinguishable and served only to complement each other.

To my mind, it is this interweaving of public and private interests, their inseparability and entanglement, which renders somewhat naive the hope that the author's invest in the power of well designed forms and procedures effectively to counter the potentials for corruption. At the same time, however, I believe that in their focus on processes of subjection Neu et al offer a potentially very valuable and fruitful avenue through which to better understand both corruption itself and the challenges which it represents.

## 2. From discipline to ethical subjectivity

As a starting point for exploring the subject of corruption it is first necessary to unpick Neu et al.'s elision of the 'disciplined and ethical subject'. Foucault's (1979) work on discipline points only to the ways in which 'he who is subject to a field of visibility, and who knows it,' such as that created by forms and inspection processes, comes to 'play both roles' in a power relationship. Discipline, in this sense, involves self-discipline as the power relationship is internalised. Arguably, however, such processes at best presage the more complete view of subjection which Foucault 1982 later offered.

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