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Corruption is bad: Normative dimensions of the anti-corruption movement

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Abstract

Informed by a recent wave of academic and policy research, international organisations such as the International Monetary Fund, the World Bank, and the OECD are increasingly attempting to incorporate anti-corruption measures into their respective missions. But while the concept of corruption makes little sense in the absence of a parametric normative distinction between that which properly belongs to the public sphere and that which belongs to the private or commercial sphere, there has been little effort by policy makers or students of international political economy to explicitly articulate and reflect upon the moral and ethical underpinnings of the concept of corruption. This paper reviews some of the key documents of the emerging global anti-corruption regime, and analyses the moral connotations permeating these documents. I also examine the relative neglect of moral and ethical issues within the scholarly literature on corruption and its consequences. Such neglect, I argue, is likely to undercut the legitimacy, and hence efficacy, of international institutional efforts to combat corruption.

Corruption is bad: Normative dimensions of the anti-corruption movement

MLADA BUKOVANSKY¹

INTRODUCTION

Informed by academic and policy research and experience, international organisations are increasingly focusing on political corruption (the use of public office for private gain, or the illegitimate purchase by private actors of political consideration) as a negative force requiring multilateral solutions. But while the concept of corruption makes little sense in the absence of a parametric normative distinction between that which properly belongs to the public sphere and that which belongs to the private or commercial sphere, there has been little effort by students of international political economy (IPE) to explicitly articulate and reflect upon the moral and ethical underpinnings of the concept of corruption. Rather, most scholars working in this area seek to avoid ‘moralising’ and instead aspire to ‘objective’ or ‘scientific’ approaches to the study of corruption.² It is probably wise for academics and policy makers to favour analysis over moral exhortation. What is nevertheless problematic is the academic and policy community’s failure to engage in an explicit examination of, and discourse about, the normative underpinnings of the corruption concept, while at the same time engaging in a broadly-based anti-corruption campaign targeted primarily at the developing world. Unreflective imposition of standards that carry substantial normative baggage, besides being ethically suspect, is likely to lead to failures in implementation.

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² See, for example, Robert Klitgaard, *Controlling corruption* (Berkeley, CA: University of California Press, 1988), ‘Introduction’; and Joseph Nye, ‘Corruption and political development: A cost-benefit analysis’, in Arnold J. Heidenheimer, Michael Johnston and Victor T. Levine, eds, *Political corruption: A handbook* (New Brunswick, NJ: Transaction Books, 1987).

During the late 1990s the United Nations, the International Monetary Fund (IMF), the World Bank, the Organization for Economic Cooperation and Development (OECD), and a number of regional institutions, business organisations, and non-governmental organisations (NGOs) brought the corruption issue to the forefront of their agendas and began to lobby for measures intended to curb corruption. The NGO Transparency International (TI) has been particularly active in putting the corruption issue on the international agenda, through its programs and lobbying efforts, and through its publication of the 'Corruption Perceptions Index' and the newer 'Bribe Payers Index'.³ These policy developments have been informed and buttressed by a growing scholarly literature focusing on corruption and its effects, particularly its effects on economic development.⁴ Overall, policy makers in international institutions, NGO activists, and academics appear to have reached a consensus that transnational corruption is a bad thing and that concrete steps should be taken to curb it.

Although virtually all states have domestic anti-corruption laws on the books (whether or not such laws are enforced is a separate issue), the international realm has traditionally been viewed as highly permissive with respect to bribery and other transactions that would be deemed corrupt in a domestic context. Whereas only 20 years ago it was considered perfectly acceptable (and in some states tax deductible) to bribe 'foreigners' if not one's own nationals, this is no longer the case; though such activities still occur, they are no longer openly, publicly justifiable.⁵ Further, in accord with the growth of a comprehensive governance agenda within international institutions and across a broader swath of non-governmental and trans-governmental networks, the structure and implementation of domestic institutions and laws within sovereign states is becoming increasingly subject to transnational pressure.⁶ This holds true

³ See Transparency International's website <www.transparency.org>.

⁴ For an excellent, critical review of recent literature on corruption see Jonathan Hopkin, 'States, markets, and corruption: A review of some recent literature', *Review of International Political Economy* (Forthcoming, 2002).

⁵ See John T. Noonan, Jr, *Bribes* (New York: Macmillan, 1984), pp. 652–5.

⁶ For example see Anne-Marie Slaughter, 'The real new world order', *Foreign Affairs* 76(5) 1997, pp. 183–97.

for the problem of corruption as well as for other governance projects such as democratisation and observance of human rights norms.

The emergence and consolidation of international anti-corruption norms highlights an important but neglected aspect of the evolution of transnational governance in the international political economy. I argue that the emergence of an international anti-corruption regime represents an extension of efforts to expand and solidify the preconditions for a global, liberal market economy, but that it also constitutes something of a departure from previous regimes geared toward this same end. The essential point on which the anti-corruption regime diverges from existing trade and monetary regimes is that its evocation of the *moral requirements of a market economy* meshes very uneasily with the purely technical and instrumental justifications for open markets dominant in IPE discourse. Evocation of such moral requirements also extends the institutionalist focus on transparency, separation of powers, and government accountability beyond the realm of institutional solutions and into the realm of ethical mores.

The theoretical discourse underpinning the anti-corruption movement has roots in republican and classical political economy discourse of the eighteenth century, a discourse that has been neglected by rationalist and neoliberal analysts of contemporary international political economy.⁷ The thrust of contemporary anti-corruption efforts is to advocate an ever-deeper internationalisation of liberal ideas that posit a boundary between a sphere of private interactions constituting the market, and a public realm wherein political choices are made and administrative tasks are carried out in the public interest under the impersonal rule of law.⁸ Although in

⁷ J.G.A. Pocock, *The Machiavellian moment: Florentine political thought and the Atlantic republican tradition* (Princeton, NJ: Princeton University Press, 1975); Pocock, *Virtue, commerce, and history* (Cambridge and New York: Cambridge University Press, 1985); and Istvan Hont and Michael Ignatieff, eds, *Wealth and virtue: The shaping of political economy in the Scottish enlightenment* (Cambridge: Cambridge University Press, 1983).

⁸ There is a voluminous literature comprising theoretical explorations of the public/private distinction, but for a start see Jeff Weintraub and Krishan Kumar, eds, *Public and private in thought and practice* (Chicago: University of Chicago Press, 1997); Jurgen Habermas, *The structural transformation of the public sphere: An inquiry into a category of bourgeois society* (Cambridge, MA:

practice the boundary between public and private is highly porous even in liberal states, as a conceptual construct it is deeply embedded in liberal understandings of the nature of markets and their relationship to governments, and of the requirements for a healthy liberal polity. Condemnation of corruption implies that the maintenance and expansion of a liberal world economy may also require specific normative or moral underpinnings, or at least that the global liberalisation project runs into major barriers in the absence of such underpinnings. This insight is of course implicit in liberal justifications of the human rights movement, but it gains another substantive dimension with the advent of the global anti-corruption campaign.

Despite such normative baggage, the current scholarly approaches to corruption and its effects resolutely avoid the moral questions and concentrate almost entirely on technical issues, thus unintentionally revealing the limits of economic explanations for corruption while implicitly importing a morally-charged but almost entirely unexamined set of norms that serve as preconditions for healthy (that is, non-corrupt) institutional buttresses of a capitalist world economy.⁹ Not only are such moral norms unexamined, but their very implicitness precludes the possibility of constructive transnational dialogue about their content—a dialogue that might and probably should happen between the Western, liberal ‘norm givers’ and many developing country ‘norm takers’. By contrast, transnational dialogue about the nature of rights is becoming a central and productive element of the human rights movement.¹⁰

The first section of this essay describes the contours of the emerging global anti-corruption regime, and focuses on the moral connotations of some of its key texts. This section also contains a discussion of and rationale for the method by which I analyse this regime—through a study

MIT Press, 1989); and Hannah Arendt, *The human condition* (Chicago: University of Chicago Press, 1958).

⁹ For an insightful exception to this rule, see Hopkin, ‘States, markets, and corruption’.

¹⁰ For example, see Abdullahi Ahmed An-Naim, ed., *Human rights in cross-cultural perspectives: A quest for consensus* (Philadelphia, PA: University of Pennsylvania Press, 1992); and Jane K. Cowan, Marie-Benedicte Dembour and Richard Wilson, eds, *Culture and rights: Anthropological perspectives* (Cambridge: Cambridge University Press, 2001).

of its public documents and the public rationales in those documents (rather than, for example, studying compliance and implementation).¹¹ Although the relevant documents and scholarly commentary show that moral connotations are accompanied by economic rationales, and in many instances take a back seat to such rationales, I argue in the second section that the economic rationale for the anti-corruption consensus is inadequate and that the moral connotations of the corruption concept cannot be shed and should not be swept under the rug. At the same time, purely institutionalist approaches to the problem also fall short because of their neglect of the normative dimensions of corruption. The third section of the essay probes the moral connotations of the anti-corruption discourse more deeply, exploring in the process the related questions of why this discourse is gaining ground in today's globalising world economy, and how the anti-corruption consensus differs from other regimes for governing the international political economy in its relatively more explicit evocation of moral concepts. The concluding section explores some of the problems raised by such evocation for international relations, concentrating in particular on the problems inherent in trying to internationalise moral codes in systems nominally deemed anarchic, but actually displaying deep inequalities that raise questions about the legitimacy of the process by which norms are internationalised.

THE EMERGING ANTI-CORRUPTION REGIME

An international regime targeting corrupt practices began to emerge by the late 1990s. In the following paragraphs I focus on some key international documents, instruments, and commentaries with an eye toward outlining the contours of the emerging regime. In particular, I focus on the *public rationales* given in those documents about why corruption is a bad thing. For brevity's sake, my review of the documents is selective and representative, rather than exhaustive. I focus on the United Nations, International Monetary Fund, World Bank, and OECD on the international institutional side; and Transparency International and the International Chamber of Commerce on the NGO and private sector side.

¹¹ It is too early in the development of the anti-corruption regime to draw reliable conclusions about implementation and compliance of anti-corruption norms.

Examining public rationales in the texts of key international resolutions, treaties and commentaries is of course hardly a clean indicator of all the complex motivations driving the regime or any specific anti-corruption campaign, but it is a step toward interpreting the significance relevant actors are publicly willing to give the corruption issue. Just as secrecy is a defining component of corrupt practices, publicity is a defining component of anti-corruption campaigns. Although such campaigns may have other motives—such as getting elected to public office by accusing one's opponents of corruption, for example—they would not exist without publicity. Thus, public rationales for anti-corruption efforts are worth studying because they constitute an active component of such efforts. This is because of the intimate relationship between the notion of corruption and the notions of legitimacy, public good and public trust, which I discuss further below.

For decades, international institutions had little if anything to say about corruption. Silence signified complacency and unwillingness to confront the issue. Willingness to confront the issue, on the other hand, means speaking publicly about it. The language in which anti-corruption discourse is conducted partly constitutes the actual act of fighting corruption. For example, simply accusing someone of corruption is a public, political act with potentially very real consequences, whether or not legal prosecution ensues. In many states, actual penalties against taking bribes, for example, are far less important than the publicity that ensues when such behaviour is made public. This publicity effect is beginning to seep into the international arena, where a government with a poor rating in Transparency International's Corruption Perceptions Index might fear a loss of foreign investment based on its corrupt reputation. This possibility is compounded when one takes into account the ranking activities of private firms specialising in risk analysis.

The United Nations

After some failed efforts by the United Nations Economic and Social Council to bring the issue before the General Assembly in the early 1970s, the Assembly adopted a Resolution in 1975 calling for international cooperation against corruption and bribery in international commercial transactions. Other institutions did not follow suit, and the issue remained more or less a dead letter. After a ten year lag, beginning in 1996, a

Resolution calling for international cooperation against bribery became an annual event.¹² The core document upon which these Resolutions focus is the 1996 United Nations Declaration Against Corruption and Bribery in International Commercial Transactions.¹³

The dominant rationale for fighting corruption in the 1996 document is developmental; the document states that ‘a stable and transparent environment for international commercial transactions ... is essential for the mobilization of ... resources across national borders in order ... to promote economic and social development and environmental protection.’ The document explicitly recognises that developmental objectives have ethical dimensions: ‘the need to promote social responsibility and appropriate standards of ethics on the part of private and public corporations, including transnational corporations, and individuals engaged in international commercial transactions ...’.¹⁴ The 1996 UN Resolution begins by putting the ethical burden on corporations and investors. The Resolution also emphasises sovereignty and the need for foreign investors to respect the laws of the countries in which they operate. But the Resolution is not solely targeted at international business, since it stresses that ‘effective efforts at all levels to combat and avoid corruption and bribery in all countries are essential elements of an improved international business environment’, and encourages the enforcement of existing laws, adoption of new laws, and criminalisation of bribery of foreign public officials.

Subsequent General Assembly Resolutions calling for action against corruption and bribery in international commercial transactions reveal a shift in priorities: rather than stressing the developmental objectives first, and rather than targeting the private sector, the Resolutions of 1998 and 1999 focus on the stability and legitimacy of the public sector. The 1998 Resolution reads: ‘Convinced that such [corrupt] practices *undermine the integrity of state bureaucracies* and weaken social and economic policies

¹² UN General Assembly Resolution A/RES/51/59 of 12 December 1996. See also UN General Assembly Resolution A/RES/52/87 of 2 February 1998, 52nd Session, Agenda item 103; and UN General Assembly Resolution A/RES/51/191 of 21 February 1997, 51st Session, Agenda item 12.

¹³ A/RES/51/191.

¹⁴ A/RES/51/191 Annex, 21 February 1997.

by promoting corruption in the public sector, thus diminishing its credibility ...'.¹⁵ The 1999 Resolution reads: 'Concerned about the seriousness of problems posed by corruption, which may *endanger the stability and security of societies, undermine the values of democracy and morality* and jeopardize social, economic, and political development ...'.¹⁶ The 2000 and 2001 Resolutions add language about 'facilitating the constructive participation and orderly interaction of the private sector in the development process by embracing universal principles and norms, such as honesty, transparency, and accountability ...'.¹⁷

Thus, over time there appears to be a shift in emphasis in the Resolutions from focusing on the corrupting influence of transnational corporations to focusing on corruption in the public sector. This appears to dovetail with the neoliberal consensus that emerged in the late 1990s regarding the positive role of foreign investment in generating economic growth and hence development. Furthermore, however, the emphasis in the stated rationales for fighting corruption also changes in this period; instead of citing economic development objectives first, as is evident in the 1996 Resolution, later Resolutions cite concerns about the stability of the public sector. The 1999 Resolution puts society, democracy, and morality first, before mentioning development or the integrity of the public sector. Finally, the private sector is touted as (or exhorted to be) an agent of universal principles and norms. All in all, these Resolutions simultaneously signal a normative embrace of the virtues of capitalism, buffered by commitments to democratic governance—an attitude consistent with the ideological tone of the 'Washington consensus' of the late 1990s, but tempered by the UN General Assembly's rhetorical efforts to put the welfare of peoples onto the international governance agenda.

It is also worth noting that the UN's Center for International Crime Prevention, of the UN's Vienna Office for Drug Control and Crime

¹⁵ A/RES/52/87, 2 February 1998; emphasis mine.

¹⁶ A/RES/53/176, 25 January 1999; emphasis mine.

¹⁷ A/RES/55/188, 25 January 2001; and A/RES/56/186, 31 January 2002.

Prevention recently launched a Global Programme Against Corruption.¹⁸ The program facilitates and coordinates research on corruption, and offers a menu of 'best practices' taken by governments and international organisations seeking to combat corruption. In the UN system, corruption is now a phenomenon that falls under the more general category of 'crime'. Such categorisation at the international level is a relatively recent development, and bears mentioning in relation to the growing movement to hold government officials accountable to international norms.

On their own and considered as policy, the UN's efforts have remained relatively weak; General Assembly Resolutions do not have the binding force of law, and the UN does not have special enforcement or monitoring mechanisms. Participation in the Global Programme Against Corruption is strictly voluntary. But UN efforts have been supported by movement in other areas, and the convergence in thinking between the UN, the International Monetary Fund, the World Bank, and the OECD is significant.

The International Monetary Fund

From 1995 onwards (note that this immediately precedes renewed activity in the General Assembly), economists at or associated with the IMF began publishing work arguing that corruption had detrimental effects on investment and economic growth.¹⁹ This work complemented the growing

¹⁸ Office for Drug Control and Crime Prevention, United Nations Office at Vienna, 'Global programme against corruption: An outline for action', V.99-80875 (E) (Vienna: United Nations Office at Vienna, February 1999).

¹⁹ Andrei Shleifer and Robert W. Vishny, 'Corruption', *Quarterly Journal of Economics* 108(3) 1993, pp. 599–617; Susan Rose-Ackerman, 'The political economy of corruption', in Kimberly Ann Elliott, ed., *Corruption and the global economy* (Washington, DC: Institute for International Economics, 1997); Paolo Mauro, *Why worry about corruption?*, Economic Issues Series #6 (Washington, DC: International Monetary Fund, 1997); Paulo Mauro, 'Corruption and growth', *Quarterly Journal of Economics* 110(3) 1995, pp. 681–712; Vito Tanzi and Hamid Davoodi, *Roads to nowhere: How corruption in public investment hurts growth*, Economic Issues Series #12 (Washington, DC: International Monetary Fund, 1998); Alberto Ades and Rafael Di Tella, 'The new economics of corruption: A survey and some new results', *Political Studies* 45(3) 1997, pp. 496–515; Vito Tanzi, 'Corruption, governmental activities, and markets', *Finance and Development* 32(4) 1995; Frank Vogel, 'The supply side of global bribery', *Finance and Development* 35(2) 1998; 'IMF adopts guidelines regarding governance issues', IMF News Brief No. 97/15, 4 August 1997, <www.imf.org/external/np/sec/nb/1997/NB9715.HTM>; and Michel Camdessus, 'The IMF and

attention to governance issues on the part of IMF officials. In September 1996, the IMF's Interim Committee adopted a Declaration of 'Partnership for sustainable global growth', which identified 'promoting good governance in all its aspects, including ensuring the rule of law, improving the efficiency and accountability of the public sector, and tackling corruption, as essential elements of a framework within which economies can prosper.'²⁰ In 1997, the IMF's Executive Board adopted 'Guidelines regarding governance issues'.²¹ These guidelines state that 'the IMF's involvement in governance should be limited to economic aspects of governance'. But such aspects were broadly conceived. IMF involvement, through policy advice and technical assistance, focuses on two spheres: 1) 'improving the management of public resources through reforms covering public sector institutions (e.g. the treasury, central bank, public enterprises, civil service, and the official statistics function), including administrative procedures ...' and 2) 'supporting the development and maintenance of a transparent and stable economic and regulatory environment conducive to efficient private sector activities (e.g. price systems, exchange and trade regimes, banking systems and their related regulations).'²²

The primary criterion for IMF involvement with governance issues is their macroeconomic impact. But given the growing body of literature concerning the impact of governance on economic growth, this still leaves considerable scope for action:

In considering whether IMF involvement in a governance issue is appropriate, the staff should be guided by an assessment of whether poor governance would have significant current or potential impact on macroeconomic performance in the short and medium term, and on the ability of the government credibly to pursue policies aimed at external viability and sustainable growth. The staff could draw upon comparisons with

good governance', Address by the Managing Director of the IMF at Transparency International, Paris, France, 21 January 1998, <www.imf.org/external/np/speeches/1998/012198.HTM>.

²⁰ Interim Committee Declaration, 'Partnership for sustainable global growth', 29 September 1996.

²¹ 'IMF adopts guidelines regarding governance issues'; and 'The role of the IMF in governance issues—Guidance note', <www.imf.org/external/np/sec/nb/1997/NB9715.HTM>.

²² 'The role of the IMF in governance issues'.

broadly agreed best international practices of economic management to assess the need for reforms.²³

The mechanisms by which the IMF can apply its criteria include exchange rate consultation discussions with member governments; the use of conditionality in the disbursement of IMF resources; and technical assistance. In addition, the IMF cooperates with donor countries, private banks, and other international institutions, especially the World Bank, in furthering a governance agenda.

In an address to Transparency International in January 1998, Michel Camdessus (then Managing Director of the IMF), reaffirmed the importance of governance issues on the IMF's policy agenda. His rationales included changes 'in the perception of what constitutes sound economic policy' which are underpinned by a broad consensus 'on the central importance of transparency and good governance in achieving economic success.' He noted that the IMF could promote good governance by 'helping members improve the management of their public resources and establish a stable and transparent regulatory environment for private sector activity', and further characterised the IMF's specific approach as follows: '... our approach is to maximize the transparency of government financial operations and create systems that minimize the scope for making decisions on an ad hoc basis and for giving preferential treatment to individuals and organizations.'²⁴ These views appear to represent a broad consensus, at least on paper, on the part of IMF directors. Implementation is a separate issue that takes us outside the scope of this particular essay. But given the growing research on governance done directly by IMF economists, and also given the sorts of pressures faced by the Fund from vocal lobbies and powerful constituencies on both the left (in the form of increasingly vocal anti-globalisation protests) and the right (in the form of conservative skepticism about the IMF's mission), the effort to attend to governance issues probably does amount to more than mere window-dressing no matter how difficult and uncertain actual implementation turns out to be.

²³ 'The role of the IMF in governance issues'.

²⁴ Camdessus, 'The IMF and good governance'.

The World Bank

At the World Bank, governance has become even more central given the longer-term outlook of World Bank lending, in contrast to the IMF's focus on short-term adjustment.²⁵ After he was appointed president of the Bank in 1995, James Wolfensohn put the corruption issue on the Bank's agenda, and worked with Transparency International 'to help develop the Bank's anti-corruption strategy'.²⁶ In fact, the ties between Transparency International and the World Bank are very close. At least four members of TI's Board of Directors formerly held high level World Bank posts, as did several members of its Secretariat.²⁷ As with the IMF, the World Bank's attention to corruption is part of a broader governance agenda, but the Bank has pursued the corruption issue more broadly, at least in its research and writing. For example, in its *World development report* for 1997, an entire chapter is devoted to 'Restraining arbitrary state action and corruption', and although the primary focus is on how to pursue reform through institutional incentives, the report also notes that 'Corruption violates the public trust and corrodes social capital.'²⁸ Subsequent *World development reports* have followed suit.

In 1997 the Poverty Reduction and Economic Management arm of the World Bank put out a lengthy report entitled *Helping countries combat corruption: The role of the World Bank*.²⁹ This document outlines an emerging, multi-pronged Bank strategy to combat corruption. This strategy includes: 'Preventing fraud and corruption within Bank-financed projects. Helping countries that request Bank support in their efforts to reduce corruption. Taking corruption more explicitly into account in country assistance strategies, country lending considerations, the policy dialogue, analytical work, and the choice and design of projects. Adding

²⁵ See especially the report of the Poverty Reduction and Economic Management section of the World Bank, *Helping countries combat corruption: The role of the World Bank* (Washington, DC: World Bank, September 1997).

²⁶ John Brademas and Fritz Heimann, 'Tackling international corruption: No longer taboo', *Foreign Affairs* 77(5) 1998, p. 20.

²⁷ See TI's website <www.transparency.org> for biographies of its secretariat and board.

²⁸ World Bank, *World development report 1997* (New York: Oxford University Press, 1997), p. 102.

²⁹ World Bank, *Helping countries combat corruption*.

voice and support to international efforts to reduce corruption.³⁰ In its broad view of the corruption issues, the Bank does not neglect the ethical dimensions. One particular passage in the September 1997 report stands out on this score, and emphasises a crucial point:

The machinery of modern government, as it evolved in industrial countries and has been transferred to developing countries, includes systems that protect public organizations and promote accountability. These systems ... should not be neglected. Some OECD countries seeking to improve government performance through New Public Management reforms are developing 'risk management' perspectives on corruption. But they do so within a framework of strong financial management control systems and a *renewed emphasis on the ethical values of public service*.³¹

Although the Bank literature generally emphasises the role of institutions and institutional incentives, the assertion of the importance of ethics, especially in the public sector, has become a regular feature of Bank publications on the corruption issue.

The OECD

The OECD's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions was the result of efforts and consultations by a Working Group on Bribery which convened in 1989 and presented its first recommendations in 1994. The United States played a significant role in furthering the initiative to develop an OECD instrument, based on US domestic debates about whether the Foreign Corrupt Practices Act of 1977 was making it difficult for US companies to compete in gaining access to contracts and other competitive advantages in international markets.³² But US pressure alone cannot fully explain the adoption of the Convention, if only because if it had been up to the US

³⁰ World Bank, *Helping countries combat corruption*, p. 23.

³¹ World Bank, *Helping countries combat corruption*, p. 17, emphasis mine.

³² Mark Pieth (Chairman of the OECD Working Group on Bribery), 'Contribution of industrialised countries in the prevention of corruption: The example of the OECD', paper presented to the 8th International Anti-Corruption Conference, 7–11 September 1997, <www.transparency.org/iacc/8th_iacc/papers/pieth.html>.

alone, such a Convention would have been adopted much earlier. Although this essay does not attempt to definitively explain the adoption of the Convention, it does appear that NGOs and a growing consensus among academics, especially economists, about the relationship between corruption and economic growth, should be taken seriously as possible factors. In addition, the corrupt nature of much of the privatisation process that followed the opening up of the former Soviet Union and Eastern Europe to international capitalism surely had something to do with bringing the Europeans around to the idea that corruption was a significant problem worthy of concerted counter-measures.

The Convention was adopted on 21 November 1997 and entered into force on 15 February 1999. Thirty OECD member states, as well as four non-OECD members (Argentina, Brazil, Bulgaria, Chile) and Turkey have so far acceded to the Convention, and as of mid-2002, 34 signatories had ratified it.³³ It requires parties to enact domestic legislation criminalising bribery of foreign public officials (including legislative, administrative, and judicial officials, whether appointed or elected), and to impose strong sanctions against this crime. Such legislation and penalties are required to match those imposed against bribery of domestic public officials. The Convention further contains money laundering provisions and lays down accounting and auditing rules designed to further transparency, and pledges mutual legal assistance and monitoring amongst the parties in furthering the Convention's goals. Parties who previously allowed for the tax-deductibility of bribes agreed to end such practices once the Convention is in place, and have indeed begun to do so.³⁴

Commentators have generally heralded the Convention as a significant step forward, while noting some shortcomings. The most prevalent of the latter include the criminalisation of bribe-offering rather than bribe-soliciting; the exclusion from the definition of 'foreign public official' those members of political parties who do not hold office but still have

³³ The full text of the Convention and related instruments is available at <www.oecd.org/oecd/-pages/home/displaygeneral/0,3380,EN-document-88-3-no-no-7198-88,00.html>. Ratification information can be found at <www.oecd.org/pdf/M00017000/M00017037.pdf>.

³⁴ Reports on implementation legislation can be found on the OECD website <www.oecd.org>, follow links under the 'Corruption' heading.

significant influence; and the lack of a specific, binding time-frame for enacting the required legislation.³⁵ An Anti-Bribery Working Group examines issues for further action, and there appears to be real momentum toward implementation and refinement of the regime. Regardless of its overall future effectiveness in stemming the tide of political corruption, the OECD Convention represents a growing consensus amongst the industrialised nations of the world that the supply of bribes should be curtailed. One of the leading actors behind the negotiation of the Convention remarked on its supply-side nature, and noted that it represents a form of ‘collective unilateralism’.³⁶ Only with the cooperation of bribe recipients could the arrangement become truly multilateral. Amongst the parties to the Convention, the agreement really involves a series of unilateral actions involving the strengthening and streamlining of domestic laws. There are few provisions for actual multilateral cooperation either between OECD countries, or between bribe-paying countries and bribe-receiving countries.

Although the OECD Convention highlights a number of reasons to be concerned about bribery, it bears repeating that the Preamble to the Convention clearly articulates moral concerns along with concerns about governance, economic development, and international competitiveness. The Preamble to the OECD Convention uses the term ‘moral’ in the first sentence: ‘Considering that bribery is a widespread phenomenon in international business transactions, including trade and investment, *which raises serious moral* and political concerns, undermines good governance and economic development, and distorts international competitive conditions; ...’.³⁷ Such language may easily be dismissed as ‘fluff’, but its implications deserve to be analysed, especially since publicity and public discourse is a crucial component of the regime.³⁸

³⁵ Ayesha Qayyum, ‘New anti-bribery treaty analyzed’, *International Commercial Litigation* 28(March) 1998, pp. 28, 17–22.

³⁶ Pieth, ‘Contribution of industrialized countries’.

³⁷ OECD Document, DAF/IME/BR(97)20, 8 April 1998 (emphasis mine).

³⁸ For reasons stated above and discussed further below.

NGOs and the private sector

There has been significant movement to combat corruption in the private and non-governmental sectors. The International Chamber of Commerce (ICC), a Paris-based organisation, has focused on how private companies can stem corruption, and in 1996 developed a code of corporate conduct based on the work of a team of lawyers, managers, and scholars from over a dozen countries.³⁹ That code includes a recommendation limiting bribery in international trade. The Council of the International Bar Association adopted a complementary resolution in 1996, and the American Bar Association's Task Force on International Standards for Corrupt Practices and the Business Roundtable have addressed the question of corruption and government procurement throughout the world.⁴⁰

But the most visible non-governmental player in the anti-corruption movement has been Transparency International, a non-profit organisation originally based in Germany, with regional chapters proliferating worldwide. TI characterises itself as a broad civil society movement,⁴¹ but it cooperates actively with governments and international organisations, as well as business groups, to bring public attention to, and combat the problem of, corruption. TI's most well-known public output is its Corruption Perceptions Index, which ranks countries according to levels of corruption as perceived by international business persons, public officials, and general public opinion. The Index is a 'poll of polls' which gathers information on perceptions from polls conducted by various research institutes.⁴²

More recently, TI commissioned Gallup International to gather data from business leaders in fourteen leading emerging market economies in order to generate a ranking of nineteen 'leading exporting countries in

³⁹ Brademas and Heimann, 'Tackling international corruption', p. 20; and ICC, 'Rules of conduct to combat extortion and bribery', <www.iccwbo.org/home/statements_rules/rules/1999/briberydoc99.asp>.

⁴⁰ Susan Rose-Ackerman, *Corruption and government: Causes, consequences, and reform* (Cambridge: Cambridge University Press, 1999), pp. 186–7.

⁴¹ <www.transparency.org/about_ti/index.html>.

⁴² On TI's methodology see 'Frequently asked questions', <www.gwdg.de/~uwvw/faqs97.htm>.

terms of the degrees to which their corporations are perceived to be paying bribes abroad.⁴³ Thus, TI is now focusing on the supply side as well as the demand side of the international bribery equation, and the publication of the first two Bribe Payer's Indices (BPI) (in 1999 and 2002) has shown which wealthy countries are perceived to host corporations most likely to pay bribes, as well as which economic sectors are perceived as the most corrupt. In the 2002 BPI, Russia, China, Taiwan, and South Korea are the host countries whose corporations are perceived as most likely to pay bribes to secure contracts, but OECD countries (and signatories to the OECD anti-bribery convention) such as Italy, Japan, the United States, France, and Spain are also perceived to host corporations highly likely to pay bribes. The worst sectors are, unsurprisingly, the construction and arms industries.⁴⁴ The BPI evidence suggests that the OECD country efforts to combat corruption may either be interpreted as embodying weak implementation, empty rhetoric, or double standards. However, simply by paying lip service to anti-corruption efforts OECD countries make themselves vulnerable to public disapproval, especially when NGOs such as TI take up and publicise the cause.

TI's operations focus on bringing together and disseminating research and information on corruption, publishing and disseminating codes of conduct, holding conferences, and networking with private and public-sector parties concerned about corruption. TI can thus be seen as a 'moral entrepreneur', successfully publicising and preaching its cause.⁴⁵ TI has gained the acceptance and cooperation of the IMF and World Bank insofar as these institutions have worked closely with TI to develop good governance policies. As noted above, many of TI's top personnel held high level jobs at the World Bank. But much of TI's work has also been concentrated at the grassroots level, with a proliferation of national chapters organising actions targeted toward specific national and local communities. This is in recognition of the idea that: 'In order to be

⁴³ <www.transparency.org/cpi/1999/bps_html>.

⁴⁴ <www.transparency.org/pressreleases_archive/2002/2002.05.14.bpi.en.html>.

⁴⁵ On moral entrepreneurs, see Ethan A. Nadelmann, 'Global prohibition regimes: The evolution of norms in international society', *International Organization* 44(4) 1990, pp. 479–526.

meaningful and hold promise of real change, the debate on corruption must be held internally, within the community in which it is taking place. If it is driven by the outside, this debate will have less impact and is less likely to lead to lasting change.⁴⁶

Whether the grassroots approach will over the long run complement or conflict with the overarching efforts put forth through international institutions will be an issue that bears watching over time.

ECONOMIC AND INSTITUTIONAL RATIONALES FOR THE ANTI-CORRUPTION MOVEMENT

Although the evidence just presented shows that ethical references are peppered throughout the key anti-corruption documents, resolutions, and OECD treaty, in contemporary scholarly discourse the dominant rationale for the emerging international anti-corruption regime has been economic and institutional rather than normative: the argument is that corruption hurts economic development either by siphoning off resources and discouraging foreign investment, or because corrupt elites select public financing projects in order to maximise their opportunities for monopoly rents rather than encourage sustainable growth. Such discourse is part of a growing sense of the complementarity between institutional effectiveness and economic performance.⁴⁷ Economists and political scientists using some of the tools of economics (especially social choice theory) dominate this discursive territory.⁴⁸

The evidence presented in economic studies of corruption aims toward systematic analysis of the impact of corruption on development, investment, and economic growth more generally. There is an emerging

⁴⁶ Susan Coté-Freeman, 'What NGOs can do against corruption', Transparency International Working Paper, March 1999, <www.transparency.org/working_papers/cote-freemann/scfreeman.html>.

⁴⁷ For a thorough review of some relevant literature in this area see Kevin Davis and Michael J. Trebilcock, 'What role do legal institutions play in development?', Draft prepared for the International Monetary Fund's Conference on Second Generation Reforms, 8-9 November 1999, <www.imf.org/external/pubs/ft/seminar/1999/reforms/index.htm#agenda>. Also see Rafael LaPorta, Florencio Lopez-de-Silanes, Andrei Shleifer and Robert Vishny, 'The quality of government', *Journal of Law, Economics, and Organization* 15(1) 1999, pp. 222-79.

⁴⁸ A pioneering work in this vein was Susan Rose-Ackerman's *Corruption: A study in political economy* (New York: Academic Press, 1978).

consensus in recent studies that corruption has negative effects on investment and economic growth.⁴⁹ In these studies, corruption is measured according to either the TI Corruption Perceptions Index, or according to indexes published by private risk analysis groups such as Business International Corporation.

Much of this scholarly work has either been initiated or taken up by researchers at or connected to the International Monetary Fund and the World Bank. These institutions draw on this work to provide rationales for making corruption and governance issues more generally a concern in their lending and advisory work (in the form of ‘soft conditionality’ on the part of the IMF, for example), and to develop strategies for curbing corruption in the areas to which they lend, and on the projects which they finance. Further, the international business community has also used this data (and similar data gathered by private consulting firms dealing with risk assessment), and shows some weak signs of cooperating with international institutions in trying to stem the tide of corrupt practices.⁵⁰

The economic rationale for curbing corruption is almost always buttressed by an institutional rationale, which rests on the need to secure separation of powers, accountability, and transparency in government.⁵¹ In this sense, the anti-corruption movement may be seen as an aspect of a broader governance agenda, emerging in particular within the IMF and World Bank.

After 1945 the consensus amongst Western leaders was that international institutional arrangements were required to sustain a liberal trading order while allowing states to pursue social welfare policies—the

⁴⁹ Shleifer and Vishny, ‘Corruption’; Rose-Ackerman, ‘The political economy of corruption’; Mauro, *Why worry about corruption?*; Mauro, ‘Corruption and growth’; Tanzi and Davoodi, *Roads to nowhere*; Ades and Di Tella, ‘The new economics of corruption’; Daniel Kaufmann, ‘Corruption: The facts’, *Foreign Policy* 107(Summer) 1997, pp. 114–31; and Rose-Ackerman, *Corruption and government*, especially chapter 1.

⁵⁰ The International Chamber of Commerce is the most visible and active representative of business interests on this score, <www.iccwbo.org>.

⁵¹ See Rose-Ackerman, *Corruption and government*; Klitgaard, *Controlling corruption*; and Robin Theobald, *Corruption, development and underdevelopment* (London: Macmillan, 1990).

‘embedded liberalism’ compromise.⁵² The regime emanated from, reflected, and was underpinned by the relatively homogeneous domestic structural conditions prevailing in the Western, industrialised states.⁵³ With decolonisation and the refocusing of IMF and World Bank policies on the developing world, the context in which these institutions operated changed radically, and with the recent wave of liberalisation of the former Soviet bloc, and the deepening integration as well as plans for broadening the EU, it has changed again. Thus, international institutional mechanisms for currency stabilisation and structural adjustment lending no longer seem adequate in a context of diverse levels of development and institutional heterogeneity amongst the states which are the main targets of international financial institutions’ initiatives. The current wave of governance and anti-corruption discourse that is emanating from these international institutions signals the recognition that something more than stabilising international institutions might be required to sustain global markets. Currently, researchers at the IMF and World Bank have been conceptualising this ‘something more’ as domestic institutional reform, especially separation of powers, accountability, and transparency.⁵⁴

While this is not the place to engage in a wholesale critique of the governance agenda put forth in international institutions, a more focused critique of the anti-corruption dimensions of this agenda might have broader applications. I would highlight two basic points. First, to the extent that the economic literature on corruption has influenced international financial institutions, the message emanating from this literature that shrinking government and doing away with regulations and red tape are good ways to combat corruption⁵⁵ raises questions as to what the ‘governance’ agenda actually means. In simplest terms, economic accounts tend to suggest that less government is better government.

⁵² John G. Ruggie, ‘International regimes, transactions, and change: Embedded liberalism in the postwar economic order’, *International Organization* 36(2) 1982, pp. 379–415.

⁵³ I stress the term ‘relatively’, since any student of comparative politics is aware of the significant differences between West European governing institutions.

⁵⁴ For example, see the IMF’s ‘Review of the Fund’s experience in governance issues’, prepared by the Policy Development and Review Department, 28 March 2001, <<http://www.imf.org/external/np/-gov/2001/eng/report.htm>>.

⁵⁵ See Hopkin, ‘States, markets, and corruption’.

Insofar as the governance agenda is grounded in economic scholarship and rationales, it reflects concerns about cutting the size of the public sector, which is in effect what the IMF at least often ends up recommending. Curbing corruption, from this point of view, is a byproduct of cutting the size and scope of the public sector. This approach does not go very far beyond providing lip service to more substantive institutional concerns such as transparency, accountability, separation of powers, and rule of law. In fact, it could be argued that cutting the public sector can just as easily inhibit as encourage the development of liberal institutions of governance. International financial institutions and big aid donor states may want less corruption, but by advocating *less* government they are not doing much to contribute to (and may inadvertently be undercutting) the positive development of *good* government.

From the perspective of this paper, a further and crucial problem with institutionalist aspects of the anti-corruption regime is the inadequate attention to the fact that this regime attempts to unreflectively internationalise moral codes without inviting broader, inclusive public discourse on the nature and applicability of this normative baggage to diverse societies. This argument parallels the arguments of critics of attempts to apply the lessons of European democratisation outside of Europe, and even inside Eastern Europe itself. A corollary of this is that the anti-corruption movement may take on an externally-imposed, hegemonic character which will ultimately undermine its legitimacy in the very areas where changes are most desired by its proponents. The dominance of the economic and institutionalist rationales and concerns of the business community may limit the degree to which anti-corruption measures gain broader and deeper legitimacy, especially amongst the national and local populations which Transparency International notes are so important in actually bringing about institutional change. Legitimacy is an especially important component of anti-corruption campaigns, because without publicity and public support it is highly unlikely that corrupt practices can be curbed. Thus, if the anti-corruption regime becomes popularly associated with the interests of multinational corporations and wealthy OECD countries, the current symbiotic relationship between the

business side and the more idealistic side (evoked by NGOs) of the anti-corruption movement might begin to show strains. Voices are already being raised to this effect.⁵⁶

In this vein, another problem of the economic and institutional rationales for the anti-corruption regime is that such rationales implicitly confine the problem of corruption to the ‘developing world’, since if corruption hurts ‘development’, the already ‘developed’ countries presumably do not have much to worry about. But the strongest economies in the world today experienced (and still experience) widespread corruption.⁵⁷ Further, such countries host multinational corporations that are perceived to actively contribute to corruption in emerging markets by providing the supply-side of the cross-border bribery equation.⁵⁸ Thus, to implicitly confine the problem of corruption to the developing world undermines the legitimacy of the anti-corruption regime.

Furthermore, economists and some political scientists have in the past (and some still do, though they are in the minority) argued that corruption may not necessarily be a bad thing. Corrupt practices have been defended by at least some analysts as cutting red tape and facilitating the smoother operation of markets, especially where governments are not subject to checks and balances, accountability, and transparency, and where they hold disproportionate power over state resources. Thus in some ways corruption could help rather than hurt development by allowing investors to elude inefficient laws and deny greedy officials the proceeds of legal but onerous tax revenues (substituting illegal but presumably smaller side-payments).⁵⁹ Moreover, scholars such as Samuel Huntington have argued

⁵⁶ For critical approaches to the anti-corruption movement, see J.P. Olivier de Sardan, ‘A moral economy of corruption in Africa?’, *Journal of Modern African Studies* 37(1) 1999, pp. 25–52; and Morris Szeftel, ‘Misunderstanding African politics: Corruption and the governance agenda’, *Review of African Political Economy* 25(76) 1998, pp. 221–40.

⁵⁷ As a perusal of the national dailies in most wealthy countries will indicate. Also see Noonan, *Bribes*, chapters 15–20; and W. Michael Reisman, *Folded lies: Bribery, crusades, and reforms* (New York: Free Press, 1979).

⁵⁸ See the new Bribe Payers Index put out by Transparency International, <<http://www.transparency.org/cpi/2002/bpi2002.en.html>>.

⁵⁹ Francis T. Lui, ‘Three aspects of corruption’, *Contemporary Economic Policy* 14(3) 1996, pp. 26–9; Steven N.S. Cheung, ‘A simplistic general equilibrium theory of corruption’, *Contemporary*

that corruption is an inevitable byproduct of the modernisation process; hence there could be serious tensions or even contradictions in advocating modernisation on the one hand and anti-corruption measures on the other.⁶⁰

In a more recent essay focusing on Africa, Morris Szeftel has also pointed out that the aim of liberalisation/modernisation and the aim of fighting corruption may be contradictory, insofar as liberalisation may weaken an already weak state-sector so that it is more prone to 'capture' by private interests and less capable of laying the institutional groundwork for a democratic, accountable, transparent system of checks and balances.⁶¹ Another student of African politics, J.P. Olivier de Sardan, has argued that what liberal thinkers see as corrupt behaviour may be deeply embedded in the sociocultural logics of 'negotiation, gift-giving, solidarity, predatory authority and redistributive accumulation', logics which dominate in many African communities.⁶² His analysis shows that while African countries have all adopted norms of public service and legal definitions of corruption based on European models, the underlying socio-cultural conditions in which these models operate are quite distinctive, and this creates discrepancies between the official and the unofficial, between theory and practice, between the European model and the reality on the ground. Olivier de Sardan's prognosis for the eradication of corruption in such conditions is not good, and suggests that simply shoring up European models in Africa will not address the problem.⁶³

These considerations make clear that both the economic rationale for curbing corruption, and its institutional complements, are incomplete; such rationales at best harbour unexamined and potentially contradictory

Economic Policy 14(3) 1996, pp. 1–5; and Trond E. Olsen, 'Collusion and renegotiation in hierarchies: A case of beneficial corruption', *International Economic Review* 39(2) 1998, pp. 413–38.

⁶⁰ Samuel P. Huntington, 'Modernization and corruption', in Heidenheimer, Johnston and Levine, eds, *Political corruption*.

⁶¹ Szeftel, 'Misunderstanding African politics'.

⁶² Olivier de Sardan, 'A moral economy of corruption in Africa?'.

⁶³ Olivier de Sardan, 'A moral economy of corruption in Africa?'.

assumptions; and at worst can be misleading. By linking the problem of corruption to the problem of under-development, advanced industrial countries unjustifiably take the high ground for themselves, and ascribe to the 'developing world' the status of the moral reprobate while simultaneously making rather vague and possibly unworkable governance demands on developing country governments and societies. Pitching the discourse in this way also absolves those living in liberal capitalist states from scrutinising their own polities in terms of the discourse of corruption. But there is a long history in political thought of engaging in just such scrutiny, and there is little reason to believe that self-scrutiny regarding the health of the modern liberal polity is no longer warranted.⁶⁴

THE MORAL CORE OF THE ANTI-CORRUPTION REGIME

Discussing corruption in primarily economic and even institutional terms conceals the moral agenda implicit within the anti-corruption discourse. Arguably, however, the international economic architecture of relatively free trade, transnational capital markets, and convertible currencies is also underpinned by normative assumptions.⁶⁵

Moral dimensions of international political economy

It can be said that the normative dimensions of a market economy are already implicit in the liberal trade regime, and were implicit in the Bretton Woods arrangements in general.⁶⁶ The idea of free trade has normative weight because it is thought to be the best path toward economic growth, which provides for human well-being, as well as supporting a certain type of individual liberty. Further, the post-World War II international trade and monetary regimes were thought to embody not just the values of free markets but also the value of social stability, and the

⁶⁴ Pocock, *The Machiavellian moment*; Arendt, *The human condition*; Habermas, *The structural transformation of the public sphere*; and for a specific argument to this effect as it pertains to American politics see S.M. Shumer, 'Machiavelli: Republican politics and its corruption', *Political Theory* 7(1) 1979, pp. 5–34.

⁶⁵ For a recent treatment of this issue, see Jacqueline Best, "'Civilizing globalization'? The new financial architecture and the re-embedding of global finance', paper presented at the International Studies Association Conference, New Orleans, 24–27 March 2002.

⁶⁶ See Ruggie, 'International regimes, transactions, and change'.

notion that the state had a social purpose in providing stability, in the form of cushioning the most vulnerable sectors of the domestic economy from the shocks brought on by international competition.⁶⁷ Thus the incorporation of safeguards designed to protect industries from severe shocks in the General Agreement on Tariffs and Trade (GATT); of emergency liquidity provisions for countries experiencing temporary balance of payments financing problems; of cheap loans for reconstruction and development; and of lender of last resort services to governments in deep financial trouble were all measures designed to protect the value of social stability.

There are at least two aspects of these normative dimensions which fall short of the moral connotations of anti-corruption discourse, however: they fail to evoke any need for moral behaviour, and the moral connotations of Bretton Woods regimes are entirely implicit. Traditional arguments about the values of overall wealth generation and social stability do not usually focus on the need for individuals to behave morally. Rather, the normatively valuable, intended outcomes of the regime—prosperity and stability—are the byproducts of institutional design and self-interested and not overtly moral behaviour.⁶⁸ Grounded in liberal views of political economy, the values of the regime are byproducts of institutional design and self interested behaviour.

More attention is now being focused on the moral underpinnings of market economies in some academic circles, and scholars are combing classic texts as well as generating game theoretic models to provide evidence of the need for such moral underpinnings.⁶⁹ But this development testifies as much to the absence of a more widespread recognition of

⁶⁷ Ruggie, 'International regimes, transactions, and change'.

⁶⁸ Presumably, the architects of the institutions need to have 'virtue', but if the institutions are designed correctly those who follow need only act in self interest. This is the legacy of the American Federalists.

⁶⁹ See especially Jean-Philippe Platteau, 'Behind the market stage where real societies exist—Part I: The role of public and private order institutions', *Journal of Development Studies* 30(3) 1994, pp. 533–77; and Jean-Philippe Platteau, 'Behind the market stage where real societies exist—Part II: The role of social norms—Comment/reply', *Journal of Development Studies* 30(4) 1994, pp. 753–817.

the moral underpinnings of free markets as it does to its presence. Of course, some authors have developed these moral connections in sophisticated ways (the notable example of Hayek comes to mind), but within the international regimes governing trade relations between states the moral element is noticeably absent and the focus instead is on pragmatic norms, rules and procedures. A scrutiny of GATT documents, or those establishing the World Trade Organization, will not turn up rationales pointing to the moral sanctity of free trade.

In contrast, while there may be a number of institutional ways to check corrupt behaviour, anti-corruption efforts necessarily require an image of a 'good' polity which carries significant moral weight, as well as requiring moral behaviour on the part of at least some individual human beings—usually public officials but sometimes private actors as well. As Susan Rose-Ackerman concludes in her discussion of the political economy of corruption, 'institutional incentives cannot be expected to substitute entirely for morality ...'.⁷⁰ Nor, presumably, are moral outcomes to be expected from narrowly self-interested 'rational' behaviour.

Whereas whatever moral precepts may underpin the Bretton Woods regimes are entirely implicit, taking a back seat to the nuts and bolts technical issues involved in expanding trade and facilitating monetary exchange and transnational financial flows, the moral dimensions of such agreements as the recent OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions are much more explicit. As already noted, the Preamble to the OECD Convention uses the term moral in the first sentence, and the UN General Assembly Resolutions and World Bank publications all make suggestions regarding the moral desirability of fighting corruption. Despite the fact that moral signifiers have seeped into international treaties, however, the scholarly discourse has lagged behind in explicating the moral rationales underlying the regime.

⁷⁰ Rose-Ackerman, *Corruption*, p. 218.

Public good and public trust

What corruption corrodes is the public good. Without some idea of public good, the concept of political corruption makes very little sense if closely examined.⁷¹ This holds true even for those ‘behavioural’ definitions of corruption which have sought to standardise the concept into an objectively-measurable form free of moral connotations. In a classic article published in the 1960s, Joseph Nye advocated a behavioural definition of corruption and argued that moral evaluation should be suspended in favour of political analysis, which for him entailed the effort to analyse the costs and benefits of corruption in a relatively objective, neutral way.⁷² He defined corruption as follows:

Corruption is behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence.⁷³

In societies where the line between public and private, and the delimitation of public roles, is clear and not politically contestable, it might be possible to use this definition without inquiring into the deeper issues of how the lines between public and private are constituted, and how public roles are defined.⁷⁴ But drawing the distinction between public and private is itself a normatively-laden activity, reflecting social and political values about what constitutes the public as opposed to the private sphere, the boundaries of political community and how that community ought to be served by its public officials.⁷⁵ In short, any conception of ‘public role’ implies a conception of public good (otherwise, why would we distinguish between public and private roles?), which itself has moral

⁷¹ See Mark Philp, ‘Defining political corruption’, *Political Studies* 45(3) 1997, pp. 436–62.

⁷² See Joseph Nye, ‘Corruption and political development: A cost-benefit analysis’, in Heidenheimer, Johnston and Levine, eds, *Political corruption*.

⁷³ Nye, ‘Corruption and political development’, p. 966.

⁷⁴ See Michael Johnston, ‘The search for definitions: The vitality of politics and the issue of corruption’, *International Social Science Journal* 149 (1996), pp. 321–35.

⁷⁵ Michael Walzer, *Spheres of justice* (New York: Basic Books, 1983) is helpful on these issues. Also see Weintraub and Kumar, eds, *Public and private in thought and practice*.

weight, representing a vision of the legitimate aims and purposes of a particular collective. And by using the language of public and private, Nye clearly reveals the liberal roots of his definition.

As Peter Euben has pointed out, Nye's discussion of the costs and benefits of corruption for 'development' also carries an implicit normative judgement about the desirability of modernisation.

A good society is a modernizing one; a corrupt society is one that inhibits 'development'. But because the ends of modernity are regarded as inevitable, impersonal, and/or rational, they cannot themselves be the subject of rational dispute or 'subjective' prescriptions.⁷⁶

If we evade the moral connotations of modernity we end up treating certain dominant values as impersonal facts, not only inhibiting reasoned debate over those values but also, perhaps, ignoring the need for moral self-restraint which those values imply. Such neglect is coming under scrutiny in a variety of fields, even economics.

In a provocative pair of essays Jean-Phillipe Platteau, a Belgian economist, has revisited and gone beyond Max Weber's *The protestant ethic and the spirit of capitalism*⁷⁷ in order to argue that the 'social conditions upon which the viability and efficiency of the market system rest' include not only institutional mechanisms but also a 'generalised morality' which supplements such institutions. Platteau puts particular emphasis on 'the ability of moral norms to sustain honest behavior by generating the right kind of preferences and establishing trust.' For this purpose, he argues, generalised norms of morality which actors apply to everyone, and not just members of a given 'in group', are more effective than norms of limited-group morality.⁷⁸ These generalised norms are crucial if businesses are to extend their transactions in a world where enforcement of sanctions all by itself cannot guarantee that rules will be

⁷⁶ J. Peter Euben, 'Corruption', in Terence Ball, James Farr and Russell L. Hanson, eds, *Political innovation and conceptual change* (Cambridge and New York: Cambridge University Press, 1989), p. 244.

⁷⁷ Max Weber, *The protestant ethic and the spirit of capitalism* (London: George Allen and Unwin, 1976).

⁷⁸ Platteau, 'Behind the market stage where real societies exist—Part II', quotations are from the abstract.

followed, and into spheres where close personal or community ties do not exist to sustain trust. In short, capitalism requires a generalised and universalistic, rather than particularistic and limited, moral code, because the operation of markets requires trust. Trust is crucial because agents must enter into relations and contracts without always being sure that rules will be enforced and that others will cooperate. Generalised moral codes help to sustain the conditions required for public trust.⁷⁹

Platteau claims that these insights about the role of generalised morality essentially explain the rise of the 'western world' and the global expansion of capitalism:

If the foregoing analysis is correct, the crucial factor behind 'the rise of the western world' in the modern era is not the 'cult of individuality', or not that cult alone, but a much more subtle combination of factors: *in western Europe since the middle ages the emancipation of the individual (within the framework of national spaces) from erstwhile networks of social and political allegiance went hand in hand with the development of generalised morality in which abstract principles and rules of conduct are considered equally applicable to a vast range of social relations beyond the narrow circle of personal acquaintances.*⁸⁰

Platteau does not claim that such norms arise naturally or automatically; a number of complex conditions are required for their evolution and reinforcement, the first of which is a theology that evokes an omnipresent and omniscient God who provides the ultimate, all-seeing reference point against which human actions are judged. This echoes the emphasis found in John Noonan's tome, *Bribes*: 'The concept of the judge is central because of the human anxiety about what happens after death. It is as Judge that, according to Christian belief, God is then to be encountered. It is this Judge, so firmly centered in Christian consciousness, who is seen as

⁷⁹ On trust, also see Frances Fukuyama, *Trust: The social virtues and the creation of prosperity* (London: Hamish Hamilton, 1995), which makes many of the same arguments as Platteau in a manner more directed at the lay reader. Also see Diego Gambetta, ed., *Trust: Making and breaking cooperative relations* (New York: Blackwell, 1988).

⁸⁰ Platteau, 'Behind the market stage where real societies exist—Part II', p. 770, emphasis in original.

incorruptible.⁸¹ The reason one should not cheat when no one is looking, or when the person being cheated will never be seen again, is because God has perfect information, ‘God is *always* looking.’⁸² Thus, the propensity to adhere to moral norms becomes internalised because the deity can see into one’s very soul. (It should be noted that this is not exclusive to Christianity.)

Further reinforcement of generalised moral norms must also come from the state and from civil society. ‘Morality and a high sense of public purpose among the rulers are important ingredients of a well-functioning market order not only because they ensure that rules will be properly enforced (corruption among state administrators will be held in check), but also because of the positive demonstration effect exercised by leaders ...’⁸³ Platteau also emphasises the role of civil society in norm maintenance, especially in monitoring and checking the state,⁸⁴ and of individual role models whose behaviour reactivates ‘emotional capacities associated with primary socialisation processes’.⁸⁵

The normative scheme which Platteau’s work develops is a distinctly liberal one. Market economies require rules; those rules cannot be guaranteed by sanctions alone, nor, in a large-scale capitalist economy, can they be sustained by personal ties and reputation. Generalised morality, or the tendency to follow rules because such rules are internalised and valued for their own sake, is a central characteristic of liberal thought. Kant’s classic formulation that moral evolution is signified by respect for the laws for their own sake captures this idea.⁸⁶ It implies

⁸¹ Platteau, ‘Behind the market stage where real societies exist—Part II’, pp. 771–2; and Noonan, *Bribes*, p. 82.

⁸² Robert Frank, quoted in Platteau, ‘Behind the market stage where real societies exist—Part II’, p. 772.

⁸³ Platteau, ‘Behind the market stage where real societies exist—Part II’, p. 772.

⁸⁴ Platteau, ‘Behind the market stage where real societies exist—Part II’, pp. 773–4.

⁸⁵ Platteau, ‘Behind the market stage where real societies exist—Part II’, p. 774. Platteau is drawing on the work of Robert Frank. See especially *Passions within reason: The strategic role of the emotions* (New York: W.W. Norton, 1988).

⁸⁶ See Immanuel Kant, *Groundwork of the metaphysics of morals* (Cambridge: Cambridge University Press, 1998).

that in a liberal society, people will follow certain rules regardless of whether they are dealing with family, friends, business partners, or strangers. Identification with a particular society does not constitute a boundary beyond which lawlessness reigns; rather, individuals in a liberal society identify with a larger whole (that of all humankind) and this universal identification propels them to observe certain basic rules towards other human beings regardless of the community to which these people owe their political allegiance.⁸⁷ This is of course the most idealistic version of the liberal ethic, but even less cosmopolitan versions rely on some sense of internalised moral norms and respect for law for its own sake.

Platteau and others who make claims about the role of morals (claims which are also tied to the role of emotions in sustaining social life) in the development of liberal capitalist society are not claiming that these morals are always present, and explain all behaviour. They are arguing that such morals, and the religious, ideological, and institutional foundations which support them, account for much of the success of liberal capitalist society in entrenching itself in the Western world, and are essential to the smooth functioning of markets. But the ability of this society to spread into areas governed by different sorts of moral codes (especially particularistic and exclusive codes) as well as different sorts of institutions remains open to skepticism.⁸⁸ Further, although Platteau does not mention this, the victory of liberal democratic norms and free markets in the 'West' was by no means pre-destined and unproblematic; these normative schemes have experienced, and are still experiencing, virulent challenges from communism and various forms of socialism, anti-globalisation movements, and exclusionist forms of nationalism in the public realm, and corporate corruption in the realm of private enterprise.⁸⁹

It is not the purpose of this essay to speculate on the spread of liberal democracy and capitalism. Rather, the point here is that the texts of the

⁸⁷ Platteau, 'Behind the market stage where real societies exist—Part II', p. 768.

⁸⁸ See Platteau, 'Behind the market stage where real societies exist—Part II', pp. 795–801.

⁸⁹ See Karl Polanyi, *The great transformation* (Boston: Beacon Press, 1944), and especially Mark Mazower, *Dark continent: Europe's twentieth century* (New York: Knopf, 1999).

emerging global anti-corruption regime imply, but fail to reflect upon, the notion that some sort of universal, generalised morality is necessary for the continued penetration of capitalist markets into new territories. Further, anti-corruption efforts in advanced industrial societies may also be seen as attempts at moral regeneration where the norms and institutions required to sustain a liberal order have decayed.

On the other hand, those who find the anti-corruption agenda to be a red herring or not worth pursuing may implicitly place themselves in a position of broader skepticism about many of the normative dimensions of liberal capitalism, and might instead espouse a model of capitalism based on a more brutal (and bribe-paying), less normatively constrained form of competition. Such an attitude would simply highlight, by way of contrast, just how norm-laden the OECD/IMF/World Bank conception of international economic governance is becoming.

Corruption as a malaise of the polity

The accountability of public officials, and their capacity to pursue the public good, is the ‘measure’ by which we assess whether or not a society or government is corrupt. Level of development and investment flows are not measures of corruption, even though they may be measures of its consequences. In the latter case, however, the normative (and hence intersubjective) elements built into the definition of the independent variable (level of corruption) will require examination, because if left unexamined they may impart significant bias (for example, about the value and impersonal nature of modernisation) drawn from the perspective and cultural orientation of the observer. Corrupt transactions are illegitimate because they take place in a domain—that of public politics—which sets limits on what can be bought with money or other favours. The general implication is that, at some level, public power should not be for sale, and that public power should not be used in the service of private gain.⁹⁰ The reason for this is at core a moral reason: the public good, and more specifically public trust, are fundamental societal values.⁹¹ The discourse

⁹⁰ Walzer, *Spheres of justice*, elaborates on the notion of distinct domains with distinct rules of transaction.

⁹¹ On trust see Fukuyama, *Trust*; and Gambetta, ed., *Trust*.

that sustains these distinctions is a liberal one, albeit informed by a rich historical discourse of republicanism.⁹²

Republican discourse further suggests that the definition of corruption I gave at the outset of this essay (use of public office for private gain) does not fully communicate the sense in which corruption can be thought of as a danger to the polity. Isolated incidents of bribery are one thing, but deep-seated corruption connotes a structural condition, a sickness of the polity which at worst can mean its destruction as a cohesive whole, or a ‘loss of identity and definition’.⁹³ Thus, the anti-corruption discourse bears the weight of a history of concerns about the health and vitality of the polity.⁹⁴ Without engaging in a lengthy analysis of republican discourse, the juxtaposition of corruption, as an indicator of a sick political community, to the key concepts of liberty and civic virtue as indicators of a healthy polity bears mentioning in this context. A corrupt polity in this sense is one in which private interests have dominated public decision making, where factions and strife rule, and where loss of liberty—defined as the capacity to participate freely in public life—ensues.⁹⁵

Corruption in this sense can take many forms, but Euben points out that one of the most exemplary historical cases of a polity that has become corrupt to the point of disintegration is Thucydides’ account of the civil war in Corcyra.⁹⁶

Under such conditions religion, family, and morality become instruments in their own destruction. Oaths are temporary strategies adopted only when one is outmaneuvered or outmanned by an opponent ... Morality and justice are rhetorical diversions which disguise secret hatreds and excuse private revenge ... Since everyone is a potential enemy, isolation

⁹² In addition to works already cited, see Joyce Appleby, *Liberalism and republicanism in the historical imagination* (Cambridge, MA: Harvard University Press, 1992).

⁹³ Euben, ‘Corruption’, p. 222.

⁹⁴ Pocock, *Machiavellian moment*; Machiavelli, *The discourses on Livy*; Arendt, *The human condition*; Shumer, ‘Machiavelli’; and Euben, ‘Corruption’.

⁹⁵ Shumer has noted that the Machiavellian, republican image of a corrupt polity corresponds quite well to the state of American politics today. Shumer, ‘Machiavelli’, p. 10.

⁹⁶ Thucydides, *History of the Peloponnesian Wars*; and Euben, ‘Corruption’, pp. 224–6.

is the only guarantee against surprise attack. In the beginning of civil war, men killed their enemies with the assistance of their party. But as the *stasis* intensified the number of potential enemies increased and the number of possible friends decreased until the only trustworthy friend was oneself and the only safe party was a party of one.⁹⁷

It does not require a huge stretch of the imagination to apply this picture to some of the areas that have been devastated by civil wars in the past decade, including Somalia, Colombia, Rwanda, the Democratic Republic of the Congo (formerly Zaire), and the Balkans. Although the anti-corruption regime itself bears only a few marks of the republican legacy, the articulation of the problem of corruption as a part of a broader governance agenda does provide evidence of real concerns about the health and vitality of the polities—especially but not exclusively in low and middle-income developing states and states comprising the former Soviet Bloc—which are the main targets of the regime.

It is possible to argue, then, that the emergence of a global anti-corruption regime signifies an awareness that an international system consisting of healthy, vital political communities is an important precondition for the spread of markets and the expansion of economic prosperity. Further, the substance of the regime implies that the conditions for a healthy polity include liberal precepts such as separation of powers, rule of law, accountability, and clear demarcations between public and private spheres. Such demarcations have moral resonance in that they require internalisation of a general commitment to the rule of law on the part of private actors, and a further moral commitment to public good on the part of public officials.

All this may amount to idealism of a very tall order, if we define idealism in the classic realist manner of a mismatch between aspiration and capability. It is by no means clear where the resources (both material and knowledge) to pursue such lofty goals come from. On the other hand, the very discourse on corruption itself is a vital aspect of the efforts to combat corruption, and discourse in and of itself may not cost much. What the republican legacy of the concept of corruption reminds us of is

⁹⁷ Euben, 'Corruption', p. 225.

that public discourse about public good is a crucial aspect of politics in a healthy polity, and such discursive engagement is an important human resource. This holds true not only for ‘developing’ but also for ‘developed’ countries. Issues of resource commitments and likelihood of widespread compliance with regime norms aside, and whether or not the normative content of the anti-corruption regime embodies any broader truths or practical applications, the significance of the ideas and legitimacy conceptions underpinning the regime is worth explicating, and the moralistic and idealistic scope of the regime would not be fully apparent without such explication.

CONCLUSION: INTERNATIONAL POLITICS AND THE ANTI-CORRUPTION REGIME

Whether the consensus within international institutions that corruption needs to be checked can gain broader and deeper legitimacy is an open, but crucial question. Pressure from moral entrepreneurs like Transparency International contrasts starkly with what TI’s own indices and research still show to be highly prevalent practice. But when international institutions attempt to influence domestic governance they become entangled in thorny issues, of which corruption is one of the most difficult. The growth of investment and spread of markets in and of themselves do not automatically generate good government structures. Even where there are strong governing institutions, it is an open question whether such institutions can exercise strong influence on multinational corporations whose economic clout can influence political processes as well as stymie regulatory efforts by governments. According to republican definitions of corruption, not even the ‘developed’ world is in a good position to claim that its polities are healthy and vital rather than corrupt.

The emergence of a global anti-corruption regime, supported by dominant states and international institutions, implies a consensus that governments ought to protect the public good and thus foster public trust, *and that international institutions can help them do so*, either by helping governments coordinate their efforts to constrain private actors from giving bribes (as in the OECD regime), providing advice and incentives regarding institutional reform, or in general by ‘teaching’ the proper

norms to more recalcitrant governments.⁹⁸ These options appear to assume that target governments have the capacity—or can be pressured by a vital ‘civil society’—to institute reforms congruent with the concepts of public trust, accountability, and transparency.⁹⁹

All this raises the difficult question of whether anti-corruption measures emanating from international institutions—especially those measures imposed by dominant states on weaker ones—can actually have such an effect. Put another way, can public trust be imposed from without the polity, or from the top-down, or must it also develop from within and from the bottom-up? If the latter, can international institutions have a role that is not limited to external imposition of alien values? Without central enforcement mechanisms, the success of international anti-corruption efforts will disproportionately depend on the perceived legitimacy of those efforts among the target communities—which include not only developing states but also industrialised states and the international business community. Anti-corruption efforts take place in public, and draw their strength from public approval as well as governmental institutional reform and corporate codes of conduct. Thus, such efforts should involve strengthening the authority of the public sphere by facilitating discourse and action in multiple and diverse communities. International institutions and non-governmental organisations can have a role in this process, as some of Transparency International’s work demonstrates.

Any time political actors attempt to inject moral content into international politics, they face difficult theoretical and normative issues. In a nutshell, when someone is pushing to internationalise a moral standard (even one concealed in the technical terminology of economic development) the possibility of contestation emerges, and ought to emerge. Other parties may deem the standard inapplicable to their particular case, accuse the standard-bearers of imperialism, or present an alternative standard for consideration. That this be done in public seems to be a minimal criterion for legitimation. It may be possible to prevent some

⁹⁸ On international institutions as teachers of norms, see Martha Finnemore, ‘International organizations as teachers of norms’, *International Organization* 47(4) 1993, pp. 565–99.

⁹⁹ Szeftel, ‘Misunderstanding African politics’.

of the more polarising effects of ideological jousting by engaging in reasoned public discourse about the values at stake in the anti-corruption campaign. Failing to engage in such discourse implicates the anti-corruption crusaders in unreflective imposition of apparently universalistic standards on societies which may not accept them.

In fact, anti-corruption efforts are highly likely to engender agreement on the idea that corruption is bad: ‘... there is widespread disapproval of corruption in all countries, even (perhaps especially) in those where corruption is rife, and, no matter how systemic high-level (or “grand”) corruption may be, it is still practiced furtively.’¹⁰⁰ It is not a huge stretch to assume that corruption is widely viewed as a bad thing. The anti-corruption regime thus has an advantage which other regimes such as environmental protection or even human rights may not enjoy. Nevertheless, the devil comes in the details: what exactly constitutes corrupt practice in a given society depends on where and how that particular society draws the line between the public and private spheres, and public and private roles. Not all societies even draw such a distinction, even if they are nominally governed by a state apparatus that has inherited such a distinction from colonial or other external influences.¹⁰¹ If the determination of whether and how the line between public and private should be drawn comes bundled in a somewhat coercive package, externally-imposed—say, as a form of conditionality accompanying an IMF loan—then its perceived legitimacy in the target country may be limited.

To impose standards without engaging in critical reflection and public discourse actively involving those on whom the standards are being imposed would constitute a form of ideological hegemony, and would threaten the success of anti-corruption legislation by undercutting its legitimacy. Again, it is not enough to simply package anti-corruption incentives in the guise of helping ‘development’; the moral dimensions of the idea of corruption must be explicated and discussed. Of course, this might raise justifiable fears of ‘moralising’. But moralising on the one

¹⁰⁰ Szeftel, ‘Misunderstanding the African state’, p. 237. Also see Noonan, *Bribes*, chapter 20.

¹⁰¹ Olivier de Sardan, ‘Moral economy of corruption’.

hand, and debating the moral content of central regime concepts on the other, are not the same thing. Political communities must engage in discourse about the core values of the community—that is part of what politics is all about. The anti-corruption regime provides a new opportunity for such discourse to take place. Further, a fuller articulation and defence of the moral claims underpinning the anti-corruption regime might inspire leading states and other organisations in the anti-corruption movement to examine more closely their own motives, practices, and values *to see how they themselves measure up to the standards they are articulating*. This is particularly true since the supply-side of much of the grist of the international corruption mill comes not from ‘developing’ but from ‘developed’ countries. Finally, unreflective proselytising about corruption neglects the historical trajectories and experiences of the dominant states in the international system, experiences which might otherwise prove instructive in assessing the relative feasibility of various anti-corruption measures. In other words, there are elements of the current anti-corruption movement which smack of hypocrisy, and it may be useful to evaluate whether hypocrisy is an unavoidable element of this sort of political activity.¹⁰²

Because the concept of corruption concerns the very structure and vitality of political communities, anti-corruption efforts and discourse cannot be limited to a narrow array of elites if they are to have any chance of taking root. If anti-corruption efforts fail to gain broader and deeper legitimacy, then the emerging regime is likely to become a dead artifact or an exercise in hypocrisy, stymied by the very dense and complex normative expectations embedded within it.

¹⁰² Or of political activity in general. See Ruth W. Grant, *Hypocrisy and integrity: Machiavelli, Rousseau, and the ethics of politics* (Chicago: University of Chicago Press, 1997).

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