VERSITA

HUMAN AFFAIRS *23*, 124–147, 2013
DOI: 10.2478/s13374-013-0115-7

WHO IS CORRUPT? ANTHROPOLOGICAL REFLECTIONS ON THE MORAL, THE CRIMINAL AND THE BORDERLINE

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Abstract: Drawing on historical and contemporary evidence from Great Britain and Italy, this article examines actions that fall under official definitions of corruption and actions that are not illegal but are widely regarded as morally corrupt. As a social anthropologist, I argue that when dealing with the complexity of corruption and abuses of power, we need to identify what aspects of the system encourage or generate illicit practices (illegal *and* legal) and what aspects could instead generate real change. It is imperative to assess the precise identity of the dividing line between the legitimate and the illegitimate and between the legal and the moral, and to address both the exact relationship of the protagonists in public life to formal law and its production and their perceived legitimacy in the broader society. Empirical evidence suggests that the production of the law must take into account the moralities which inform the definition of legitimacy at the grassroots, for legislation that enjoys such legitimacy is authoritative—therefore effective—legislation, and thus is governance that benefits from and abides by such legislation.

Key words: corruption; abuse of office; legitimacy; legitimation.

In this essay I draw on historical and contemporary evidence from Great Britain and Italy to study illegal behaviours, particularly corruption. I examine actions at various levels of the social spectrum that fall under official definitions of corruption and actions that are not illegal but are widely regarded as morally corrupt. My analysis heeds the contentions that the strictly legal is not always received as moral and legitimate in the wider society, where illegal behaviour may enjoy legitimacy, and that the Law cannot afford selectively to obey the moral orientations (and interests) of an élite. As a social anthropologist, I argue that while avoiding the straightjacket of legal pluralism (Tamanaha 1993), the production of the law must take into account the moralities and ethical principles which inform the definition of legitimacy at the grassroots, for legislation that enjoys such legitimacy is authoritative, therefore effective, legislation.

A methodological note is due. The empirical study of corruption is made difficult by the complexity and elusive nature of this phenomenon; however, anthropologists have proved to be well equipped to address the shadowy fields of activity involving illegal, legal and "borderline" forms of corruption. My own and other, regrettably few, ethnographically-based

studies demonstrate that the disciplinary commitment to the in-depth investigation of the micro-level can be met. Useful information is often a contested by-product of anthropological research; the ethnographer "happens" to collect first-hand material on corrupt behaviours while carrying out fieldwork on other issues. As, of course, corrupt deals are often marked by degrees of secrecy, it takes time for their ramifications and implications to become clear. It may be difficult to reach sufficient insider status to meet fully the demands of the method of participation and direct observation may not always be possible. However, background, consequential and connected events can be recorded, officials' reports, memoirs and autobiographies are good sources and it is highly productive to focus on the ways in which people talk about the corruption of others and, in some instances,[1] their own role in corrupt deals.

What is corrupt?

As argued in detail elsewhere (Pardo 2000c), what is legal is not always broadly regarded in society as moral and legitimate and what is illegal as immoral and illegitimate. There are modes of action which people widely regard as corrupt but that are not regarded thus by the law, while others that are legally corrupt may be recognized as (morally) legitimate, or necessary, in the wider society, begging the key question whether in state societies legal concepts and institutions do necessarily structure social interaction.

The sections that follow will bring out the weakness of legal definitions of corruption. Here, I note that such a weakness also undermines a large body of literature that deals with illegal forms of corruption that are defined as illegal (see, for example, Della Porta and Meny 1997; Levi and Nelken 1996 Rose-Ackerman 1999). Contributions to Part IV of the handbook edited by Heidenheimer, Johnston and LeVine provide a good example both of the breadth and limitations of mainstream analyses (1989, see especially pp. 728-825). We shall see that corrupt actions and abuses of power may be ignored by the law because an understanding of what goes on in certain sections of society is missing. Alternatively, they may be known to law-makers but it may be difficult to draft adequate legislation. There are, however, other, more problematic possibilities.

Governments and law-making bodies do not stand above the fray. By definition, legislation tends to be informed by the interests and moral attitudes of decision-makers. This certainly applies to the laws on corruption, which, as a consequence, may fail to enjoy broad social recognition. Such arbitrariness both stresses the partiality of the law, and its inherently contentious character (Weber 1978, Ch. 8), and raises questions on what morality should be significant to the making of the law.

There are complex ways in which differences between concepts of corruption in society and in the law inform ambiguities and confusion. Alongside questionable (morally corrupt) behaviours that do not take place outside the law, an intriguing line of analysis is stimulated by actions which fall or are made to fall within the boundaries of the law by vested interests but are nonetheless received and talked about as illegitimate and (morally) corrupt in the

[1] For example people who have been convicted of this offence or people who believe that what they do, or have done, does not really fall into the category of corruption.

broader society. In brief, in line with the principle of "heterogeneity of morality" (Lukes 1991, Ch. 1), the culture of corruption and abuses of power, and the representation of their practice, may be subjected to nuanced, and changing, moral evaluations (see, for example, Pardo 2004 and Rigi 2004). They may be expressions of an expedient rhetoric of power, affecting both the relationships between differently placed groups in society and the legitimacy of the social, economic and political system. Moreover, they strengthen a belief in the prevalence of corruption, which as Parry (2000) suggests, is corrupting in its own right; it may well be that corruption thrives on secrecy, he adds, but "it does pretty well on publicity too" (Parry 2000, 37). Cross-cultural evidence, points to a negative relationship between the reality of corruption, the inflated rhetoric superimposed on such a reality by the political and legal establishment and the publicity accorded by the media both to actual cases of corruption and to such an inflated rhetoric.

Categorical assumptions are the scourge of the abstract approach. On the contrary, the ethnographer's task is to account for the variety and complexity of this phenomenon across official and non-official normative systems. In order to understand the causes, effects and ramifications of corruption we must address two critical aspects, taking into account the gradations of individual positions between the "ideal" extremes—sociological and moral—of right and wrong, legal and illegal, in the messiness of everyday life. First, we must investigate the empirically diversified motivations of those who undertake such actions at both ends of the exchanges; that is, those who perform those actions and those who require them to do so, whether on their own initiative or because they feel, or are made to feel, that they have no alternative (Pardo 2004). Second, we must account for how corruption is talked about among the corrupt—whether they act inside or outside the law—and among the rest of the population.

Abuse of power and corruption: bedfellows in "clean" vs. "dirty" states

It is commonly believed that weak states facilitate corrupt practices, while "advanced liberal" democracies are basically immune from them. For example, Britain, where laws on corruption mainly focus on the private sector, is usually described as an "advanced, liberal democracy", whose political élite's integrity would be implicit and unquestioned. On the other hand, Italy, where laws on corruption focus mostly on the public sector, is generally portrayed as an example of "weak state" dirtied by the corruption of the political system. From such a viewpoint, and failing to acknowledge that the public and private, like "right" and "wrong", are not easily separable, the mainstream literature on corruption has addressed what are regarded as "weak states", where governments, politicians and economic powers have been seen to be embroiled in visible and invisible webs of power, the aim of which both is to exploit—licitly or illicitly—the weaknesses or instability of the system.

It kind of follows that, as Prato has aptly noted, drawing mainly on statistics, the World Bank (see, e.g. 2000) should distinguish

> between administrative corruption (involving both public officials across the board and private interests and individuals) and so-called "state capture", whereby the state is captured by private interests and the distinction between public and private becomes blurred (Prato 2004, 74).

Such an approach, challenged by anthropological analyses, has revived a controversy on the superimposition of external models and values and the consequent failure to understand what processes favour corruption in any given society.

Almost invariably germane to corruption, abuse of power, particularly in public office, is chief among such processes; its pernicious nature undermining at once the office, the social contract and, in most cases, healthy competition. Perhaps inseparable from the modern state and from a Weberian rational-legal bureaucratic authority, abuses of power mar systems marked by sharp asymmetries of power, playing a less obvious but equally disruptive, if more insidious, role where such asymmetries are, let us say, more subtle. Friedrich (1989, 19) has described this key aspect of corruption as a "political pathology"; its most basic form consisting in the sale of the functions of the office and of actions, or the failure to take actions, that favour selected individuals or networked groups in exchange for money or other returns, such as the expectation of a job, a favour, a contract for public work or political support. This scenario especially characterizes modern societies where politics and bureaucracy intermingle as a distinctive form of corruption of the democratic system (Weber 1974; Prato 2000).

It must be pointed out, however, that the nature, dynamics and ramifications of abuses of power extend far beyond such a basic definition. The (more or less wilful) mismanagement of responsibility in the exercise of bureaucratic, economic and political power involves moral choices that are often part of wider frameworks and modes of exchange. That the problematic of moral choice extends both to the corrupt actions of ordinary people and to the legislative process only strengthens the point that these complexities need to be understood empirically.

While bribery, extortion, tax evasion and illicit exchanges of favours would seem to recur across different societies, there is considerable historical (Scott 1989) and ethnographic variation in the occurrence, dynamics and extension of corruption, in the perceptions of corruptness and in the interpretations of the legitimacy of corrupt acts. Steering well clear of cultural relativism, corruption needs to be examined contextually and diachronically (Alatas 1968; Klaveren 1989; Lowenstein 1989); for ideas of what constitutes corrupt behaviour, the deceits of language by which corruption becomes routinized and the ways in which corruption and bribery are legally defined change in place and time. In particular, attention needs to be drawn to a growing ambiguity regarding the official definition of what constitutes (morally *and* legally, I stress) illegitimate behaviour in public life. This ambiguity about the role of public institutions and the people who staff them feeds on a blurring of the dividing line between legitimate and illegitimate behaviour, and between the legal and the moral.

The law *is* a ass

Western Law is informed by three fundamental principles. They are *nullum crimen sine lege* (without law there is no crime); *nulla poena sine lege* (without law there is no punishment) and *nulla poena sine iudicio* (without judgement there is no punishment). Taken together, these principles underlie judicial systems based on the certainty of the Law and of the Judgement. The difficulty in defining corruption legally—and analytically—and therefore in producing unambiguous legislation, and the consequent difficulties in the application and enforcement of the law are reflected across Criminal Codes. Even within

Western Europe the legal definitions of corruption fail to be harmonized, and in some European countries the word "corruption" is not used, their legislation addressing, instead, offences such as bribery, purchase of votes, and the exercise of undue influence (Prato 2004, 79; see also Nilsson 1994).

As Prato (2004, 79) reminds us, such difficulties marred the preparatory document of the 19th Conference of the European Ministers of Justice, organized in 1993 by the Council of Europe on the fight against corruption, and has continued to do so in subsequent efforts to deal legally with this problem. That seminal document stated,

> The notion of corruption is to be understood in its widest sense, extending to all fields of activities, both private and public, and to all persons invested with private or public functions who acquire an undue advantage linked to the exercise of such functions (Nilsson 1994, 90).

The obvious, so far largely unanswered, questions arise over how we define "undue" advantage and to what extent is an advantage "undue".

Where the Law does address corruption, only basic corrupt acts and abuses of power involving money changing hands are addressed. Such inadequacy (Lowenstein 1989) makes it difficult for law-enforcing agencies to identify, investigate, prevent and punish both corruption and the very varied criminal actions that it engenders (Miller 2004). The definition of culpability of those who take payment (in whatever form) and of those who offer or are forced to give it often defies the categorical certainties of right and wrong, legal and illegal, moral and amoral. This breeds further confusion, particularly considering that the phenomenon of corruption has evolved from one in which the predominant role was played by the, often coercive, bribe-taker to one in which the bribe-giver has acquired increasing power and increasingly plays the corrupting role of "offerer". At various levels of corrupt deals these two roles have become interchangeable. Moreover, the law struggles to cope both with the reality that certain corrupt acts are regarded as convenient by the parties involved, which further testifies to the empirical fact that the certainty of the Law is an elusive ideal; that, to paraphrase Saltman (1985), the Law *is* a Ass.

British casuistries

In the British context, corruption as a criminal offence has the specific legal meaning of "bribery" (in the sense of soliciting or receiving rewards) in respect to local government politicians, not MPs, and to public officials for actions that favour the donors or their organizations. However, still today, there is no clear definition of what the "public sector" is or of what a "public body" is. The situation is complicated by the fact that, given continuous privatisations, it often happens that "private" services fulfil public duties, while "public bodies" are the major shareholders of that service.

There are eleven Acts that deal with corruption. The most important are The Public Bodies Corrupt Practices of 1889; The Prevention of Corruption Act of 1906 and The Prevention of Corruption Act of 1916. They owe their existence, in whole or in part, to cases of bribery in local government planning, and contract and procurement corruption in the armed forces (Doig 1996, 40). The 1889 Act defines the crime of corruption in relation to transactions of a public body. Both the donors and the receiver are considered guilty of the

crime. It defines as corrupt a person who solicits, receives or agrees to receive for himself or on other people's behalf a gift, a loan, a reward or an advantage in order to fail to act or to act in a transaction that involves a public body. Moreover, it states that it is a criminal offence to promise or give a gift, loan, etc., as an inducement or reward in order to fail to act or to act in a transaction which involves a public body. The 1906 Act extends corruption to the private sector as well and applies the same principles to the transactions (payments) between individuals and between individual actors and businesses. Moreover, it also tries to define the criminal responsibility of the public official and it considers disinforming or misleading third parties to be corrupt. The 1916 Act appears to be the most controversial because it also establishes an exception to the principle of presumed innocence until proved guilty. In fact the corruption in the public sector in the form of payment or rewards for obtaining a contract is considered to have been accomplished even without tangible proof. The only exceptions are those of town and county councillors for granting building permission because building permission is not by definition a contract. This Act is in conflict with the European Convention on Human Rights (Art. 6, Section 2) on the presumption of innocence. In order to overcome this conflict, the British Courts tend to focus on accusations of conspiracy or attempted corruption, which are regulated by different Acts.

Not only is corruption difficult to prosecute in this scenario but, most significantly, these Acts on corruption do not apply to MPs. Scandals involving British parliamentarians who accept money in exchange for parliamentary actions have led to the end of some political careers (following party disciplinary proceedings), but not in most cases to their legal prosecution for corruption. Doig (1996) has pointed out that much of the British approach to standards of conduct in public life has its basis in Victorian values and public and political expectations of propriety. Doig goes on to remind us that the political élite was expected to behave, at least in public, in a "middle-class way", which seemed to relate essentially to sexual propriety. Of course this did not necessarily induce sexual moderation; rather, it ensured "discretion against discovery", or "cautionary advice by concerned colleagues", and a complicit tolerance from leading newspaper proprietors who "protected the public reputations of politicians" against "the moral indignation of the lower middle classes" (Doig 1996, 37). In line with this, similar moves were made to dissuade politicians, especially ministers, from involvement in dubious private financial activities. In particular, it was expected that public office would not be used as a means of acquiring wealth. The opposite seemed to be, in fact, true, as prospective MPs were expected to bear personally the costs of the electoral process and seek the necessary funding. Thus, as many MPs were still unpaid in the nineteenth century, several opportunities arose for conflict of interests. Most MPs were representatives of, or had to lobby for, the interests of their constituencies, which in itself did not constitute misconduct. The problem was how to separate effectively private interests from public responsibilities. The suggestion was that Ministers should observe "rules of prudence" rather than of obligation. The "rules" of obligation required Ministers not to undertake transactions where private interests conflicted with public duty, not to speculate financially and not to use official information for private profit or to accept favour from those seeking government contracts. Still today "rules of prudence" essentially require Ministers to avoid all transactions that might lead to the belief that they are doing anything which the rules of obligation forbid (Doig 1996, 39).

Over the years, several Tribunals and Committees of Inquiry have been appointed to review the standards of conduct in public life or deal with allegations that range from insider share dealing to contract bribery, from sale of Honours for party funds to ex-ministers taking posts in the private sector, to influence-peddling. In the latter case, graphically exemplified by the Belcher affair,[2] the inquiries have attempted, and generally failed, to establish a clear distinction between lobbying and bribery, so little has changed in terms of legislation. The Committees have based their approach on faith in personal behaviour and regarded it as the solution to concerns regarding the decline in standards of conduct. For example, the Nolan Committee, established in 1994 (first report published in 1995), eventually reported that public anxiety was based more on perceptions and beliefs than on facts and that the great majority in public life were honest, hardworking, and observed high ethical standards.[3] The problems addressed by the Committee were not new and, as we know today, they were to recur; see, for instance, the concern over quango appointments mirroring the 1970s rows on the so-called "patronage state", whereby the extended debate on MPs' financial interests eventually led to recommendations (though not legislation) on the registration and declaration of MPs' financial interests and on advocacy (that is, representing an outside interest in Westminster or Whitehall) for payment. The problems surrounding Peerages and party funding go back to the 1920s; civil servants moving to well-paid jobs in the City was first subject to regulation in the 1920s and again in the 1980s.

These affairs and the ensuing inquiries suggest that cases of possible misconduct tend to be treated as isolated examples or as the results of teething troubles with some reforms. Most significantly, such a system, based, I repeat, on the traditional assumption of a consensual approach to standards of conduct and a reliance on prudence, common sense and honour, leaves room for individual interpretations of the "rules" and of what constitutes a breach of such rules. What MPs see as a conflict of interest, corruption or bribery, or an acceptable way of representing an interest varies substantially. For example, is the Labour Party's perfectly legal acceptance of one million pounds from the League against Cruel Sports, a "donation" that led to the Foster Bill and to the ban of Hunting with Hounds, truly legitimate? Could it be seen as corrupt, *de facto*?[4] Under some EU countries' legal systems, it probably would be. On a more secure footing, it can be argued that the British public's general dissatisfaction with politics and politicians, as public figures are seen to indulge in bed-hopping, self-

[2] The Belcher affair was one of the biggest cases of political corruption in twentieth century Britain. The allegations of widespread corruption in the Labour government were serious and elements of the Conservative Party willingly used them for political gain. The government appointed a judicial inquiry to investigate the allegations, which, as Mark Roodhouse (2002) has argued, had the unintended effect of scotching public debate. The allegations became *sub judice*, hindering the activities of the scandalmongers. Roodhouse reminds us how tedious press coverage of the tribunal hearings bored many voters, who interpreted the scandal in line with their existing beliefs, effectively nullifying the scandal's potential electoral impact.

[3] Interestingly, the Committee's *First Report on Standards in Public Life* stated, "we cannot say conclusively that standards of behaviour in public life have declined" (see www.public-standards.gov.uk).

[4] For an analysis of the complex issues raised by the attending debate and the legal ban, see Pardo and Prato (2005).

enrichment, influence-peddling and rule-bending, parallels a growing uncertainty about what is right and wrong in public life.

Following the expenses scandal that has recently tainted the British Parliament (see Winnet and Rayner 2009), public outrage is, again, in full swing[5], while official language insists on shying from using the word "corruption"[6]; the euphemism "sleaze" is instead used and, occasionally, the expression "abuse of power" crops up in politicians' statements and in the media. The scandal, fuelled by a media frenzy, has dramatically brought to a head the tension between the *morally* and the *legally* legitimate, particularly as law-makers' corruption, or alleged corruption, is seen to be set against the background of mis-governance in the economic and financial fields, of the effects of such mis-governance on people's lives and of the extraordinary privileges granted to a few. There are some careful considerations to be made because, while there was evidence of corruption in a number of cases, the situation was much more complex than the newspapers suggested.

What was clearly corrupt in the whole affair was the action of a few MPs who with deliberate falsity claimed expenses on non-existent flats they said they paid for as second homes because their constituencies were sufficiently distant as to make it unreasonable to expect them to commute daily to Parliament. Here, corruption varied from the non-existence of such flats to those that were acquired by the MP but rented out to clients, but in which the MP stayed only rarely, or a flat in which the MP installed a relative rent free.

All this was clearly corrupt and against the rules, and so illegal. More generally and more intriguing were those cases where the MP claimed for expenses that were legitimate but only up to a point; where, it was argued, claims were made for work that had actually been done, but the problem was that such claims were on an extravagant scale. An extreme example was of a man who actually lives in an ancient moated house, and claimed a large sum of money to have the moat cleaned out. This, with its implications of ancient family wealth, made a field day for the press. The great majority of claims were, however, much less extravagant but raised criticism because MPs did not have to get the agreement of any kind of supervisory body—they simply presented bills that were then paid. The obvious objection, pointing to more ramified "weaknesses" in the parliamentary system, is: why were they paid, no questions asked? The answer seems to have been that MP's salaries had fallen a long way behind what might have been legitimately regarded as reasonable for the responsibilities accompanying the work they did. In comparably responsible jobs in the private sector of the economy they might well have expected salaries of £20-30,000 (30-50,000 US dollars) more

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[5] New developments seem to be endless. In October 2012, Denis MacShane, an ex-Minister in the last Labour government and MP for Rotherham, was suspended for twelve months from Parliament after being found guilty of falsely claiming £7.500 (12.000 US dollars) in expenses. He later resigned as an MP. Interestingly, it was found that MacShane could not be criminally prosecuted because House of Common rules (specifically, those pertaining "parliamentary privilege") prevented critical evidence to be used against him.

[6] A similar conundrum has marked the Murdoch-*News of the World* phone hacking scandal (Ruffo 2011, has offered interesting comments from a journalist's perspective) and appears to surround the Libor (London Interbank Offered Rate) affair and the attendant manipulation of the inter-bank lending rates market (see, for example, http://www.telegraph.co.uk/finance/newsbysector/banksandfinance/9479052/Libor-scandal-US-regulators-summon-seven-banks.html).

per annum. Party leaders, however, were nervous of the public's reaction if the MPs were paid the "going rate" and so had refused to put them up adequately for years. The MPs were therefore told by their whips that they should keep quiet about it but that it was legitimate to recoup the money by claiming fully on every possible legitimate expense. In a sense, therefore, it was not so much that these MPs were corrupt in the strict sense, but that their leaders were collectively cowards in the face of a democratic system that they feared would punish them at the polls if they had pursued the stricter path of raising salaries and keeping a close eye on expenses.

There is a historic background to this, of course—since back in the nineteenth century MPs had no salaries, corruption could take the form of candidates more or less bribing the (prior to 1832) few citizens with the right to vote. Once there was universal suffrage this was impossible—but largesse for the constituency could still come from wealthy candidates —and payment for all MPs was gradually introduced to enable the less affluent to become candidates (I simplify greatly). However, in this context, the extent to which MPs should be labelled corrupt becomes far more problematic, which raises interesting issues on the "democratic process". It could be reasonably said that such a process lays itself open to corruption, since in the most open and liberal elections imaginable, the candidates compete to convince the electorate that individual candidate X will do better for the constituents than candidate Y. We might hope that the individual constituents are high minded and think only of the public good, but I would not bet on it. As we shall see in detail later, even the allegedly fairest system of voting, proportional representation for example, can descend into pork-barrel politics[7] or engender the problems that I discuss later with reference to the Italian ethnography, while a nominally liberal system like that in Nigeria rapidly developed into a kleptocracy.

In the end, 113 MPs did not stand at the last election (May 2010). Sir Thomas Legg's Inquiry ordered 375 MPs (that is, more than half the total) to repay 1.12 million pounds. The inquest cost 1.16 million pounds. Criminal charges (mainly for false accounting) have been brought against three MPs, and a Peer and an MP have been criminally convicted. Meanwhile, in the midst of the current economic depression, top bankers continue to be granted huge bonuses at the increasingly poor public's expense. All major parties have expressed serious concerns about the British Public's loss of trust in Parliament. Ordinary Britons appear to be as dismayed by and inactive about both affairs as they are increasingly convinced that there are double standards over, say, sexual or financial misconduct. Such a conviction, and the attendant loss of legitimacy of the political system, have been fuelled by sections of the media that seem to have forfeited complicitous tolerance in protecting public figures from the moral indignation of a public increasingly convinced that public life is no longer about the common good; that individual and party advantage are prioritised.

These events and, almost equally important, the media-led inflated rhetoric of corruption, run counter to two non-negotiable principles of democracy, particularly "liberal democracy". First, the power to rule needs authority for the relationship between citizenship and governance to work. Second, the establishment of authority *depends* on the achievement and

[7] See, for example, the case of the Irish Republic (Bax 1976), of Italy (Prato 1993; Prato 2004) and the aforementioned donations to the British Labour Party.

recognition of legitimacy at the grassroots. This means, above all, that authority must be seen to be based on a fair, responsible *and* accountable exercise of power. Further to illustrate this conundrum empirically, let us now examine case-material from Naples and Region.

Fostering corruption through the misuse of power: Italian cases[8]

In line with T.H. Marshall's (1950) classic definition of citizenship and of the attendant rights, I contend that a primary obligation of democratic governance is to guarantee public health. Exemplifying abysmal failure in such a task, for a long time the Naples region has been swamped with enormous amounts of rubbish, the implications of which bring to a head both the points raised earlier and the empirical insight that not just anyone is allowed to participate in medium- to high-level corrupt practices or is accepted in the supporting networks; one must be "one of us" in order to partake in such dealings.

Between 1993 and 2011, Naples was ruled by a powerfully networked élite. Their electoral success in 1993 was built on highly problematic anomalies. Spelling out the corruption of the democratic process, one such anomaly was that political competition had become non-existent because the *tangentopoli* (literally, bribesville; see Pardo 2000b) scandal had wiped out all the major parties, with the exception of the powerful Communist Party, subsequently renamed "Democratic", and the insignificant neo-fascist Party. This anomaly was the direct product of another highly problematic form of corruption, consisting in a blurring of the classic Montesquieuan (1989) division of power in legislative, executive and judiciary in the democratic state: politically (and unconstitutionally)[9] committed sections of the judiciary[10] had taken over a key aspect of the political process as they had emasculated political competition roughly and selectively, carrying out a witch-hunt that later failed to deliver the convictions of many of those who had been investigated and, with the help of a huge media campaign, discredited and "found guilty" before trial.[11] What follows is an attempt to let the ethnography provide answers to this question.

Naples' new Communist rulers promised moral order and prosperity. Having done my field research when they seized power, I returned ten years later to find out what had become of their promises.[12] I recorded intense feelings that were the negative mirror image of those that had animated the city in the early 1990s. Then, many informants had felt that any change was perhaps better than no change and that the situation seemed to offer new opportunities. Now, stressing the point that conceptions of legitimacy are not easily forced on the social context, they say, as Mario, a local shopkeeper aptly put it, "we continue to live in run-down buildings and unkempt streets, have to endure more than our fair share of the difficulties that

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[8] This section and the next draw heavily on Pardo (2010).

[9] Articles 98 and 101 of the Italian Constitution specifically forbid the judiciary to join political parties or have political affiliation.

[10] On such explicit and strategized commitment, see Pitch (1983).

[11] These "anomalous" actions made a mockery of the fundamental principle that the accused, let alone the prosecuted, is innocent until *proved* guilty. Notoriously, they continue today, in a disfigured Italian democracy where an unelected government appears to be there to stay.

[12] Ever since, I have carried out periodical field trips.

characterize urban life across the world and our health is persistently at risk". Their rulers have, however, long enjoyed hegemony (Gramsci 1971), benefiting from a growing ambiguity in the dominant definition of what constitutes (morally and legally) illegitimate behaviour in public life.

Local experts have convincingly shown that this modern Prince's successful construction of electoral support has been based on a combination of ideological stances and astute management of both the media and a tightly structured and managed system of favours (Demarco 2007; Demarco 2009; Della Corte 2007). Key elements of such a combination should be spelt out.

These politicians had long vilified Naples—and Southern Italy more generally—as an ungovernable mess rife with crime, corruption and cultural backwardness (Pardo 2001; Demarco 2009). Once in power they claimed that under their enlightened rule the situation was improving and all would be well. When criticised, they repeated this message, perhaps in the belief that if you say something often enough people will believe it is true. Such rhetoric has drawn on the purchased loyalty of networked élite groups, as opposed to the purchased loyalty of the masses. Prominent experts have enjoyed lucrative "consultancies"[13]—in some cases non-existent and highly paid (see, for example, Demarco 2007, 210), more often just pointless (see, for example, Della Corte 2007, 39-53, 143-147). Well-connected businessmen and women have enjoyed privileged access to public contracts (D'Avanzo 2008). Favoured by administrative blindness and changes in the law, bureaucrats have become *de facto* politicians, of low moral standing (Weber 1974, 95), while, quoting Prato, their peers 'who maintain a moral standing of "impartiality" are in fact regarded as "irresponsible politicians'" (2000, 79).

Pragmatically, such governance has nurtured some clienteles at lower levels too, as exemplified by the case, under judicial investigation, of 2,316 unemployed people (some are ex-convicts on rehabilitation programmes) hired during one of the rubbish crises to clear the accumulated waste. By their own admission, they have never actually worked and, although their contract was officially temporary, after a number of years they continue, as one of them said, "to be paid 1,000 US dollars per month to idle away the working day" (see also Demarco 2007, 194-97).[14]

It is a well-known fact in political science that, soon or later, the ephemeral nature of image and spin unsupported by effective policy will tell and, more often than not, it will backfire. The Naples case brings out this point eminently, as it demonstrates the limited reach of such an approach and the unreliability of its contribution to rulers' hold on citizenship. This situation is not confined to Naples and Region, also ruled for the past ten years until very recently by the same networked élite. Similar dealings in major Italian cities, such as Florence, Rome, Genoa (Di Feo 2008) and Milan, point to a widespread "moral question" underlying such a style of governance; however, in Naples and Region it has taken

[13] For example, the cost of consultancies relating to the waste affair amount to almost 12 million US dollars.

[14] They cost approximately 55 million euros per year, so far amounting to a total of 145 million euros (Della Corte 2007, Ch. 4; Iovene and Lombardi 2008, 164-172).

a particularly dramatic turn in a dirty and insalubrious environment adorned by mounds of uncollected rubbish.

In Italy, regional governments are largely responsible for rubbish disposal and for the conversion of rubbish into energy. Over ten years ago, Naples Region devised a plan to rationalise the process. Lucrative contracts were granted to inefficient and under-qualified companies. Reminiscent of similarly dramatic events in Italy and beyond (Prato 1993 and Torsello 2012), the plan was further crippled by delaying tactics combined with technical objections and not-in-my-backyard protests fuelled by a small but politically critical environmental party. This requires brief explanation.

The Italian political system is heavily affected by a weakening form of proportional representation.[15] Small parties become part of governing coalitions and in the resulting balance of power they often play the key role of stabilizers, or de-stabilizers. In short, they hold considerable bargaining power and they use it. In the events under examination, the aforementioned environmental party played such a key role in the centre-left Regional and Central governments, where one of its MPs was Secretary for the Environment.

We need to know that, following regulations, Neapolitans deposit household waste in dumpsters located by the walk-side and emptied during the night.[16] The council authorities must provide dumpsters in sufficient numbers and keep them and the sites where they are located clean. Residents are charged for this service on top of the very high council tax. The number of dumpsters is, however, generally insufficient and, as those available fill up quickly, rubbish bags are deposited around them, to the mercy of the elements and of vermin. For several years this situation has periodically reached crisis proportions caused by uncollected rubbish—regularly, during the summer months. Such past emergencies generally lasted several weeks; until, that is, residents and volunteers defied their rulers' mismanagement of responsibility and power carting away (illegally *and* efficiently) the waste themselves. On occasions, the local authorities followed suit, belatedly "deciding to act". In 2007, past "rubbish crises" evolved into an "emergency" that lasted a long time, jeopardizing public health and political stability and bringing "the system" to the brink of total collapse, with effects that continue to be felt today.

During the second half of that very hot, overcast May,[17] over 3,000 tonnes of uncollected rubbish piled up on city streets—including household waste, toxic waste (from hospitals, manufacturers, and so on) and waste from institutional establishments and other facilities (schools, restaurants, hotels, bars, and so on). In less than a fortnight, mounds of rubbish grew to ten foot high, clogging every street—and they kept growing, everywhere. Public

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[15] Prato (1993; 2000) has offered detailed ethnographic discussions of the complexities and weaknesses both intrinsic to and engendered by such a system. In June 2009 a referendum was held in Italy with the purpose of streamlining the electoral system and raising the threshold required to achieve parliamentary representation. The main political parties did not take a unified position either way, leaving electors to vote as they chose. The referendum failed because the low turnout did not reach the legal minimum.

[16] Council regulations vary from town to town. Generally, they prescribe that rubbish be placed in the dumpsters outside working hours—before eight a.m. or after eight p.m.

[17] The temperature was 30 degrees Celsius (86 degrees Fahrenheit) and would increase considerably over the months that followed.

space was swamped with neatly tied-up black rubbish bags ripped open by stray dogs and cats and by an ever-growing number of sewer rats increasingly unafraid of human beings. Alleyways were completely blockaded and traffic on main roads was constricted into ever-narrowing bottlenecks, passing cars thus contributing to scattering the contents of rubbish bags all over the place. As pavements disappeared under the rubbish, pedestrians were forced to walk over festering heaps, doing their best to dodge the vermin but, of course, powerless against the revolting stench and the associated exhalations. Thus, public health became an urgent issue at a very elemental level.

As this situation was caused by serious problems with *both* collection *and* disposal, it was clearly not merely a magnification of previous crises. As the headlines and judicial proceedings of the past few years testify, it was there to stay. Those rulers, like today's, argued that there was nowhere to dump the rubbish; they blamed contracting firms, also pointing the finger at the "usual suspects", organised crime and their hold on the removal, transportation and disposal of urban waste. The amount of uncollected rubbish kept growing.

I have witnessed how ordinary people's dismay and anger combined with embarrassment, as the unflattering image generated by their ruling politicians' mis-governance is broadcast across the world. The regional economy is badly affected. Here, the locally important tourist industry and exports, particularly food exports, have contracted significantly. Street-markets (a key feature across Italy) have almost completely disappeared. Small shops have lost custom, as people feel safer shopping in supermarkets. The considerably adverse consequences on employment statistics are particularly painful in a setting known for its low level of formal employment.

As rubbish accumulates, people turn to burning it where it lays—sometimes in unorganised, scattered protest, to vent anger; most times simply as a necessity. Local hospitals report peaks in cases of burning eyes, nausea and pulmonary diseases, adding to the increase in cancer and infectious diseases (Giordano and Tarro 2012). Schools are repeatedly forced to close.

In 2007, and again in 2011, things turned uglier still as the local papers published photographs of the fashionable neighbourhoods where many rulers live: as the city lay critically in the grip of the "rubbish problem", they were outstandingly orderly and clean. Thus, previously scattered protests coalesced into large, angry demonstrations converging on those neighbourhoods. There, people transported and burned mounds of rubbish from across the city. There, riot police turned out in force, "to protect the privileged few", say my (very angry) informants. Violent clashes ensued and arrests were made.

Judicial inquiries and on-going trials are providing some answers to the questions as to *why* the emergencies have recurred over for such a long time and *why* rubbish is not collected.

Abusive governance crushes citizens' rights, in partial defiance of the law

In Italian criminal law the distinction between crimes of extortion and corruption in public life (respectively, Art. 317 and Art. 319) is insufficiently clear. In the case of extortion, an officer wrongfully uses his power to extract money, documents or services from a person through force or bullying. Liability lies with the extortionist (Art. 317), punishable

with between four and twelve years imprisonment plus a permanent interdiction from public office. Less straightforwardly, in the case of corrupt practices, abuses of influence may mean that "gifts" or services are solicited—also indirectly through mutual unspoken understanding—as rewards for a favour, often consisting in speeding up or delaying proceedings, or in the omission of an act. In the classical definition, the distinction between a corrupt and an illegal practice depends not on the characteristics of the offence but on its consequences. Above all, my informants in the judiciary note that while extortion is easily proved, corruption is not always easy to prove in the absence of "confessions".

Around two billion US dollars have been "invested" in the failed Regional Plan (Chiariello 2008). The contractors were to be paid 700,000,000 US dollars by the regional government,[18] and 400,000,000 US dollars by the local councils with jurisdiction over the areas where the waste dumping, transformation and conversion facilities were (to be) built. Following indictments for criminal conduct, the judicial authorities have sized the sites where the bales of converted waste are stored and have impounded the regional funds.

The findings of the main judicial inquiry, started in 2001 and completed in July 2007, match those of a Parliamentary inquiry. Twenty-eight highly placed people have been indicted (Bufi 2007). The offences are corruption, bribery, embezzlement of public funds, fraud in public contracts, abuse of office and omission of administrative control. The accused who claim innocence include the President of the Region, his two deputies, the directors of the firm that was contracted to dispose of the waste and those of the consortium that was contracted the construct the facilities to turn waste into fuel and energy. A key charge is fraud at the expense of the State. The regional government was responsible for allocating contracts and supervising the work. The contract was granted to a technically weaker bid promising lower costs for the processing and disposal of waste. The prosecution contends that none of these two conditions was met and that the regional authorities allegedly failed to perform their administrative control. The waste management contract involved the transportation of rubbish to existing dumping sites; the conversion of waste into non-toxic fuel[19] and the incineration of converted waste at the new facilities. Rubbish was not collected. The conversion of what had been collected in the past produced bales that failed to meet very precise technical specifications;[20] illegal, useless and dangerous (if burned they would release highly polluting and poisonous fumes), they have been stockpiled and the contractors have been allowed to defray to the regional authority the cost of disposing of them (Demarco 2007, 197).[21] The prosecution contends that lack of controls over the

[18] This money was part of State funding.

[19] The contractors would have to transform rubbish into ecologically compatible, burnable bales. A key point is that, when burned, such bales must not produce toxic fumes.

[20] This is, of course, a complex matter. To simplify, the bales are not sufficiently "dry". Interestingly, inquiring judges have produced documents in which, on the one hand, the regional authority allowed a lowering of the qualitative criteria which it had previously established for the conversion of rubbish into fuel and, on the other hand, assured the central government that the converted rubbish met the minimum criteria.

[21] The immense quantity of such bales is also highly polluting as they stand unburned and festering in open-air sites.

contractors' performance throughout the process, complicity[22] and active cover up of the contractors' failure to fulfil the terms of the contract amount to fraud and intent to commit fraud. The underlying problems caused by such corruption remain, while the criminal trial proceeds haltingly; large teams of defence lawyers are at work and, as technical objections are continuously raised, postponements are recurrently granted.

Meanwhile, a civil court has sentenced the Ministry for the Environment, the Region and a local council to pay 1,000 US dollars to a man for damage caused by the rubbish emergency to the image of his provincial town and to his quality of life and personal dignity. Five-hundred and fifty similar cases were subsequently brought by citizens in the periphery and 1,000 by people who live in Naples.[23] Consumer associations report that such civil suits are multiplying in the order of hundreds of thousands.

A second criminal trial is in progress, involving 20 people. They are politicians and administrators, including—again—the previous governor of the region and Naples' mayor. They are on trial for having caused an epidemic through abuse of office.

Clearly, in this case as in others there is a complexity to corrupt practices that defies legal definition. What makes corruption in public life a particularly complex issue is that corrupt practices tend to happen in a favourable "general climate" marked by *corruzione ambientale* (literally, environmental corruption). Informants across society have described how, in such a climate, they have "long felt forced to offer bribes of all kinds in order to obtain goals and benefits", regardless of whether these should be theirs by right. Much political and career profit has been extracted from the empirically weak (Pardo 1996; Pardo 2012) view that the involvement of ordinary people in not strictly legal dealings is evidence that in Italy criminality is socially pervasive and corruption widely tolerated. Of course, it remains to be seen what role the continuing investigations will play in respect to the traditionally justified belief that taking the initiative in offering money, services or support to a bureaucrat and especially to a politician or his friends may be illegal—or only immoral and unfair—but it is also the most efficient way of pursuing goals. Italian law (Law No 197, 1991) both makes it difficult for money to be laundered and facilitates the investigation of suspect bank accounts and financial dealings.[24] However, as the prescribed relations of reciprocal control between politicians and bureaucrats have lost strength, highly varied modes of exchange have become the norm but, perhaps inevitably, continue to be addressed only in part by the law. Not only can payment be made in intangible ways; but, where it applies, it can be delayed in the context of generalised relations of exchange and international deals. The corruption of public bureaucrats often intervenes in the process, reducing risks for politicians through complex transactions that critically limit efficacy of controls. In the more sophisticated cases, payment

[22] Allegedly, administrators turned a blind eye over false certifications on the stages of the process under contract.

[23] The case brought by a housewife who lives in central Naples exemplifies such cases. She sued the national government, the Campania Region, Naples Provincial Council and Naples City Council for economic, moral and livelihood damages (400,000 US dollars) (*Il Denaro* 2008, 27).

[24] See, in particular, Law No 646, 1982 with particular reference to sub-contracts (Law No 663, 1986 and its modifications, as in Law No 55, 1990) and the laws against administrative crimes (No 86, 1990) and money-laundering (No 356, 1992).

takes the form of an assurance that a new alliance has been forged, adding to the moral and practical ambiguity of the exchange and of the ensuing socio-economic relations. Money, if at all, is seldom taken by the political boss, for it is usually intermediaries who take care of this part of the deal. The boss usually pleads unawareness or, when faced with hard evidence, claims to having been an unwitting instrument, which flies in the face of the empirical fact that these practices find support in a web of relationships based on shared interests and complicity.

We have seen how a ruling élite's commitment to establishing and maintaining power regardless of the quality of their governance has fundamentally weakened crucial sources of Weberian (1947) legitimacy—especially (rational and emotional) belief in and acceptance of the legality and value of the existing order. As testified by this case study and by examples across the democratic world, control over resources, spin and rhetoric may well be a condition of a certain kind of management of power. Such control, however, absolutely needs to be "legitimated" by results observable at the grassroots. Later, I will return to this point; for now, let me simply point out that the experience of corruption, moral or criminal, may be a corollary of the reach of the state. However, as it inevitably conflates the opposites of rational legal authority and impersonal rules and of the realm of selective interests, its corrosive power in the relationship between citizenship and governance may well become a key element in the latter's demise. Corruption, moral or criminal, draws on an interaction between power (and its asymmetries) and its dishonest, self-serving or incompetent exercise, whereby the misuse of power breeds corruption and feeds on it. As in this case, the most obvious casualties of the betrayal of fundamental principles of citizenship are: trust in governance, political responsibility and citizens' rights. The problematic of legal authority is, however, much more complex, which now needs expansion.

Comparative reflections

The Italian and British cases exemplify the point that not all corrupt actions are violations of rules and procedures. Socially constructed ideas of what is legitimate and what is not legitimate may play an important role in the extent to which such rules and procedures are established and received in any given society and, therefore, in the impact and ramifications of such violations and in the degree of tolerance which they enjoy. When such rules and procedures are devised according to some superior morality, their violation becomes less of an issue for the people involved. Endorsing the argument made by Gledhill with reference to Latin America (2004), Prato's analysis of the Albanian case (2004), Sedlenieks' of Latvia (2004) and Harrison's of the distortions of aid in Africa (2004) illustrate the weakness of external categorizations of specific acts and persons as "corrupt"—focusing on finding solutions to what corruption is in the terms of outside agents, rather than on an understanding of what actually goes on at local level, which compounds the problem.

The empirical analysis offered here suggests that the amount of violations of rules and procedures is determined in part by their abstract or ideological nature and in part by their inadequacy. The transactions between private contractors and public bodies offered good examples. It has been repeatedly found that they are too restrictive, limited or ambiguous. As a consequence, not only do they tend to breed corruption among those who are

appointed to apply them and among those who are expected to operate under them (see, for example, Rose-Ackerman 1989, Mazzoni 2000, Feld de la 2000, Paravia 2000), they also lay the ground for moral legitimation of actions that are not strictly legal and of practical justifications of corrupt actions (Pardo 2000b).

To put it bluntly, an approach relying on a hard-core legalistic definition of corruption would be unhelpfully restricted by the underlying assumption that corrupt acts are explained by material interest and dubious moralities. Of course, this may well be the case in many instances; however, it would be inexcusably na ve to believe that either or both these aspects implicitly explain corruption. Most certainly, they do not always dictate the dynamics of corrupt action and they do not necessarily play a significant role.

The British and Italian cases point to the fact that various kinds of corruption often happen at various social, political or economic levels, and to the different motivations that may explain the exchanges that take place at each level. Even when monetary gain accounts for an important part of the exchanges, as in the cases of parliamentary expenses or of contracts for public works, a determining role may well be played by complex dynamics of power (its achievement, maintenance and enhancement), by political ideology or by networked loyalties. There are, however, further considerations to be made.

Friedrich's (1989; see also King 1989) graphical illustration of key events in British history, whereby nineteenth-century Great Britain managed to pull itself out of the morass of a highly corrupt system and develop, in the process, an admirable civil service and sound political institutions reminds us of the practical consequences of Montesquieu's and Bentham's arguments that the sale of office under absolutist regimes acted as a check on corruption "because it benefited the public weal, instead of some personal favourites of the King" (Friedrich 1989, 21); an aspect that is brought out by the dynamics of access to corruption as a resource in social systems that have undergone a transition from absolutism to democracy, such as Russia and Mongolia (Humphrey and Sneath 2004), Kazakhstan (Rigi 2004) Latvia (Sedlenieks 2004) and Albania (Prato 2004).

Sedlenieks analysis of "rotten talk" in contemporary Latvia (2004), for instance, links interestingly to the Naples material on the influence of the media, as the media there not only seldom bother with complexities, since they make for poor headlines; but, more worryingly for the democratic process, they may opt for the ethically corrupt role of playing up to the interests of political or economic masters. Thus, reminding us of Parry's point, they contribute substantially to strengthening a corrupting rhetoric of "widespread", "inevitable" corruption or, at the very least, they contribute to undermining the fight against corruption which they, sometimes vociferously, advocate.[25]

Anthropologists have aptly addressed the disjunction between belief in and empirical evidence of the pervasiveness of corruption (see, for example, Gupta 1995; Parry 2000 and contributions in Pardo 2004). They have looked at various forms of resistance to corruption, whereby people achieve their goals without recourse to corruption, and have examined the role played by the belief, where it exists, that corruption is everywhere, cannot be completely eradicated, cannot be avoided or is not worth avoiding, and only with great difficulty can be

[25] See, for example, Caferra (1992, 91-96) and Ruffo (2000a; 2000b). For a journalist's view of the corrupting power of the media, see Ruffo (2011).

contained. From different angles (see, e.g., Pardo 2004), such analyses have shed light on the reproductive force of corruption and abuses of power, showing that, socially and politically contested rhetoric of power on "zero tolerance" quite apart, are not always the reality and the recognition of their negative implications matched by appropriate state intervention in the form of legislation, prevention and punishment. Official attitudes often verge on more or less explicit expedient appeasement, or they overtly obey powerfully networked interests (Gledhill 2004; Pardo 2004; Sedlenieks 2004). Equally often, when legal measures are devised and put into place, they predictably (Scott 1972) fail to address the complex nature, causes and dynamics of corruption and abuses of power. As a consequence, legal intervention is often halting, incomplete and inadequate (see, for example, Miller 2000). The events in nineteenth-century Great Britain did after all engender a culture in which, even as late as the 1940s, people did not expect public officials to abuse their power—so much so that, even in the light of current events, they continue to regard corruption as not inevitable. Indeed, although the inevitability of corruption and abuses of power remains debatable, we must wonder whether it is reasonable to believe that they can be totally eradicated, as opposed to *temporarily* kept under some form of control. As suggested by recent events (e.g., the Murdoch and Libor affairs), it may well be true that the "pathology" of corruption is not unavoidable or unassailable but it remains to be seen, case by case, whether a *lasting* recovery is at all possible.

Concluding remarks

The foregoing has highlighted how the corrupt acts of officials who abuse their power and the law seriously jeopardize the relationship between legitimacy and authority (Weber 1978, Chapter 10). More strongly, we have seen that such a critical relationship is undermined by questionable behaviours in public life that do not strictly fall outside the law and by the legalization of previously illegal acts. Under such circumstances, the Western jurisprudential principles of the rationality and objectivity of the Law and of law as imposed law (Weber 1978, 753-84, Burman and Harrel-Bond 1979; Lloyd-Bostock 1979) are visibly weakened, undermining both the relationship between ordinary people and key representatives and institutions of the state and the way in which the state is perceived in the public culture (Gupta 1995). Moreover, as the link between authority and the exercise of power (Pardo 2000a) is weakened, the credibility of government (local and central), and ultimately of the state, becomes an issue. As anthropologists have made abundantly clear (Gledhill 2004; Pardo 2004; Prato 2004; Rigi 2004; Sedlenieks 2004; Torsello 2012), especially destructive forms of resentment and distrust are fostered among ordinary citizens, contributing to a view of the state and of its institutions as illegitimate, morally dubious entities (Pardo 2000a).

Today, as in the past, these limitations mar public life in many leading Western countries, as discussed for example by Blankenburg, Staudhammer and Steinert (1989) with reference to Germany, Block (1996) and Lowenstein (1989) with reference to the USA (see also the contributions to the section titled *The United States: How Special a Case?* in Heidenheimer, Johnston and Le Vine 1989), Doig (1996) with reference to the United Kingdom (see also King 1989) and Ruggiero (1996) with reference to France. Recognizing such limitations and their role in the impact and far-reaching ramifications of corruption and abuses of power is,

however, an important but insufficient step. Of course, our analysis must acknowledge that such actions undermine fundamental principles of trust (Alatas 1968, 14 ff.) and, particularly when they extend to the public domain, of duty and responsibility. Yet, there are other important implications to consider.

Corruption at once draws and thrives on injustice, exploitation of inequality, distortions of power and betrayal of fundamental principles of citizenship, for those who do not have access to, or refuse to engage in corruption are at a disadvantage; but we also cannot fail to recognize that corruption may help to maintain social bonds and to engender new ones. To treat corruption simply as an aberration would be inexcusably simplistic, betraying ignorance of an empirical reality that spans illegal, as well as not strictly illegal actions. In other words, although the form and the nature of corruption, particularly in public life, may change in different political systems (for example, democratic, totalitarian), it must be identified for what it is; a highly problematic aspect of social and economic exchange.

Clearly, corruption may well be a pathology but, broadly in agreement with Gupta (1995, 376), it is unhelpful to treat it as a dysfunctional aspect of state organizations. For the purpose of precise analysis, it should be identified as their product, not some sort of bug that is alien to them. Degrees of corruption may be encouraged by a shortage of resources and may themselves become useful resources. For instance, as Prato (2004), Humphrey and Sneath (2004), and Torsello (2012) have suggested, corruption in the post-socialist world is explained by current economic circumstances and by the degree of reform of the bureaucracy, rather than by a simple dichotomy between a "clean" West and a "corrupt" East. Rather than reflecting some "Eastern" cultural disposition, the specific forms of corruption which they examine are the result of predatory responses by officials to the shrinking of resources available to them. Such shrinking of resources followed the breakdown of the system (see also Rigi 2004; Sedlenieks 2004; Kramer 1989, on political corruption in the USSR), in a political ambiance where state service jobs are still very prestigious, where those charged with enforcing state regulations still consider themselves an élite and where the ethical valuation of their work among those in state service remains high.

In other words, corruption and its causes must be understood in the context of the inherently difficult relationship between politics, bureaucracy, law and civil society which, in distinctly different ways, mark both Western and non-Western states. Corrupt relations draw on an interaction between power and its expedient or incompetent exercise, whereby the misuse of power breeds corruption and feeds on it. Linking to the analysis that I have offered here, ethnographically wide-ranging studies (see, for example, Harrison 2004; Pardo 2004; Prato 2004; Rigi 2004; Sedlenieks 2004) have suggested that it is by studying such a relationship empirically that we can begin to fathom the nature and relative weight of corruption, not by seeking the roots of corruption in some "cultural disposition".

Conflicting conceptions of legitimacy arise most strongly in situations marked by a duality between official and unofficial procedures and practices, whereby official buck-passing, abuse of power and of office, sluggishness and general malpractice contrast with unofficial exchanges which guarantee the achievement of goals, licit or illicit. Here, we have addressed the strong link between abuse of office and corruption and the significant role played in this contrast by insufficient internal audits and controls (see also, for example, Cordova and D'Amato 2000; Fiume Mariniello 2000), as well as by the ways in which

bureaucratic norms are internalized not only by officials but also at various levels in the social spectrum. Significantly destructive problems are caused by rights becoming privileges, or transactionable assets, *à la* Bailey (1969); under such conditions of betrayal of duty and responsibility, corruption, especially extortive corruption, and bribery have far-reaching implications in the dynamics of associated life. Perhaps equally destructive are those caused by "irresponsible" media, proving that inflating corruption is corrupting.

It may indeed well be that, as Gledhill puts it (2004), corruption works primarily to the advantage of the élite in power, who exert greater control over it and over the legislative process, and that the rest of the population lose more than they gain from pragmatic individual behaviour. However, in agreement with a point made by Parry (2000), our analysis should address the recurrent complex empirical facts that corruption is not always condemned outright, that those who condemn corruption do not always stay away from it and that individual resistance to corruption tends to go alongside a readiness to participate in it, opposing morality to need, or convenience.

The corresponding notion of an "acceptable level" of corruption does not necessarily imply condoning corrupt actions. However, it does raise problematic, and intriguing, issues of moral legitimation or condemnation and a number of critical questions. According to what (necessarily arbitrary) criteria—political, moral and legal—is such a level defined? What kind of corruption is addressed? Even assuming that such a definition of an "acceptable level of corruption" can be achieved, is it possible to devise legislative means to guarantee that corruption does not increase above such a level?

In brief, when dealing with the complexity of corruption and abuses of power, we need to identify what aspects of the system encourage or generate illicit practices (illegal and non-illegal), what aspects could instead generate real changes and how people experience and speak about these changes. It is imperative to assess the precise identity of the dividing line between the legitimate and the illegitimate and of that between the legal and the moral. The next critical step lies in addressing the exact relationship of the protagonists in public life to formal law and its production and to their perceived legitimacy in the broader society.[26]

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[26] I am most grateful to Rosemary Harris and Giuliana B. Prato for their criticism and comments on an earlier version of this article. Parts of this article are extracted from a paper that I wrote and presented jointly with G.B. Prato at a seminar convened by Chris Hann at the Max Plank Institute for Social Anthropology in Halle-Saale. This article is a revised and expanded version of a paper presented at a round-table conference convened by Davide Torsello at the University of Bergamo.

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