

## Corruption as an Empty Signifier

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# Corruption as an Empty Signifier

Politics and Political Order in Africa

*By*

Lucy Koechlin



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## LIST OF ABBREVIATIONS

A	Answer
AAT	Architects Association of Tanzania
ACET	Association of Civil Engineers
ACSP	Anti-Corruption Strategy in Public Procurement
ADB	Asian Development Bank
AECT	Association of Electrical Contractors Tanzania
AEO	African Economic Outlook
AfDB	African Development Bank
AG-CS	Advisory Group on Civil Society and Aid Effectiveness
AGM	Annual General Meeting
approx.	approximately
AQSRB	Architects and Quantity Surveyors Registration Board
Art	Article
AusAID	Australian Government Overseas Aid Programme
BEST	Business Environment Strengthening for Tanzania
BPI	Bribe Payers Index
CCM	Chama Cha Mapinduzi (Revolutionary Party)
CEO	Chief Executive Officer
CHRGG	Commission for Human Rights and Good Governance
CIP	Construction Industry Policy
CPAR	Country Procurement Assessment Report
CPIA	Country Policy and Institutional Assessment
CPI	Corruption Perceptions Index
CRB	Construction Registration Board
CRU	Conflict Research Unit
CSO	Civil Society Organisation
DAC	Development Assistance Committee
DANIDA	Danish International Development Agency
DFID	Department of International Development
DPP	Directorate of Public Prosecutions
EABI	Eastern Africa Bribery Index
Eng.	Engineer
EPA	External Payment Arrears
ERB	Engineers Registration Board
est.	established

EU	European Union
FACEIT	Front Against Corrupt Elements in Tanzania
FIDIC	International Federation of Consulting Engineers
ForDIA	Forum for Democracy, Integrity and Accountability
F/Y	Financial Year
GAO	General Accounting Office
GAP	Global Accountability Project
GDP	Gross Domestic Product
GGCU	Good Governance Coordination Unit
GNP	Gross National Product
HDI	Human Development Index
IACC	International Anti-corruption Conference
IAP	Implementation Action Plan
ICC	International Chamber of Commerce
IET	Institute of Engineers Tanzania
IFES	International Foundation for Electoral Systems
IMF	International Monetary Fund
IPTL	Independent Power Tanzania Limited
LGA	Local Government Authorities
LSE	London School of Economics
MASP	Multi-Annual Strategic Plan
MDA	Ministries, Departments and Agencies
MID	Ministry of Infrastructure Development
MKUKUTA	Mkakati wa Kukuza Uchumi na Kupunguza Umaskini Tanzania (National Strategy for Growth and Poverty Reduction Tanzania)
MMDGPR	Mid-term Millennium Development Goal Progress Report
MOU	Memorandum of Understanding
MOW	Ministry of Works
MP	Member of Parliament
n/a	not available
NACSAP	National Anti-corruption Strategy and Action Programme
NCC	National Construction Council
NEC	National Executive Committee
NGCS	National Governance and Corruption Survey (Tanzania)
NGO	Non-governmental Organisation
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OSHA	Occupational Health and Safety Authorities
PACI	Partnership Against Corruption Initiative

p/c	per capita
PCA	Prevention of Corruption Act
PCCA	Prevention and Combating of Corruption Act
PCB	Prevention of Corruption Bureau
PCCB	Prevention and Combating of Corruption Bureau
PM	Prime Minister
PPA	Public Procurement Act
PPAA	Public Procurement Appeals Authority
PPRA	Public Procurement Regulatory Authority
REPOA	Research on Poverty Alleviation
SDC	Swiss Agency for Development and Cooperation
SGACA	Framework for Strategic Governance and Corruption Analysis
SIDA	Swedish International Development Cooperation Agency
TACA	Tanzania Contractors Association
TACECA	Tanzania Association of Civil Engineers
TACO	Tanzania Association of Consultants
TADREG	Tanzania Development Research Group
TAICO	Tanzania Association of Informal Construction Workers
TANU	Tanganyika National Union
TI	Transparency International
TIQS	Tanzania Association of Quantity Surveyors
TIVEA	Tanzania Association of Valuers and Estate Agents
TLS	Tanzania Law Association
TOR	Terms of Reference
Tsh	Tanzania Shillings
TUCTA	Trade Union Congress of Tanzania
TZ	Tanzania
UN	United Nations
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
USD	United States Dollar
U4	Utstein Anti-Corruption Resource Centre
Q	Question
v	versus
WB	World Bank



## INTRODUCTION: CORRUPTION, POLITICS AND AFRICA

*World is crazier and more of it than we think, Incurrigibly plural!*<sup>1</sup>

### 1. *'Corruption ruins lives: take action!'*<sup>2</sup>

In the past two decades a general consensus has emerged condemning corruption as one of the most damaging factors for development. Corruption is seen to undermine the cohesion and strength of whole societies, to threaten precarious economic and social progress made in developing countries, and to increase the vulnerability of lives and livelihoods of the poor. What is new is not only the wave of concern, but that the condemnation of corruption transcends all boundaries and sectors. The battle cry to 'combat corruption' is sounded by allies as well as formerly bitterly opposed combatants, from NGO activists and grassroots movements, to CEOs of multinational enterprises and heads of government, from powerful high-income OECD countries to conflict and poverty-ridden Southern countries.

This is all the more surprising as for the greater part of the post-war period corruption was generally seen to be an *a priori* neutral symptom of changing societies, a kind of 'growing pain' of Westernising bureaucracies and industrialising economies. Although there was the odd moral tremor denouncing the vicious and retarding effects of corruption,<sup>3</sup> until the late eighties most forms of corruption in the developing world were generally accepted as inevitable if not in all cases desirable side-effects of modernisation. Corruption, "a welcome lubricant easing the path

---

<sup>1</sup> Excerpt from the poem "Snow" by Louis MacNeice. For the full poem see the Conclusions.

<sup>2</sup> This is one of Transparency International's captions, to be seen on their website ([www.transparency.org](http://www.transparency.org)).

<sup>3</sup> The most widely cited book of this era is Wraith/Simpkins 1963, which famously stated: "Throughout the fabric of public life in newly independent States [sic] runs the scarlet thread of bribery and corruption [...] which flourishes as luxuriantly as the weeds it so much resembles, taking the goodness from the soil and suffocating the growth of plants which have been carefully, and expensively, bred and tended" (Wraith/Simpkins 1963: 12–13).

to modernisation” (Huntington 1969: 69),<sup>4</sup> was seen to serve specific functions, both economically and socially.

Conceptualising corruption as a lubricant smoothing political transition, supportive of economic growth and as a facilitator in overcoming obstructive bureaucracies in third world countries fitted very neatly into the export-driven agenda of international trade and industry. For decades corruption was understood to be not only necessary to do business in Southern countries, but even mutually beneficial. “Corruption reduces uncertainty and increases investment” (Leff 1964: 8), as an influential Harvard scholar posited in 1964.<sup>5</sup> A particularly telling example is the bribing of foreign public officials by international business companies: until the late nineties, it was not only perfectly acceptable for Northern enterprises to give bribes, it was also perfectly normal to expect foreign (Southern) officials to take bribes. In other words, corruption was a generally accepted, legal and even tax-deductible standard practice in many OECD countries—business as usual.

In the meantime, however, attitudes towards corruption have changed dramatically. Since the end of the Cold War, we have been witnessing a radical change of tide: whereas before the prevailing understanding of corruption was to view it as a relatively harmless phenomenon, since the late eighties and early nineties it is viewed as the exact opposite: a serious threat undermining democracy, growth and equity. One indicator of this renewed interest in corruption is the wave of academic literature discussing corruption in relation to economic growth, political development and social cohesion.<sup>6</sup> Given the “eerie silence” (Theobald 1999: 497) that prevailed before, a “corruption eruption” (Naim 1995) took place in the nineties. With new theories and empirical case-studies on corruption flourishing and cross-fertilising each other, the past three decades have greatly increased our understanding of different forms, causes and effects of corruption. Typologies of corruption have been refined, transcended

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<sup>4</sup> To do him justice, Huntington undertook a more discerning analysis than this decontextualised quote indicates. For a more detailed discussion of Huntington’s approach to corruption and political change see Chapter 1, below.

<sup>5</sup> For a more detailed discussion of early theories on corruption and political change see Chapter 3, below.

<sup>6</sup> The four volumes comprising seminal articles on corruption edited by Robert Williams and fellow scholars epitomise the surge of interest over the last two decades (see Williams (ed.) 2000 (Vol. 1); Williams/Doig (eds.) 2000 (Vol. 2); Williams et al. (eds.) 2001 (Vol. 3); and Williams/Theobald (eds.) 2001 (Vol. 4)).



and regrouped;<sup>7</sup> new theories on the political economy of corruption have been coined;<sup>8</sup> and previously un- or underexplored fields, such as corruption in the private sector ('private-to-private corruption')<sup>9</sup> or popular perspectives on corruption,<sup>10</sup> have been mapped out.

Even more spectacularly, however, the spring tide of concern has swelled and washed ashore a dazzling multitude of initiatives, declarations and conventions in all four corners of the earth. Since 1997, at least nine conventions on corruption have been adopted, spanning global, regional and topical issues of corruption (see below, Figure 1). In all conventions, its serious repercussions on development, growth and stability are emphasised. Consider for instance the African Union, whose members are: "*Concerned* about the negative effects of corruption and impunity on the political, economic, social and cultural stability of African States and its devastating effects on the economic and social development of the African peoples".<sup>11</sup> Or, indeed, the opening paragraph of the preamble of the OECD Convention on the Combating Bribery of Foreign Public Officials in International Business Transactions: "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",<sup>12</sup> and subsequently proceeds to criminalise the bribery of foreign public officials.

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<sup>7</sup> For a sociological discussion of types of corruption see Alatas 1990; for an excellent elaboration of fundamental problems of typologising corruption see Heidenheimer et al. 1993 or Johnston 1996; for a brief and clear-cut differentiation between petty, institutional and endemic corruption see Robinson 1998; for a discussion of 'grand' corruption see Rose-Ackermann 1996 or Moody-Stuart 1997; for an early analysis of rent-seeking and corruption see Hutchcroft 1997; for an analysis of systemic corruption see Johnston 1998; for an early analysis of rent-seeking and corruption see Hutchcroft 1997.

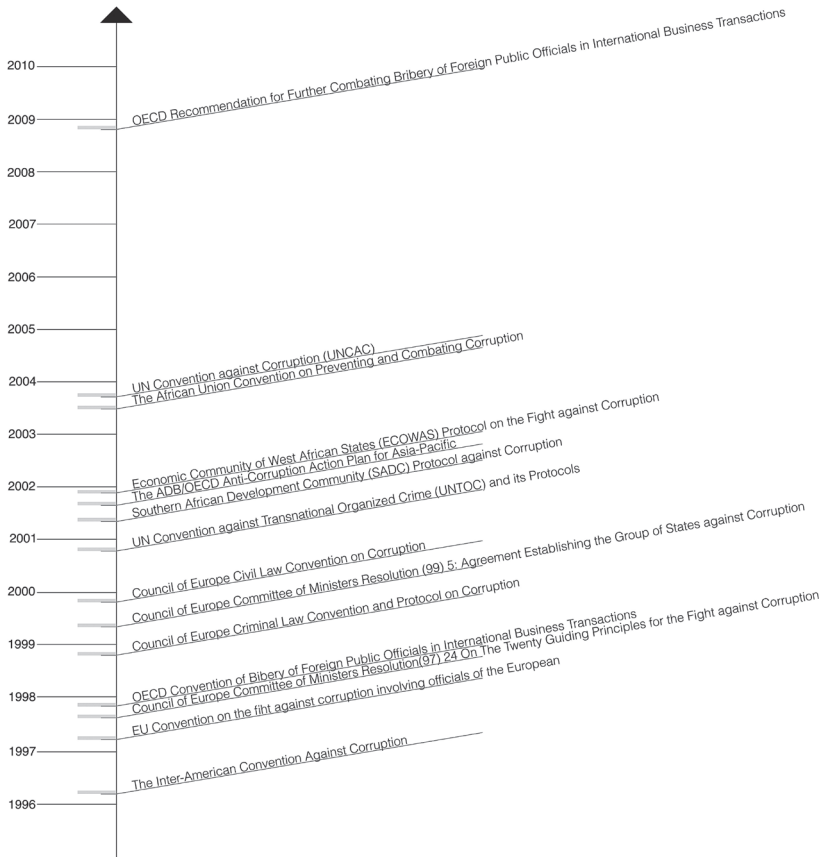
<sup>8</sup> Groundbreaking here Rose-Ackerman 1978, Heidenheimer et al. (eds.) 1993 and Khan/Jomo K.S. 2000; for a more recent state-of-the-art compilation see Rose-Ackerman (ed.) 2006.

<sup>9</sup> A watershed was demarcated by the OECD edition on corruption in the private sector, with contributions by renowned scholars and experts (see OECD (ed.) 2000).

<sup>10</sup> Here, Olivier de Sardan and Blundo have paved the way (Olivier de Sardan 1999, Blundo/Olivier de Sardan 2000, 2001), but see also Smith 2007 for an excellent case-study on popular perceptions of corruption in Nigeria.

<sup>11</sup> See the Preamble of the "African Union Convention on Preventing and Combating Corruption", adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, 11 July 2003: 2, emphasis in original.

<sup>12</sup> See the Preamble of the "Convention on Combating Bribery of Foreign Public Officials in International Business Transactions", adopted by the Negotiating Parties on 27 November 1997.



(Source: The author, based on data from Transparency International)<sup>13</sup>

Figure 1: A Timeline of Anti-Corruption Conventions

Both examples, two of many, demonstrate a new worldwide approach to the issue of corruption. They indicate a transformed understanding of North/South relations by placing the responsibility for corruption firmly within *global* economic and political relations. Up to the early nineties, Northern countries generally understood corruption to be a problem of greedy, poor and ineffective Southern administrations. Southern countries, on the other hand, denounced it as a problem of the corrupting influence of big (Northern) business. However, today the consensus across

<sup>13</sup> See TI's website under [http://www.transparency.org/global\\_priorities/international\\_conventions/conventions\\_instruments](http://www.transparency.org/global_priorities/international_conventions/conventions_instruments) (last accessed 30 April 2010).

continents and sectors is that “[p]oor governance and corruption undermine efforts in the South to fight poverty, to improve access to basic services, to establish responsible government and to improve the quality of life for all.”<sup>14</sup> In other words, it is generally acknowledged that corruption is a global problem that affects all dimensions of political, economic and social development. Anyone concerned with development and political change should therefore also be concerned with corruption.

However, in spite of this general consensus on the negative correlation between corruption and development, it is not self-evident how the anti-corruption discourse impacts democratic politics. As will be explained in the following sections, my key interest is not the measurable impact or even coherence of anti-corruption policies. Conversely, neither is it the impact of corruption on democratic policies. The line of thought which will be explored in the following chapters will be framed in far more political terms, for on centre stage is the question of corruption and political change: under what conditions can the discourse of corruption actually catalyse political change that leads to greater individual and social freedom? In other words, the key interest of this book is to explore how the discourse of corruption can act as an imaginary and catalyst of political change. To undertake this study, I bring together three complementary and intertwined themes: a critical study of scholarly thought on corruption and political order in Africa; an outline of a political theory of corruption, putting the conditions of political agency and emancipation on centre stage; and a case-study of governance, corruption and political agency in the construction industry of Dar Es Salaam, Tanzania.

In the following sections of this Introduction I shall sketch out some background ideas and concepts, in particular with regard to the development discourse that has profiled corruption and governance so prominently.

## *2. Development Discourse: Good Governance and the ‘Anti-Corruption Machine’*

The swell of concern with corruption and development has been consolidated in a development paradigm crystallised around the notion of

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<sup>14</sup> See the Declaration of the 12th International Anti-Corruption Conference, “Towards a Fairer World: Why is Corruption Still Blocking the Way?” Guatemala City, Guatemala, 18 November 2006.

'good governance'. Indeed, it can be stated without exaggeration that corruption and governance have been the most influential notions informing the development discourse since the late eighties. Interestingly, the concept of governance was initially developed with direct reference to *African* development. In a much-noted publication on "Sustainable Growth in Sub-Saharan Africa" in 1989, the World Bank undertook a major transformation of its development strategy, shifting from market-centred, neo-liberal policies to state-led development framed by more effective institutions and better governance (World Bank 1989). The World Bank outlined its new position by stating that

African governments [...] need to go beyond the issues of public finance, monetary policy, prices and markets to address fundamental questions relating to human capacities, institutions, governance, the environment, population growth and distribution, and technology (World Bank 1989: 1).<sup>15</sup>

Hence, corruption was increasingly recognised as *the* major obstacle to good governance, to the point where (good) governance and (anti-)corruption became almost synonymous with development: "Pervasive corruption [...] undermines the credibility of democratic institutions and works against good governance. Corruption, whether in the public or private sector, also results in the misuse of scarce resources with far-reaching effects throughout the economy" (DAC/OECD 1995: 19). This consensus culminated in 1996, when the then President of the World Bank, James Wolfensohn, famously declared the core commitment of the World Bank to fight the 'cancer of corruption'.<sup>16</sup>

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<sup>15</sup> Equally, the World Bank's landmark publication on *The State in a Changing World* (1997), arguing for more effective and efficient state institutions as a precondition for economic growth, draws heavily on examples drawn from the rapaciousness and greed of African regimes and public officials. In many cases, the dysfunctional African state characterised by corruption epitomises the 'bad' governance which 'good' governance seeks to eradicate, with clientelism, patronage and more specific types of corruption serving as prime features of bad governance. Although the concept of governance has since gained worldwide traction, it still draws particular salience from references to Africa.

<sup>16</sup> See World Bank 2000a: 1, where the reference to this 'cancer' is used to underscore the need for 'new approaches' and 'a truly global response' to fighting corruption. The World Bank justifies its engagement by referring to its important contributions to international anti-corruption efforts as well as its fiduciary duty to member countries. The World Bank's approach is summed up in the following excerpt: "The Bank views corruption as a symptom of underlying institutional dysfunction, and thus employs a proactive and holistic approach that attempts to help clients strengthen governance and public sector management, to improve economic policies and legal/judicial systems, and to develop and implement specific anticorruption measures" (World Bank 2000a: 4).

In the nineties and 2000s, all major bilateral and multilateral development agencies put anti-corruption policies on centre stage of their programmes, as a means to achieve their overarching goal of poverty reduction. Leading the field were no doubt the multinational development agencies, who elaborated a whole set of paradigms and development strategies based on the notion of 'good' governance. The lynchpin of good governance was the 'fight against corruption', implying more effective, efficient and accountable state institutions as a prerequisite for poverty reduction (seminally World Bank 1990, 1992).<sup>17</sup> In this period, all major multi- as well as bilateral development agencies undertook notable organisational reforms to accommodate governance as a new development priority, by producing a plethora of strategies, white papers, programmes, clusters, and indicators in the quest to operationalise governance and anti-corruption.<sup>18</sup> Not surprisingly, this policy priority was also reflected in the highly influential Paris Declaration on Aid Effectiveness (2005), seeking to harmonise foreign aid in a consolidated effort to render it more effective. Its Statement of Resolve highlights that

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<sup>17</sup> Certainly in the 2000s, the World Bank still occupied a privileged position in constructing the field of governance; indeed, some would argue the World Bank is not only the "key actor in the construction of governance states in Africa" (Harrison 2004: 7) but even "the paramount force behind governance no less" (Harrison 2004: 7). The introductory remarks of Governance and Anti-Corruption Strategy (World Bank 2007) epitomise the consensus within development policy:

"At the center of the GAC strategy is the emergence of a shared vision in which countries recognize the links between governance, corruption, growth, and poverty reduction, and where governments are taking active steps to address the governance barriers to faster and more inclusive growth and improved service delivery, and thus to poverty reduction" (World Bank 2007: 1).

<sup>18</sup> Suffice to illustrate with some pertinent examples: In this period, the UNDP established a Focus Area on Democratic Governance (see their website under [http://www.undp.org/content/undp/en/home/ourwork/democraticgovernance/focus\\_areas.html](http://www.undp.org/content/undp/en/home/ourwork/democraticgovernance/focus_areas.html) (last accessed 18 March 2012)), the OECD/DAC established an Anti-corruption Task team as well as Governance Network (GOVNET), whose member states have drawn up the Principles of Donor Action in Anti-Corruption (for more information see <http://www.oecd.org/dac/governanceanddevelopment/principlesfordonoractiononanti-corruption.htm>); the World Bank an Anticorruption and Governance Thematic Group (<http://go.worldbank.org/gYHUFW46Io> (last accessed 18 March 2012)), and introduced a governance cluster in its Country Policy and Institutional Assessment (CPIA). Furthermore, the nineties saw the launch of the much noted Worldwide Governance Indicators through the World Bank Institute. Also, a group of European donor countries established U4, an Anti-corruption resource centre ([www.u4.no](http://www.u4.no)), operated by the Christian Mickelsen Center on behalf of the so-called U4, a group of European donor countries. On the level of bilateral agencies, the Department for International Development's White Paper on Governance (DFID 2006), or the Netherlands' "Strategic Governance and Corruption Analysis" (SGACA) (Unsworth and CRU 2007) have met with great interest.

corruption and lack of transparency, which erode public support, impede effective resource mobilisation and allocation and divert resources away from activities that are vital for poverty reduction and sustainable economic development. Where corruption exists, it inhibits donors from relying on partner country systems.<sup>19</sup>

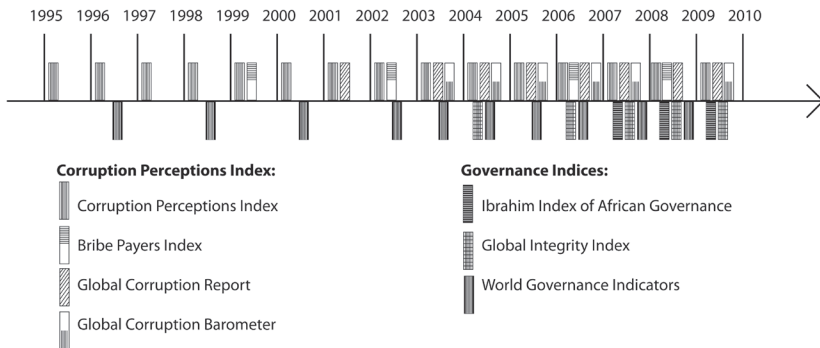
Just how pervasive this new thinking and operationalisation of anti-corruption was can also be seen from growth in scientific indicators seeking to quantify and capture corruption. This process began in the nineties with the ranking of countries, most influentially through the World Bank Governance Indicators and Transparency International Corruption Perceptions Index. Further indices soon followed, entrenching a particular epistemic authority with regard to 'dysfunctions' of development, quite literally measuring the degree of 'corrupted' political and economic order. Increasingly, such indicators were also used to evaluate countries with regard to further disbursements, illustrating just how central the measurement of governance and corruption had become in foreign aid.

However, this ubiquitous concern with corruption as an obstacle to development begs more questions than it answers. Whence the change of tide that necessitates this 'fight against corruption'? A series of critical scholars have engaged with this question, and their analysis provides some insights into the background and emergence of the governance agenda. Most significantly, their insights include, firstly, the geo-political transformations that took place after the Cold War ended, and which unlodged geo-strategic underpinnings of development interventions based on a East/West-divide. Second, the stark failure of the neoliberal development paradigm imposed in the eighties, especially on African countries, necessitated the search for and construction of a revised development paradigm.<sup>20</sup> The concept of governance was mid-way between state-led and market-led development, emphasising the importance of market-based macro-economic policies within a framework provided by an effective and efficient state. And lastly, it could and has been argued that the discourse of governance, but even more so the crisp, more evocative

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<sup>19</sup> Paris Declaration on Aid Effectiveness 2005: Section 1.

<sup>20</sup> For a discussion of the mostly disastrous impact of structural adjustment programmes see for instance Bienefeld 1995 or Haggard/Kaufman 1995; see also Jenkins 2001. It is no coincidence that one year after the historic end of the Cold War, the United Nations published the first annual Human Development Report (1990), explicitly conceptualised as a rights-based counter-agenda to the neo-liberal, technocratic policy framework of the World Bank.



(Source: Compiled by the author)

Figure 2: A Timeline of Governance and Corruption Indices

discourse of corruption, serves to reframe the development discourse in a way to justify further technocratic interventions in state and society.<sup>21</sup>

This latter reading adopts a deeply critical approach to the development apparatus as a whole, and seeks to deconstruct the underlying relations that constitute ‘development’. Drawing heavily on the writing of Michel Foucault, ‘development’ is understood as a discourse, as “a domain of thought and action” (Escobar 1995: 10) that privileges certain forms of knowledge and gives rise to certain techniques of power, which in turn frame specific forms of subjectivities.<sup>22</sup> In the case of the development discourse, the results are “concrete practices of thinking and acting through which the Third World is produced” (Escobar 1995: 11). Perhaps most poignantly of all critical scholars of development, Escobar termed the key feature of foreign aid and the development discourse as “the bureaucratization of social action” (Escobar 1995: 53), indicating the depoliticisation effect that the technocratic engineering of and intervention in society effects.<sup>23</sup>

Precisely this depoliticisation effect has been critically noted with regard to governance and anti-corruption policies. Although it aims at transforming political culture and practice, the system (or discourse) of

<sup>21</sup> For critical deconstructions of the the governance and anti-corruption discourse see Marquette 2003 or Harrison 2004.

<sup>22</sup> Michel Foucault speaks of a ‘strategic apparatus’, a “system of relations” or “formation” which “has a dominant strategic function” (Foucault 1980: 194).

<sup>23</sup> For influential contributions see Ferguson 1990, Escobar 1995, and the edited volumes of Sachs (ed.) 1995 and Rahema/Bawtree (eds.) 1997.

foreign aid has the opposite effect. Note for instance the trenchant critique of good governance policies by Morris Szeftel:

Firstly, the governance agenda tackles corruption as if it were the cause of democratic and development problems rather than a symptom or consequence of them. Thus it fails to address the deeper political and class forces which drive the politics of clientelism and corruption. And secondly, in their demonization of the state and determination to substitute themselves for the state to force adjustment through, the donors and international agencies undermine the institutional development needed to sustain a more democratic, transparent and accountable system. The result is that the important institutional structures and principles they seek to mobilize against corruption are unlikely to take root (Szeftel 1998: 238).

In the same vein, Adrian Leftwich exposes the vacuity of the good governance agenda below their “impeccably Weberian” (Leftwich 1993: 167) surface of public sector reform.<sup>24</sup>

Crucially, then, it has not been regime type but the kind and character of the state and its associated politics that have been decisive in influencing developmental performance. This in turn highlights the primacy of *politics*, not simply governance, as a central determinant of development (Leftwich 1993: 169; emphasis in original).<sup>25</sup>

Hence, the key critique of governance policies and the anti-corruption discourse is that, through their emphasis on ‘getting institutions right’ and through the bureaucratisation and engineering of political change they effect the opposite to what they intend to do: instead of nurturing and catalysing democratic change, they crowd out the ‘deeper political force’, the social forces and the politics which historically have initiated and carried political change.<sup>26</sup> Much like the ‘anti-politics machine’, as Ferguson (1990) convincingly terms the development apparatus, what can be observed here is an ‘anti-corruption machine’: an interrelated set of highly normative social imaginaries and resource-rich technocratic interventions aimed at fundamentally restructuring state-society relations.

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<sup>24</sup> For a non-exhaustive list of further contributions feeding into this loosely connected critical contributions see Riley 1993, 1998; Khan 1996; Harriss-White/White 1996; Doig/Riley 1998; Szeftel 1998; Doig/Theobald (eds.) 2000; Morris 2000; or Kotkin/Sajo 2001.

<sup>25</sup> On a theoretical level, Joël Migdal frames the problem in the following way: “Policies intended to bring about radical redistributions in wealth or political and social power in the end frequently have the opposite effect [...]. States in fragmented societies are more likely to remain arenas for accommodation than to become sources for major changes in peoples’ social behavior” (Migdal 2001: 94).

<sup>26</sup> For a seminal study see Rueschemeyer et al. 1992.



Interestingly, however, in the past decade influential development agencies such as the World Bank or DfID have sought to address this critique by integrating ‘power’ and ‘politics’ into their governance and anti-corruption strategies (see World Bank 2007, DfID 2007, 2009, CSR and Unsworth 2007). Note for instance the Netherlands’ “Strategic Governance and Corruption Analysis” (SGACA), which is designed as a toolbox to incorporate political processes as an integral part of governance policies and programmes. For, in its own words,

despite best efforts, direct interventions of donors to strengthen formal institutions of governance have often had limited impact, and ‘political will’—to promote growth and poverty reduction, fight corruption and protect human rights—is often lacking. The SGACA [...] highlights the importance of social and political processes in achieving better governance.<sup>27</sup>

However, the jury is still out whether the mainstreaming of ‘power’ and ‘politics’ into the operational and by necessity essentially bureaucratic implementation mechanisms of aid agencies will actually effect a fundamental change in power relations that seem to be prerequisite for political change. The effects of these modified interventions do not obey a linear, mechanistic logic, which would make outcomes and results perfectly predictable. Rather, they are embedded in dynamic and contingent processes of social and political relations, which mould and appropriate such interventions in often unexpected ways—with corruption itself being sometimes one of the more original ways of ‘practicing’ development.<sup>28</sup>

And yet, even if one adopts a critical stance towards the development discourse, the fact remains that foreign aid constitutes a highly significant material, financial and technical reality in developing countries, with the resources flowing into governance policies on the rise (see OECD 2010). Given these substantial levels of aid tied to governance, one must assume that these policies have very real impacts on social realities. But these impacts may not always converge with the stated objectives of the development policies, programmes or projects; a critical conclusion which many evaluations of governance and anti-corruption policies have also come to.<sup>29</sup>

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<sup>27</sup> See Unsworth and CRU 2007: 1.

<sup>28</sup> A very graphic and practical example of ‘how aid works’ to enable corruption is discussed by Jansen 2009, critically scrutinising both actors and mechanisms of aid.

<sup>29</sup> For many, see Tangri/Mwenda 2006 or Doig 2006.

In a very Foucauldian sense, however, this unplanned or reverse outcome of development interventions should not be seen as ‘failures’. On the contrary, they are part and parcel of the discursive (re)production of ‘development’.<sup>30</sup> Ferguson observes this phenomenon by remarking:

Plans constructed within a conceptual apparatus do have effects but in the process of having these effects they generally ‘fail’ to transform the world in their own image. But ‘failure’ here does not mean doing nothing; it means doing something else, and that something always has its own logic. Systems of discourse and systems of thought are thus bound up in a complex causal relationship with the stream of planned and unplanned events that constitutes the social world (Ferguson 1990: 277).

In other words, intentions and plans may be very powerful in the way they isolate and elevate certain types of knowledge and practices, the way in which a ‘masterplan’ is constructed. But the ways that this masterplan ‘makes’ reality are far more unpredictable and complex, operating as they do in a world of unacknowledged structures and processes. This is not a normative statement, it is an analytical premise: discourses have very real impacts on social realities. The actual outcome, however, is empirically open, given the dynamics and complexity of the social world. But discourses do frame (if not a priori ‘fix’) modes of thought and epistemic ‘truths’, and they produce specific sets of acknowledged practices, interventions and other forms of regulating society. In the context of recipient countries, they often constitute by far the most financially, technically and materially dominant actors. The goal of this study is to take the development discourse at face value, and to trace the ways in which the governance and anti-corruption interventions initiated and financed through foreign aid have indeed contributed to political liberation and emancipation. Not bluntly through ‘stronger’ institutions or more ‘transparency’ and ‘accountability’, but rather looking at the ways in which political articulations link up to this discourse and seek to (re)frame it according to their interests and claims and practices.

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<sup>30</sup> Foucault speaks of ‘instrument-effects’ (Foucault 1977), i.e. effects which are both effects as well as instruments of this particular regime of power. In this reading, the ‘failure’ of a particular discursive regime (here: development) should not be analysed in terms of failure but in terms of discursive logics. Discussing the failure of the prison, Foucault suggests “one should reverse the question and ask oneself what is served by the failure of the prison; what is the use of these different phenomena that are continually being criticized; the maintenance of delinquency, the encouragement of recidivism, the transformation of the occasional offender into a habitual delinquent, the organization of a closed milieu of delinquency” (Foucault 1977: 272).

In other words, if one takes ‘corruption’ and ‘governance’ seriously, it becomes necessary to analyse the processes through which social change is effected. This may not be through the rather mechanistic processes that development interventions are based on. But the paradigms, programmes and interventions of foreign aid of governance and anti-corruption will still play a prominent way in the thoughts, actions and horizons of social actors. Ultimately, my intention is to theorise the ways in which social actors appropriate meanings of corruption, and the effects this operation has on the structuring of political order. However, this exploration will take me off the beaten track of conventional theorisations of corruption. Some conceptual detours will therefore be necessary to pave the way for this exploration of corruption. In the next section, I will begin my exploration with an overview over possible meanings of corruption, which will be the starting point for developing the key questions raised in this study.

### 3. *‘Rational’, ‘Rotten’ or ‘Routine’: What is Corruption?*

So far no attempt has been undertaken here to define corruption. This conscious omission is due to the fact that a succinct definition of ‘corruption’ has its fallacies. Consider, for example, if corruption can generally be viewed as “an aberrant deviation of the norm” (Heywood 1997: 417), then what norms are being deviated from? Are we referring to the legal framework or to social standards? Are there degrees of ‘aberrant deviations’ depending on the time and place in which the act takes place? Does corruption have a moral content, characterized by “the privatization of moral concerns and the accompanying breakdown of civic loyalty” (Dobel 1978: 959) within a given political order, or is it purely nominal, “what people accuse each other of when they see them acting against their interests” (Philp 1997: 454)? And who then are the actors of corruption? Is corruption a trait of rational public officials, of greedy or needy monopolists over a public good, whose prime objective is “to maximise the value of the bribes [they] collect from selling this government good” (Shleifer/Vishny 1993: 601)? Or is it a trait of self-serving groups, lured by the gravitational force of lucrative state-resources that bring forth “a stampede of favored elites and would-be favored elites” (Hutchcroft 1991: 415)? Or is it ultimately the sign of a degenerate society “rotten with a culture of graft and corruption”?<sup>31</sup>

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<sup>31</sup> See the headline of the online article by Dan Teng’o “Kenya Government Rotten With Culture of Graft and Corruption”, 20 December 2006, in *World Politics Review Exclusive*

Evidently, corruption is a phenomenon that resists easy labelling.<sup>32</sup> Small wonder that the United Nations Convention Against Corruption (UNCAC) refrains from defining corruption, hence circumnavigating the Scylla of cultural imperialism inferred through stipulative Western definitions and the Charybdis of definitional relativism attempting to do justice to the cultural embeddedness of corruption.

The difficulty of defining corruption on the one hand, and the threatening image it evokes on the other hand seems to lend itself to metaphorical language. Speaking of corruption frequently means speaking in terms of decay and illness. The ‘rotten society’ noted above invokes a society deteriorating physically and morally. In development cooperation, for instance, it has become standard practice to refer to corruption as a ‘cancer of development’, a potentially terminal and certainly perfidious condition affecting political order, economic growth and the capacity of states and societies.<sup>33</sup>

Suffice to note at this point that “[c]orruption is not something that ‘happens’ to otherwise healthy societies: no country has ever been free of it” (Johnston 1998a: 70). Just how true this statement is in today’s world is underlined by the World Map of Corruption (see Figure 3, below),<sup>34</sup>

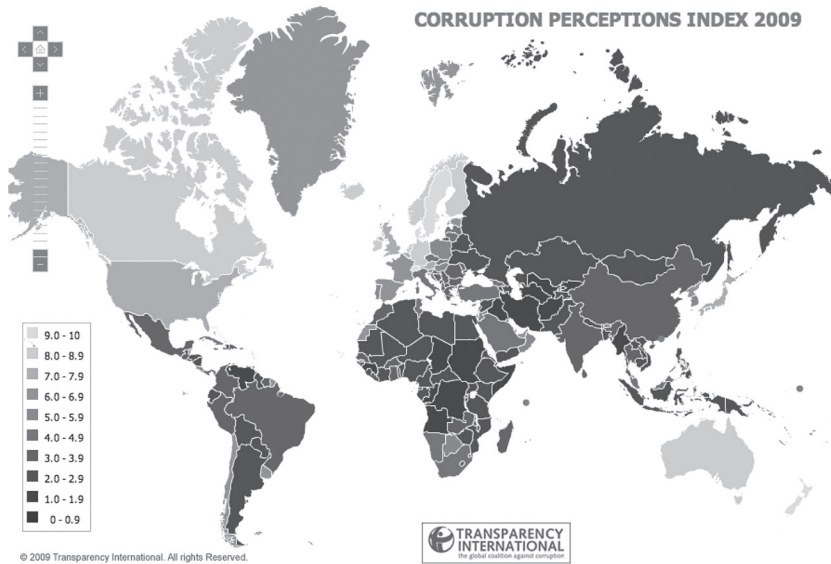
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under <http://www.worldpoliticsreview.com/article.aspx?id=424> (last accessed 30 September 2008), which refers to the ‘rotten Kenya’ that the British Foreign Office Minister Kim Howells warned of at the time.

<sup>32</sup> A succinct overview over the most important approaches to defining corruption is provided by Robert Williams (1999b), who concludes slightly mockingly: “No doubt some analysts still hope that, somewhere in the conceptual ether, there exists a definition of corruption which is sufficiently capacious and nuanced to compensate for the limits of existing definitions, yet which is brief enough to slip into the introductory paragraph of official reports on corruption. To date, no all-purpose definition is available and there are grounds for believing that the search is futile” (Williams 1999b: 512).

<sup>33</sup> The ‘cancer of corruption’ is reiterated in development cooperation again and again, following the much-noted statement of James Wolfensohn, the President of the World Bank at the time, in the mid-nineties. Equally evocative images abound. Johnston, for instance, notes a development worker describing corruption as the ‘AIDS of development’ (see Johnston 1998a: 69). In my own work as an anti-corruption expert, I encountered similarly flourishing circumscriptions of corruption routinely in Terms of References or in statements by development workers, public officials or civil society representatives. In a similar vein, reforms intended to prevent and sanction corruption are described in terms of a ‘battle’ to ‘fight’ or ‘combat’ corruption, or in terms of the ‘eradication’ of the ‘scourge’ of corruption.

<sup>34</sup> Since 1995, Transparency International, an influential global anti-corruption organisation, has undertaken an annual survey of the perceptions on corruption internationally. The CPI ranks countries on a scale from 0=highly corrupt to 10=not corrupt.



(Source: Transparency International)<sup>35</sup>

Figure 3: World Map of Corruption 2009

which provides a graphic overview over the extent and spread of corruption worldwide. The intended effect of the map is to shock relevant policy makers, activists and development agencies into action, by depicting a world in which corruption and poverty go hand in hand. The international media and political attention accorded to the annual release of the Corruption Perceptions Index (CPI), on which the map is based, is sign of its sweeping success.

However, looking at the vast areas worldwide shaded in darker, more corrupt blues, one could arguably defend an inverted perspective: namely that corruption globally constitutes the *norm*, not the exception. In other words, on the basis of the Corruption Perceptions Index one could make a valid argument stating that in actual fact a country 'free of corruption' is a deviant society, rather than arguing that corruption constitutes some form of deviance. This is a distinct perspective raising a host of issues with regard to notions of political order or the state, which will be touched upon in the course of this enquiry. However, although I hope to be

<sup>35</sup> See under [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2009](http://www.transparency.org/policy_research/surveys_indices/cpi/2009) (last accessed 25 March 2010).

undertaking several theoretical and empirical inversions of perspectives on corruption, this ‘inverted’ aspect is not the focal point of this enquiry. To pursue my objective of understanding corruption in conjunction with social and political change more clearly, I need to dwell for a moment on the definitional aspect—not so much to name ‘corruption’ more precisely, but to carve out the sociological problem that corruption denotes. For as widespread perceptions on the extent and indeed practices of corruption may be, as oscillating and multi-faceted as the phenomenon may be, as emotional and evocative denunciations of corruption may be, the sociological *problematique* of corruption needs to be pinpointed more precisely.

Put in a nutshell, the problem of corruption emanates from its boundary-crossing nature. Corruption, in modern societies, always denotes some form of transgression of the public and private, the official and the unofficial, the legal and the illegal, the formal and the informal. Such practices and properties of transgression shall be theorised in more detail in the following chapters. Suffice at this point to peel out the core of corruption, as embodied by the currently most widely used and intuitively plausible definition of corruption.<sup>36</sup> In the succinct formula coined by Transparency International, corruption is “the misuse of entrusted power for private gain”.<sup>37</sup> Notable and new here is the openness of the definition, putting the abuse of power on centre stage, but allowing contextual leeway with regard to the (public or private) sphere such transgression takes place in. More narrowly and more classically, Michael Johnston circumscribes corruption as “the abuse of public roles or resources for private benefit” (Johnston 1998a: 89).<sup>38</sup> Here, and for our purposes more

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<sup>36</sup> It was actually Joseph Nye who coined the gold standard of corruption definitions. Nye defines corruption as “behaviour 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. This includes such behaviour as bribery (use of reward to pervert the judgement of a person in a position of trust); nepotism (bestowal of patronage by reason of ascriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding uses)” (Nye 1967: 419). For a seminal overview and critical discussion of definitions of corruption see Johnston 1996.

<sup>37</sup> Consult their website under [http://www.transparency.org/news\\_room/faq/corruption\\_faq](http://www.transparency.org/news_room/faq/corruption_faq) (last accessed 13 September 2008).

<sup>38</sup> For further definitional aspects of corruption see the pioneering articles compiled in Heidenheimer et al. (eds.) 1993, Williams (ed.) 2000 (Vol. 1), Williams/Doig (eds.) 2000 (Vol. 2); Williams/Moran/Flanary (eds.) 2001 (Vol. 3); and Williams/Theobald 2001 (eds.) (Vol. 4); for a detailed discussion of definitional problems of corruption see Johnston 1996.

useful, the classic distinction between public and private is in the limelight. More precisely: the relationship between the public sphere and the private sphere, and the norms, practices and imaginaries governing this relationship.

This relationship between the public and private has never been unambiguous.<sup>39</sup> And in today's globalised world, evidently, this relationship is in continual need of reconsideration, characterised as it is by processes of glocalization<sup>40</sup> cutting across economic, political, social, legal and cultural spheres. One hallmark of this process is, on a national and international level, the profound shift of norm-setting legitimacy and authority from governmental to non-state actors,<sup>41</sup> which raises fundamental questions about meanings and definitions of such terms as 'abuse', 'public roles' or indeed 'private benefit'. The politicisation of corruption in national politics across continents, the intrinsic correlation between corruption and poverty reduction articulated continually by international development agencies, the powerful statements and actions by national and international non-governmental organisations condemning the disempowering effects of corruption all point to significant shifts of the values and practices shaping these discourses, or perhaps more precisely: the power relations underlying the politics of such discursive operations.

These thoughts are at the outset of my exploration of corruption. I base my study on the premise that the "differing outlooks over the meaning of corruption are not just 'noise', or a problem to be resolved by definition, but rather valuable clues to continuing political development" (Johnston 1996: 329), or rather: to continuing political struggles. It is precisely these struggles that I put on centre stage of my enquiry. What I am interested in is not what constitutes corruption, which means I will be spending very little time on discussing definitions of corruption. My interest is the ways in which 'corruption' is used to shape and structure social reality.

I mean by this two related sets of theoretical issues. The first set encompasses discourses of corruption which (re)produce meanings and understandings of corruption, the contours and mechanisms of which need

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<sup>39</sup> Seminally for the history of European state formation see Tilly 1990, 2004.

<sup>40</sup> These are terms that gained sociological currency in the nineties, seeking to capture processes of globalisation in terms of the disembedding and re-embedding of social and other relations over time and space. Seminal see the edited volume coining the term 'global modernities' by Featherstone, Lash and Robertson (eds.) 1995; for the term 'glocalities' see the contribution in the same volume by Robertson 1995. See also Giddens 1990.

<sup>41</sup> For an in-depth discussion see Peters/Koechlin/Fenner Zinkernagel 2009: 1–32; and Peters/Förster/Koechlin 2009: 493–560.

to be understood more clearly to render their effects on the ordering of social and political realities in Africa visible. The second, and by no means unrelated set,<sup>42</sup> relates to the ways in which particular social agents seek to structure and organise the public realm. These include the ways in which social actors appropriate meanings of corruption to articulate their demands and interests and needs, and the processes through which such articulatory operations are transformed into social realities. Allow me to explicate these propositions in a little more detail in the following section.

#### 4. *Discourses of Corruption, Discourses of Africa*

Perhaps due to its evocative, boundary-crossing nature, a striking feature of corruption is the way it is enunciated in a great variety of discourses. This holds particularly true for discourses on development. On a very practical level, the statements quoted above by international governmental and non-governmental organisations indicate the weight that corruption is given with regard to national development, political stability and social equity. Still today, the terms corruption and governance are omnipresent in development cooperation. There is hardly a national or international policy statement in Africa that does not implicitly or explicitly refer to corruption. It seems that corruption and governance have become a panacea for solving development problems of all sorts. In more belligerent rhetoric, the 'fight against corruption' is also the fight against poverty, the fight against inequity, the fight against inefficiency.

This clear-cut, on the surface completely smooth and unambiguous correlation that dominates much of contemporary development discourse strikes the eye. Striking here are several aspects: firstly, the fact that corruption is in the spotlight of development discourse at all, especially against the backdrop of a void, a silence with regard to linkages between corruption and development up to the late eighties. Secondly, the importance it is currently endowed with regarding all facets of development. Be it to denounce kleptocratic regimes (notably in Africa), be it to design more

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<sup>42</sup> This is in contrast to a classic Foucauldian approach, where intentional acts by social agents disappear behind discursive inscriptions. A Foucauldian approach is well-suited for analysing a body of thought and patterns of power relations (such as the development discourse), but not for identifying and analysing social agents and their influence on the (re)organisation of political and social order.



effective and efficient public institutions, be it to empower civil society, corruption is routinely and mostly emphatically invoked. And thirdly, on a material level, the swell of foreign aid allocated to governance and anti-corruption interventions shore up this semantic force with technical and financial resources.<sup>43</sup>

In a nearly text-book fashion, hence, the critical scholar of development policies in Africa is faced with a discourse in a classic Foucauldian sense, a distinct group of statements underlying particular rules of dispersion, sites of production, and orders of inferences. As striking as the regularities and patterns of this discourse are, however, equally striking are its disjunctions: the negative correlation between development and corruption is not only enunciated within the field of development, but also within the private sector and civil society. Although the referent, corruption, is the same, the domains of its production are wildly dissimilar. Most prominently, in the (multi-national) private sector rationales of investment and reputation frame changing articulations and practices of corruption; in civil society, rationales of participation and democratisation underlie the statements. And yet these different discourses feed into each other, producing a clearly discernible and distinctive discursive formation signifying governance and 'anti-corruption'. The developmental discourse on governance and corruption has materialised as a new development paradigm,<sup>44</sup> a paradigm that has taken on a highly significant role in all facets of contemporary development cooperation. For the past two decades it has been structuring ways of thinking and acting and planning and administering in developing countries. Indeed, the production of knowledge and policies on governance and corruption have become a whole industry.

My prime interest lies in the effects that this discursive formation has beyond its immediate objectives and formulated results. I am particularly interested in the activities that transform society arising out of this way of thinking and acting. Evidently, the symbolic, rhetoric and material resources the development discourse draws upon are endowed with a significant potential of transforming society (if not, as will be discussed, always in the articulated ways). This takes me to a further, less obvious discourse on corruption, namely the academic discourse of corruption in

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<sup>43</sup> See OECD/DAC 2010 for statistical data on aid disbursement with regard to governance reforms.

<sup>44</sup> See Pieterse 2001 for a discerning discussion of different development paradigms over time.

Africa. This discourse seeks to theorise and categorise the phenomenon of corruption in relation to political order in Africa. All influential contemporary intellectual engagement with questions of political development in Africa invariably problematises 'corruption' in some form. Across the board, scholarly enquiries into the organisation of political power in Africa use corruption as a key *explanandum* for the elaboration of their theories. Evidently, the conceptualisation of corruption varies according to the theoretical premises these perspectives are grounded in. But it is remarkable to observe what singular importance corruption is accorded in the academic literature. It seems as if 'corruption'—be it as a structural property, as a cultural matrix, as an exchange mechanism, as a social practice—is the lynchpin explaining political order in Africa. By inference, corruption also provides the key to explaining political change (or, more frequently, political stagnation or decay) in Africa.

The elaboration of dominant theoretical positions on corruption and political order in Africa is instrumental to this enquiry for two reasons. Firstly, it lays bare the discursive formation configuring 'corruption and political order in Africa'. The overarching aim is to untangle the academic ways of thinking about politics and corruption in Africa allowing for an enquiry into social and political change in Africa. Of particular interest here is the identification of identifying social agents and practices that effect political change in Africa. More explicitly: to explore and identify processes of political change of a specific democratic nature.

As will be argued in the course of the following two chapters, however, the tools provided by the academic discourse on corruption (as well as the development discourse, as was seen above) are insufficient to respond to this question. Both discourses are trapped in their own distinct rationales that foreclose the seeing and understanding of spaces of social agency. For this reason I am compelled to sketch out what I have rather grandly termed a third discourse, namely a discourse on corruption and political emancipation. In a radical reconceptualisation of dominant thinking about corruption and politics in Africa, this discourse seeks to articulate ways in which one can think 'corruption' in a politically liberating way. *Nota bene*, this perspective does not imply a reversion to a functionalist or simplistic modernist way of thinking corruption, i.e. of corruption in a 'lubricating' sense. The discourse elaborated here unlocks a theorisation of corruption in terms of political actions and emancipatory struggles.

As was discussed in the previous section with regard to definitional issues, the conceptualisation of corruption in terms of political contestation is by no means new. However, the distinct theoretical operation

undertaken here is to put the question differently, namely: How can the articulation of particular demands that are raised through the problematisation and politicisation of corruption be generalised in ways which enable democratic politics? In other words, how can the contingent articulations of social and political relations, which the very naming of and contestations surrounding 'corruption' refer to, be theorised in a way that allows a deeper sociological understanding of the conditions and processes of democratic politics? Hence the introduction of the term 'empty signifier', which, as will be elaborated, allows for an analysis of particular articulations by social groups and the processes through which they seek, achieve or fail to structure political order. Corruption conceptualised in this more overtly political sense serves as a very likely signifier of such contestations and articulations in Africa.

Evidently, this proposition requires some careful elaboration. In fact, its exploration will be of key concern for the greater part of this enquiry. Suffice to note at this point that corruption serves as a highly insightful medium regarding all three discourses; it serves to illuminate the practical effects of the development discourse; it allows a critical reformulation of the academic discourse; and, last but not least, it allows for the development of a theoretical framework more conducive to understanding processes of political change. Moreover, the enquiry into corruption lends itself to the enrichment of the theoretical propositions outlined in the body of the three discourses through empirical analysis 'on the ground', so to speak. The explanation of how such an enquiry can and will be undertaken *in concreto* takes me to the organisation of the following chapters, to which I now turn.

### 5. *Methodology and Organisation of the Enquiry*

The structure of my enquiry has two main parts. Very simply, in the first part (Chapters 1 and 2), the academic as well as the emancipatory discourse introduced in the previous section will be spelled out and substantiated more fully. The essence drawn from these two discourses, in ascending order of importance, provide the analytical strategy<sup>45</sup> with

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<sup>45</sup> On analytical strategies see Akerstrom Anderson 2003, who provides an excellent definition: An analytical strategy is "a way to stress the deliberate *choice* and its implications, and to highlight that this choice could be made differently with different implications in respect of the emerging object" (Akerstrom Anderson 2003: XIII; emphasis in original).

which the case-study on corruption and political agency in Tanzania in the second part (Chapters 3 and 4) shall be explored. Using corruption as an analytical focal point, ultimately the objective of the enquiry is to develop a more nuanced and meaningful analysis of the conditions, actors and processes of democratic politics in Africa.

Before delving into the design of the individual chapters, however, a note on the methodology of the first part is called for. Although the following two chapters (Chapters 1 and 2) and corresponding ways of thinking about corruption are all subsumed under the generic term 'discourse', the exploration of these discourses is undertaken through different lenses. The methodological process could be described as a gradual immersion into the fabric of the consecutively explored discourses, reflecting the gradual (and increasingly bumpy) closing in onto the theoretical and practical issues that are of greatest salience to this enquiry, and which constitute, as I will argue, a blind spot of concepts of corruption in general and political order in Africa in particular.

The first chapter (Chapter 1) hones in on the academic discourse on political order and corruption in Africa. On a very general level, this chapter provides an overview over dominant theories on corruption and politics in Africa. However, in the process of writing the literature review unwittingly a further analytical purpose emerged. Primarily, the journey through the body of theoretical statements on corruption and politics in Africa was intended as a quest for a substantiated theoretical frame of reference, for reliable orientation points to facilitate the empirical study of corruption and politics. But the overview did not provide any firm ground from which empirical referents could be identified. On the contrary, the literature review, as will be demonstrated, reveals a body of theories, categories and statements patterned in ways that obstruct the thinking and seeing of political agency in Africa. Put bluntly, academic thinking accords such primacy to corruption as a problem that it blankets out sites, practices and actors of more liberating politics. The evident patterning of these sometimes similar and coalesced statements, sometimes dispersed and divergent statements led me to the conclusion that—much like the development discourse—academic theories themselves constitute a relatively closed discourse on corruption and politics in Africa. Hence the title of this chapter.

The methods employed to trace the outline of this academic discourse on corruption are drawn less overtly from classic discourse theory; although they are somewhat archaeological in their approach, they have a far narrower analytic purpose, seeking entry-points to substantiate a theory on

political agency. To my knowledge, this body of thought has not yet been rearticulated comprehensively to profile the relationship between corruption, political order, and social and political agency in Africa.

A further interesting insight emerged in the course of my journey. The analytical engagement with the changing formations of the development discourse on corruption made it increasingly evident just how closely development policies are informed by the academic discourse. This framing and mutual inscription does not only take place on a mediated, 'translated' level. Increasingly, development agencies are employing leading academics to develop and design concept papers and programmatic strategies, which in turn serve to legitimise and spread new development policies. It is conspicuous that especially in newer policies, it is sometimes near impossible to distinguish between academic and developmental statements.<sup>46</sup> Hence, I argue that they constitute an interlinked discursive formation with formative material and epistemic power over definitions of corruption.

However, whilst providing insights on the epistemic sites and modes of production governing 'corruption', it does not resolve the theoretical frustration that the lack of appropriate analytical tools to capture agency leaves us with. For this reason I turn to the political theory of Ernesto Laclau and like-minded scholars. This discourse on political emancipation (Chapter 2) is by necessity the sketchiest of the discourses on corruption. For want of relevant theoretical and methodological insights found in the academic (as well as developmental) discourse, I seek to develop an own theoretical framework to allow for the conceptualisation of political and social agency in Africa.

Here, I develop the argument that corruption is more meaningfully conceptualised as an empty signifier, as a symbolic nodal point through which different political contestations, identities and demands can be articulated. Theorised carefully, empty signifiers enable both the articulation of dissent as well as the production of consensus in society. Hence,

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<sup>46</sup> Suffice to note here for instance the role that DFID has played in financing major research projects on governance and corruption, one of five priority areas listed in their research strategy 2008–2013, that, in their own words, was funded by £1 billion (see DFID 2008). On a more discrete level, see the design of the Strategic Governance and Corruption Approach (SGACA) developed by Sue Unsworth and the CRU (2007) for the Netherlands, which is heavily informed by the personal and institutional interconnections across academic sites and development agencies (including DFID); or the study on politics in Tanzania undertaken by two renowned academics (Hyden/Mmuya 2008) and financed by SIDA.

they play a constitutive role for the possibility of society as such; they are a necessary condition for the (re)organisation of political order. Oscillating within this tension between plural and potentially antagonistic views on the one hand, and the potential of socially acknowledged, universalised representations on the other hand, empty signifiers are always reversible. The question is how and to what extent particular social groups manage to 'fix' their meaning—and to what extent this (temporarily) fixed meaning unfolds emancipatory potential. The theoretical elucidation of these operations provides the centre-piece of the analytical framework of this enquiry.

But this conceptualisation of corruption requires some deeper conceptual foundations to justify firstly, the reason why corruption and not any other term lends itself to being appropriated as an empty signifier. This question can be answered quickly, taking a short-cut through more systematic arguments developed in the following chapters. The findings of Chapter 2 carve out the epistemic, practical and material significance of corruption with regard to thinking and writing about African politics, as well as with regard to 'reforming' and 'improving' the African state. Not least, corruption is politicised by political parties and civil society organisations seeking to change the order of things in their respective countries. All of these practices underscore the practical and political significance of corruption as an empty signifier. This takes us to a second issue, namely the identification of social agents who articulate corruption in potentially democratising ways. Historically certain sites and power relations have been more conducive to the emergence of democratic politics; beyond the state, the spheres of civil society and the economy have been pivotal sites of emancipatory potential. These sites will be explored in more detail in the course of Chapter 2, paying special attention to the conditions attributed to African societies. Drawing from insights of all three discourses, I conclude this last chapter of the first part with the identification of specific social agents that are endowed with the potential to be actors of social change. The actors pinpointed are professional associations, which historically have been accorded a special importance as mediators of social change, in a transforming as well as mitigating sense. Not surprisingly, they are also singled out in contemporary developmental as well as academic discourse on development—but, with regard to Africa, the latter mainly contributing to observe their absence, rather than their presence.

Part B is devoted to the case-study of Tanzania; more particularly, to the study of professional associations, corruption and political struggles in the

construction industry of Tanzania. Given the qualifying statements above, some further comments are again warranted on methodological issues, beginning with the choices regarding actors, country, and sectors. These choices are the result of overlapping experiences, interests, and objectives. The choice of social actors is explained by the conclusions drawn from the discourses of the first part, drawing on the academic discourse with regard to the relevance of African professional associations. But there is a further, more specific and more personal reason for pinpointing professional associations, namely an early professional encounter with FIDIC,<sup>47</sup> the international umbrella organisation of consulting engineers, in 2002. At the time, FIDIC had recognised the business-case for preventing corruption, and had developed pioneering guidelines for a business integrity management system for its members (see FIDIC 2001, 2002). This encounter drew my attention to the vibrancy of a world hitherto off my radar-screen, i.e. to the importance of apex organisations as a clearing-house of knowledge-exchange and standard setting across countries and continents. I was immediately struck by the fact that a Tanzanian member association was one of the driving forces behind the design of the integrity system. How come a member association from a small, weak and poor economy is so visibly engaged in creating cutting-edge standards of integrity and anti-corruption? The fact intrigued me deeply. And more generally, it spawned my interest in the question of how collective actors articulate their needs and interests with regard to corruption, especially in an environment of a weakly institutionalised state, underdeveloped economy and extensive corruption.

This leads me to the choice underlying the country. Right from the outset of my engagement with theories on the 'shadow' state, the 'rhizome' state or the 'quasi-state' or other qualifying attributes that the state in Africa is given,<sup>48</sup> the degree of generalisation across Africa irked me tremendously. Even before the encounter with FIDIC I had two countries at the back of my mind, namely Tanzania and Zimbabwe. At the time, both countries, including Zimbabwe, seemed at odds with the general depiction of African states in terms of a blurring of the public-private boundary, a personalised and instrumentalised state and public norms appropriated and straddled by private norms. On the contrary, certainly Tanzania

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<sup>47</sup> FIDIC stands for the International Federation of Consulting Engineers, celebrating its centenary in 2013.

<sup>48</sup> See Chapter 1, below, for a discussion of these terms and underlying theories on the state and politics in Africa.

seemed to have had a history of a strong (not in the sense of authoritarian, albeit in the sense of centralised political authority) and legitimate state, a respected leadership under Julius Nyerere, and, as far as I could judge from afar, reasonably fair and mostly peaceful (with the exception of Zanzibar) transition to a multi-party democracy. At the same time, I was well aware of the fact that Tanzania was considered to be highly corrupt. So, irritated by the academic discourse on corruption and politics in Africa in smothering sites and agents of social change, and intrigued by the role of professional associations as collective, norm-setting actors, I turned my focus on identifying specific associations and sectors for my research. Against this both practical and academic background, Tanzania presented itself as an ideal case to explore some key hypotheses on corruption and on political order.

For the case study, the construction sector seemed an obvious choice. Transparency International's Bribe Payers Index 2002 identified construction as the most corrupt sector world-wide,<sup>49</sup> thus asserting the relevance of corruption in the construction industry. Moreover, the construction industry is pivotal to national development strategies, providing the infrastructure for the provision of public goods, a fact which is also reflected in substantial budget allocations for public procurement. And, from a more sociological perspective, the recent transformations of Tanzania from a centrally planned to a market economy indicated that the degree of regulatory institutionalisation and indeed public norms in this sector were still in flux. Especially in this context of dislocated structures and shifting norms and practices, it seemed particularly interesting to explore in closer detail the role of professional associations in shaping, carrying, or, equally conceivably, subverting governance and anti-corruption reforms.

The second part of my enquiry is organised around this empirical exploration. This journey is undertaken in the two consecutive chapters, Chapter 3 (case-study 2003) and Chapter 4 (case-study 2010). The line of enquiry focuses on the question of political agency, using articulations of corruption as an entry point to explore such agency: In which way do professional associations engage in the discourse of corruption? How do they articulate their needs and demands with regard to the legal and regulatory framework via statements about 'corruption'? And how do they seek

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<sup>49</sup> On a scale of 0=very high perceived levels of corruption and 10=no corruption, Construction and Public Works led the ranking with a score of 1.3, well ahead of the following sector (Arms and Defence, with a score of 1.9) (see [http://www.transparency.org/policy\\_research/surveys\\_indices/bpi/bpi\\_2002#sectors](http://www.transparency.org/policy_research/surveys_indices/bpi/bpi_2002#sectors); last accessed 2 May 2010).



to shift such norms as well as political and economic relations in their favour? Does the discourse of corruption as articulated in the development discourse enable and empower professionals, by leading to a more effective and responsive institutional framework? Or do the prevailing or emerging power relations stifle and constrain professional ethics and democratic spaces of professional associations? Or, lastly, do perhaps professional associations in the construction industry of Tanzania not have an interest in a truly democratising order at all, as their interests and needs are met within the prevailing economic and political arrangements?

For both case studies multiple forms of data-collection were employed. Primary data was gained in two sets of field visits.<sup>50</sup> The field research for the first case-study took place in February/March 2003. The field-research for the second case-study took place in January 2010. The main methods were semi-structured as well as unstructured interviews. Semi-structured interviews were mainly used in meetings with public officials, which in most cases I only met once. The interviews were structured according to a relatively broad interview guide relating to i) organisational issues, ii) specific anti-corruption and governance reforms, and iii) perceptions of corruption in the construction sector and in society at large. However, the interviews were conducted without fixed wording or a fixed ordering of questions, allowing for adaptations of the interview process with regard to the diversity of institutions as well as characteristics of the respondents.

The reasons for choosing semi-structured interviews in particular with public officials were both practical as well as functional. Firstly, a prime concern was to get a better understanding of the institutional mechanisms, organisational features and specific facts of the agency or association in question, which was most effectively achieved by a relatively clear (if not exclusive) set of topics and questions. Secondly, as the topic of governance and in particular corruption was still rather sensitive in the public sector in 2003, it was also a means to generate transparency as to my objective, and hence, as far as possible, provide the basis for more open responses from the respondents, sharing more of their perceptions with regard to the topics under discussion. Lastly and practically,

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<sup>50</sup> *Secondary data:* Secondary sources of data constituted: academic studies on Tanzania; Tanzania country reports (official and donor-funded); national governance and corruption reports (official and donor-funded); national and regional corruption perceptions surveys (officially mandated and undertaken as well as mandated and/or undertaken by NGOs); constitutions, manuals or brochures of the professional associations; websites of government agencies, professional associations (where available) and anti-corruption fora.

semi-structured questions were a means of minimising my imposition on the time of my interview partners.

The intention of employing semi-structured interview technique was not, however, to render the interviews comparable. The small number of respondents, the different professional associations and the widely divergent type of public institution (regulatory, policy-oriented, investigative, etc.) renders any attempt of such comparison subject to clear and articulated qualifications. A further problem of comparison is the nature or rather the 'chemistry' of such interviews. Depending on the personality and personal interest in the topics of the respondent in question, the interviews tended to take very different forms, ranging from minimal factual information to open-ended discussions resonating a conversation rather than an interview. This 'elasticity' was intentional in the broad design of the interview guide.

I initially used the same interview guide for interviews with representatives of professional associations, but soon realised that a far more meaningful technique for understanding their situation and their perceptions in more detail was to unmoor the questions and allow the interviews to flow in an unstructured (if not directionless) manner. Although the interview framework was employed for generating factual information, mostly it was kept in the back of my mind, creating a space in which professionals expressed themselves in their own terms and reflecting their own concerns. Contrary to most public officials (with some notable exceptions), the professionals had a sense of 'mission' in articulating corruption and the ways it impacts on their conduct and career. This was especially palpable in 2003, less so in 2010.

The interviews<sup>51</sup> were conducted with professionals in professional associations, representing architects, consultants, contractors, engineers, and quantity surveyors; government officials of regulatory agencies in the construction industry; the national anti-corruption agency; academics; researchers; representatives of civil society organisations; and donors. In both sets of fieldwork the greatest number of interviews was with representatives of professional associations. Professionals in the construction

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<sup>51</sup> Due to the politically sensitive and to all intents and purposes illegal nature of corruption I did not use any electronic recording devices. In all interviews I explicitly asked and was granted permission to take notes. However, to prevent any potentially negative repercussions on the individuals and associations I have refrained from naming my interview partners. Where appropriate, the associations and authorities are named, as are the function, profession or position of the interview partners I quote.

industry included in this study are engineers, contractors, architects and quantity surveyors domiciled and working in Dar es Salaam.

Two methodological *caveats* with regard to the choice of interviewees needs to be placed at this point. Firstly, it must be emphasised that the case-studies are based on a non-representative selection of interviewees. The choice of interviewees was structured primarily on the basis of their official function, i.e. either as a representative of a relevant professional association or as a representative of a relevant government agency. I have sought to include the most important collective actors and agencies of the construction industry in Dar es Salaam. However, the actual choice was in many cases (but not all) mediated through a contingent snow-ball effect, i.e. personal recommendations acting as 'door-openers', not through a systematic or representative selection. To a degree, these recommendations (that often overlapped) also act as a proxy for who is perceived to be an important actor within the construction sector. Secondly, the interviews with professionals were only conducted with professionals that have an official affiliation with a professional association. In all cases this meant not only being a member of an association, but having an official function within the association, such as executive secretary, chairperson, treasurer, or board member. The research question only focused on the discourse of corruption as articulated by professional associations and public agencies. An important disclaimer to be noted is that no interviews were conducted with non-affiliated professionals, which, *nota bene*, in most professions constitute the far larger part of the community.

This leads us to a double qualification with regard to the validity of the findings. The findings of the interviews are derived from a small, qualified (the qualification being 'active member of professional association') group within the large community of professionals in the construction industry; they are, hence, not representative for the whole community, only for the formally organised representatives of the collective interests of the community. Also, the interpretations and statements articulated in the interviews are largely deprived of a context immediately illuminating practices of corruption. For instance, none of the interviews was conducted on a construction site. Some were conducted in hotels, but most were conducted in the offices of the professionals themselves, or in the offices of the professional associations or government agencies. In terms of location, building, infrastructure, etc. the offices did provide some illumination on the context in which the public agency or professional association is operating. But there was no participant observation undertaken, i.e. I did not participate in daily routines or observe everyday

business and work of professionals beyond the duration of the interviews, which would have provided further contextualisation and richness with regard to their statements.

With these caveats, the last two chapters seek to outline the articulations and representations on corruption by professional associations themselves. Chapter 3 and 4, respectively, illuminate the role and space of professional associations in a context of rapid structural and institutional change. They are thus each in itself highly instructive to understanding the effects of governance and anti-corruption reforms from the perspective of collective actors that are, so to speak, affected (in both a practical as well as emotional sense) by such reforms. They provide an insight into the relationship between public and private interests, between formal norms and informal norms, and into the ways these aspects affect power relations between public as well as private actors of a particular sector.

But the two case-studies have an additional merit beyond analytical snapshots. The juxtaposition of two case-studies of the same sector, the same actors and the same problematique with a temporal difference of seven years allow for an analysis of such processes over time—in a relatively short-range perspective, but during a very intense and transformative period that, hopefully, should allow for some novel insights into processes of the structuring of political order from a worm's eye view. Predictions tentatively made at the end of the case-study undertaken in 2003 (Chapter 3) are fleshed out, its findings reinterpreted, and novel aspects are illuminated in the case-study undertaken in 2010 (Chapter 4), allowing for a dynamic analysis of political relations, regulatory reforms and the trajectory of the institutionalisation of (democratic or other) norms and practices.

At this point I would like to conclude my introductory remarks with a quote on corruption by perhaps the most renowned sociologist of Tanzania, C.S.L. Chachage. Commenting on the lack of effectiveness of institutional and legal reforms introduced in the decade since the transformation of Tanzania to a multi-party market-economy, he observes the following:

Despite the enactment of all the above laws and the institutions to implement them, corruption has continued to increase unabated over the years. Why is this case? [...] As far as I am concerned, I wish to state categorically from the outset that there is nothing more erroneous than the view that policies, ideologies, laws, etc. make history. Attempts to make sense of aspects such as corruption, embezzlement, fraud, and drug-trafficking must lead us beyond the examination of laws, ideologies, etc. to the examination of the way our society is organised socially, politically and economically (Chachage 1996: 30).

In the following enquiry, I actually intend to undertake an examination of ‘the policies, laws, ideologies, etc.’ that govern thinking and acting about corruption, for I believe they have both a symbolic as well as material effect that needs to be understood in more practical detail. But in line with Chachage, I place my main analytical emphasis on the theoretical and empirical exploration of some of the myriad of processes through which social actors and discourses of corruption structure the social, political and economical organisation of society. This takes me to the final chapter, the Conclusions. Here, a general overview and systematisation over the findings will be undertaken, substantiating, enriching and refuting key hypotheses across the whole enquiry. In particular, I seek to carve out the political spaces and processes that particular social agents make and shape—and are made and shaped by. But more generally, the intention is to sketch out a theoretical framework for researching democratic politics in Africa: Democratic politics not understood only as institutional change or reform programmes on a macro-level, but understood as a purposeful struggle for the reorganisation of the public realm by social actors.

## CHAPTER ONE

### THE ACADEMIC DISCOURSE: POLITICAL ORDER AND CORRUPTION IN AFRICA

*Hence the general feeling of helplessness in the face of an infernal mechanism. And hence this hypothesis, which is also a risk: the development of movements of a 'puritanical' tendency, intended to bring about a reform of public morals [...] may be among the ultimate means, in absence of an improbable self-reformation of the political elites, to attempt to change the present course of affairs. Any 'anti-corruption' policy must face up to these realities.<sup>1</sup>*

*Even more insidious is in my opinion what might be called the calculated violence of neglect: that is, the deliberate failure of governments and state officials to carry out their duties in order to benefit from the ensuing disorder and distress.<sup>2</sup>*

#### 1. Introduction

In one of the first systematic studies of corruption in post-independence African countries, McMullan comes to the conclusion that it “is part of the general conflict between the aims and the methods of the government and the society which is being governed that the subjective attitude of many officials in these countries should not be in harmony with their objective roles” (McMullan 1961: 194), with “the colonial regime [being] the obvious historical source of the conflict between the government and the society” (McMullan 1961: 199). Although the vocabulary may sound slightly dated, this analysis is echoed in many of the most noted and provocative contributions to political order in Africa of recent years. The seminal study by Chabal and Daloz on the political instrumentalisation of disorder in African states paints a picture of

a colonial civil service which sought to devise pragmatic ways of adapting the imperial directives to the administration of its subjects rather than a method of inculcating new political and governmental habits. [...] Moreover, the colonial experience showed how a ‘modern’ bureaucracy could be

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<sup>1</sup> See Olivier de Sardan 1999: 48.

<sup>2</sup> See Chabal 2009: 153.

both arbitrary and personalized—characteristics which were infinitely more compatible with existing African practices than the original Western model (Chabal/Daloz 1999: 12).<sup>3</sup>

They discuss in detail the processes in which contemporary African post-colonial states<sup>4</sup> have appropriated, adapted, moulded and shaped their histories and tradition, concluding

that, in most African countries, the state is no more than a décor, a pseudo-Western façade masking the realities of deeply personalized political relations. There may well appear to be a relative institutionalization of the main state structures but such bodies are largely devoid of authority. [...] In Black Africa [state] legitimacy is firmly embedded in the patrimonial practices of patrons and their networks (Chabal/Daloz 1999: 16).<sup>5</sup>

Judging from these seminal theoretical contributions set nearly four decades and several development paradigms<sup>6</sup> apart, several observations can be made. First of all, rather intriguingly, it seems that the essence of key hypotheses on the causes and consequences of corruption has not fundamentally changed in four decades, namely that personalised and particularistic (in McMullan's terminology: 'subjective') imperatives govern public institutions. This is surprising, given not just the time that has elapsed since then, but the fact that the geo-political and economic realities of developing countries (and indeed of industrialised countries) have undergone fundamental structural transformations in the wake of the end of the Cold War and processes of communicative, financial and economic globalisation.<sup>7</sup> And in this context, the amount of targeted and conditional foreign aid that has been directed at African countries to foster the rule of law and strong public institutions also merits attention.

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<sup>3</sup> See also Ekeh 1975 for a seminal contribution on colonialism and the 'two publics' in Africa.

<sup>4</sup> An evocative interpretation of post-colonial states is rendered by Mbembe, who also emphasises their originality: "In my mind, the notion of the 'postcolony' refers to a timescape which is simultaneously in the process of being formed and of being dissolved through a movement that brings both the 'being formed' and the 'being dissolved' into collision. The term 'postcolony' indicates my desire to take very seriously the intrinsic qualities and power of 'contemporaneity' while firmly keeping in mind the fact that the present itself is a concatenation of multiple temporalities. Because of the entanglement of these multiple temporalities, Africa is evolving in multiple and overlapping directions simultaneously" (Mbembe 2002: 4).

<sup>5</sup> For a seminal contribution on the cultural logic and moral matrix underlying the legitimisation strategies of patronage relations see Schatzberg 2001.

<sup>6</sup> See Pieterse 2001 for an excellent overview and discussion of development paradigms of the last five decades.

<sup>7</sup> For key analyses see Rosenau 2003.

Second and more fundamentally, these quotes indicate that the exploration and conceptualisation of corruption oscillates around the relationship between state and society. This is what makes the analysis of corruption so fruitful, that it is located in the very vertebrae of reflections on contemporary state-society relationships. More precisely, the analysis of corruption pierces the underbelly of state/society relations: its very naming necessarily indicates a challenge to the norm-setting primacy of the public sphere, and the dominance of legal and bureaucratic rationalities in a classic Weberian sense. In this vein, it can be argued that structural factors, such as the configuration<sup>8</sup> of the post-colonial state, or the effects of privatisation and pluralisation of the public domain, are key to understanding corruption; or rather, corruption is key to understanding the fields<sup>9</sup> of power and agency shaped by such structural factors. Simultaneously, the importance of social agency also shines through, inferred by the 'subjective' and the personalised ties that actors utilise and operationalise. And, not least, there seems to be a cultural dimension to corruption, particular value systems and morals that underpin and legitimise 'corrupt' structures and social practices. A 'culture of corruption' may be on the surface a function of a bloated bureaucracy and greedy, self-serving public officials; but equally the social mechanisms and legitimising processes of corrupt practices (and resistance) by the actors themselves, and their interaction with the systemic and structural factors are in need of illumination.

A final preliminary comment needs to be made at this point, namely the key importance of the state as an analytical reference point in the study of corruption. This is a very basic premise: only with the emergence modern state's constitutive feature of a separated public (state) and private (society) sphere 'corruption' in the modern sense became conceivable: namely as an act or behaviour which crosses the boundary between the public

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<sup>8</sup> The term 'configuration' reverberates Elias (1976–1982) conceptualisation of 'figuration', denoting the process of change in which individuals and society are linked together through patterns of interaction—thus, not least, attempting to overcome analytical dichotomies between individual agency and structure.

<sup>9</sup> I use the term 'field' here in Bourdieu's sense, i.e. as a multi-dimensional social space in which the actors are positioned according to the absolute volume and relative composition of their capital. Rather than being a static arena, every field "is the site of a more or less overt struggle over the definitions over the legitimate principles of divisions of the field" (Bourdieu 1985: 734), in which actors struggle for dominant positions within the social space as well as, interwovenly, with regard to the symbolic production of meanings, labels, distinctions, etc. From a different perspective, see also Taylor 2004 for the importance of symbolic production and the sites of such struggles in Western society.



and the private in an illegal (or illegitimate) way. In short, corruption is a phenomenon of a functionally differentiated society.<sup>10</sup> These boundaries, in particular the separation of public office from private property were only fully formalised and institutionalised in most Western countries in the 20th century. In this sense (if not in a moral sense), the phenomenon and problematisation of corruption is relatively new. Hence, when the phenomenon of corruption is explored, it is always, in a mediated or immediate sense, also state/society-relationships and specific patterns of interactions that are being analysed: through the lens of corruption it is the 'modern' state, its ideologies, its representations that are ultimately being analysed.

Linked to this premise, there is a second facet that needs to be taken into consideration, namely that the study of corruption offers a highly revealing mirror into how political order is both organised and rendered intelligible by social actors: on the one hand, what structures and public institutions are seen to be legitimate and endowed with authority, on the other hand, what conceptions and images political order is derived from, what are the referents of political struggles and articulations. As Olivier de Sardan categorically states, the "process of state-apparatus building during the twentieth century, a process that is far from being achieved, is obviously fundamental not only for the production of corruption itself, but for the production of a cultural embeddedness of corruption" (Olivier de Sardan 1999: 26). An analysis of the production, structuration and culture of state(hood) then moves to centre stage—instead of understanding corruption as a practice or phenomenon signifying conflict, i.e. conflict between the formal and the informal, the public and the private, the analysis needs to follow iterated and institutionalised practices that are, socially or legally, deemed to be 'corrupt'.

In other words, what is of interest here are the incentives informing individual acts of corruption, or even the attributes of particular institutions, such as the legal framework, the judiciary, the political process, etc. that frame corrupt behaviour. The analytic point of departure in this study draws on a systemic approach to corruption: an understanding that, in Johnston's words, sees corruption "as a systemic problem having to do

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<sup>10</sup> On a practical level, this can be underlined by the recent problematisation and criminalisation of so-called 'private-to-private' corruption, i.e. practices which do not involve the public sector or a public official, but are considered problematic forms of conflict of interests or misappropriation between representatives of the private sector, civil society or the general public. For a discussion see Koechlin/Ledergerber 2004.

with the sources, uses, limits, and accountability of wealth and power” (Johnston 2004: 22). Although Johnston treats corruption classically as “the abuse of public roles of resources for private benefit,” he emphasises

that terms such as ‘abuse’, ‘public’, ‘private’ and even ‘benefit’ are matters of considerable ambiguity or dispute in many societies. [...] Rather than ending the confusion over what constitutes a corrupt act, this approach puts *conflicts over standards and ambiguities* about the public-private distinction at centre stage (Johnston 2004: 22–23, emphasis in original).

Drawing on this understanding of corruption, the sociological question of corruption then becomes less one of individual or social deviance<sup>11</sup> from the prevailing social, political or legal order. Rather, in an empirically more open way the question becomes one of social struggles about norms, power and access to (material and symbolic) resources.<sup>12</sup>

Bringing these introductory remarks to an end, this approach draws a full circle to some of the first influential studies on corruption, which conceptualised corruption in terms of political development, political order and social change. Corruption in the heyday of modernisation theory was inevitably linked to or emerged from reflections on the conditions of development. So what I propose to undertake in the following sections is to first, describe the discourse on corruption in terms of modernisation and development, using selected authors to illustrate how corruption was conceptualised with regard to the problem of political stability, economic

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<sup>11</sup> Surprisingly, there has been very little analysis of corruption as deviance in a sociological sense, although ‘deviance’ is routinely implied when the distance between legal and moral orders is invoked, or the conflicts between different rationalities that corrupt practices denote are stressed. A closer look at Emile Durkheim’s classic conceptualisation shows that ‘deviance’ in his sense would actually provide a more multifaceted analytical entry-point than merely pointing to the disintegrative and dysfunctional aspects. Indeed, deviance, with Durkheim, can be conceptualised as being ‘functional’ for society: although in his view modern societies are characterised by rising levels of anomie (i.e. threats of social disintegration and unravelling of a common moral order), resulting deviance can also serve to make visible the boundaries of this order. Ensuing public ‘labelling’ of deviant behaviour can serve as a space of negotiation and, (functionally) at best, forge unity on what is considered to be right and wrong. In other words, deviance conceptualised in this way does not exclude its assimilative or integrative function, on the contrary (see Durkheim 1990, 2002). These comments aside, here corruption will not be explored in more detail through the lens of deviance; however, further down the (dis)integrative characteristics of corruption will be explored more fully.

<sup>12</sup> This approach is far closer to an understanding of state and statehood as understood, for instance, by Migdal, who undercuts metaphors of ‘strong’ or ‘weak’ states by putting the struggles between different (state as well as non-state) actors on centre stage, especially with regard to the authority and legitimacy of rules about the public affairs and the boundaries of private life (Migdal 2001: 62–71).

growth and social transformation in new states (Section 2). Outlining the positions of three influential theorists of that era, namely Samuel Huntington, James Scott and Gunnar Myrdal, as a frame of reference that is still seminal for contemporary theory on corruption, paves the way for an overview over the assumptions regarding the structural and cultural configurations of 'corrupt' societies. As will be demonstrated, these early thoughts on corruption are still highly insightful; one could even go as far as to say that, with the exception of some radicalised theories on state and statehood, large parts of contemporary literature on corruption and development still draw from or even fall behind these early scholars. Second, I have distinguished three groups of theories on corruption in developing countries that have evolved since then.<sup>13</sup> This classification is not intended as a rigorous taxonomy, rather as a sketch rendering the patterning of certain statements and discursive formations of corruption in Africa visible. They have been distinguished according to their emphasis on rules and regimes (Section 3), values and practices (Section 4), and political order (Section 5) respectively. Against this backdrop of concepts and articulations on corruption, lastly, an attempt to conceptualise a preliminary sociology of corruption will be made (Section 6), theoretically framing corruption in terms of inclusion, exclusion, and political struggles.

## *2. Corruption and Political Development: Assimilation and Integration*

The rapid social change witnessed in the post-World War II period in Asia, Africa and Latin America produced pervasive corruption in most developing countries. Discussing this phenomena in an influential paper named "What is the Problem about Corruption" in 1965, a prominent scholar of the period remarked: "It is clear that new states are very likely to be the scene of a great deal of behaviour that will be called corrupt" (Leys 1965: 224)—implying in his wording already a key problematique, namely the definition of and legal-normative framework regulating 'corruption'. At the same time, given the challenges facing the newly independent countries, the conditions and types of economic, social and political development were on centre stage. For scholars of the era, hence, the framing question was not only to explain whence such a proliferation of corruption, but

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<sup>13</sup> In the first volume of the excellent compilation of seminal articles, "Explaining Corruption" by Williams (ed.) 2000, the analytic trajectory and loops in corruption theories over the past 30 years can easily be traced.

also whether and how corruption is good or bad for development. Against the backdrop of rapid social, political and economic changes in developing countries, the objectives of economic growth and social differentiation were on the top of the modernisation agenda. In this context, corruption was conceived to be either a phenomenon indicating the palpable friction between 'modern/market' and 'traditional/parochial' principles and values, or else a mechanism of reducing and mediating this friction.<sup>14</sup> The new formal political and economic systems were under huge pressure to meet social demands at the same time as being at odds with local realities. Given the tensions created by modernisation, conceivably corruption can both facilitate socio-economic transformation and political integration as well as undermine political stability and economic progress, depending on the analytical angle chosen. In other words, corruption can be shown to be functional in the short to medium run; however, in the long run the divergence between the disregarded formal principles and relevant political practices seems to lead to social, political and economic disjunction and alienation. Again, this must not necessarily lead to disintegration and collapse, as the history of European countries, the USA, or the more recent past of developing countries have shown.<sup>15</sup>

The most prominent exponent of this line of thought is Samuel Huntington, who carved a conceptual benchmark in his widely acclaimed book on political development (Huntington 1969 [1968]) by examining the function of corruption in phases of strained and decayed political order.<sup>16</sup> He correlates the *absence of political institutionalisation* with the *level of corruption*, both of which are symptomatic for modernising countries. The causes of this general correlation have both cultural as well as structural roots. Pre-empting Huntington's conclusion, he depicts corruption as an integrative mechanism mediating between the antagonistic forces produced and aggravated by modernisation. Huntington argues elaborately on the basis of his enquiry into the causes of corruption, and his insights still provide the basis for current analyses of transforming societies and roots of political patronage.

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<sup>14</sup> Seminally, Scott carved a benchmark by distinguishing 'market corruption', based on economic market exchange, and 'parochial corruption', based on social exchange (Scott 1969a), a distinction which shall be discussed further down.

<sup>15</sup> For a detailed discussion of corruption in European states see seminally van Klaveren (1957); for an analysis of the 'machine politics' of early 20th century USA, see Scott 1969b; for a typology of corruption and political systems see Johnston 2005.

<sup>16</sup> For a detailed critique of Huntington's conceptualisation of corruption see Alatas 2000.

*Firstly*, he observes that the introduction of new political standards lead to established patterns of behaviour becoming disrupted, disregarded or even illegal. The conflict between ‘modern’ and ‘traditional’ standards creates uncertainty with regard to the ‘right’ behaviour. As Huntington points out, the “calling into question of old standards, moreover, tends to undermine the legitimacy of all standards” (Huntington 1969: 60), thus opening an undefined space in which individuals and groups can act in ways justified by (n)either ‘old’ (n)or ‘new’ norms.<sup>17</sup> *Secondly*, the distinction between public interest and private role is seminal for the whole concept of political and social obligation and responsibility. Modernisation produces such a distinction, but evidently not in an idealtypical way. On the one hand, corruption only becomes conceivable as a function of the (specifically modern) differentiation between the private and the public sphere. On the other hand, the pressures that the unyielding logic of impartiality, rationalisation and achievement standards exercise on individuals and communities may themselves stimulate greater need for the protection of family ties and other affective or ascriptive bonds of solidarity.<sup>18</sup> *Thirdly*, there is a strong socio-political incentive for corruption, which acts as a redistributive mechanism between political power and economic wealth. It is worth citing Huntington at length, for here he offers an original insight:

Modernization also contributes to corruption by creating new sources of wealth and power, the relation of which to politics is as yet undefined by the traditional norms of the society and on which the modern norms are not yet accepted by the dominant groups within society. Corruption in this sense is a direct product of the rise of new groups with new resources and the efforts of these groups to make themselves effective within the political sphere. *Corruption may be the means of assimilating new groups into the political system by irregular means because the system has been unable to adapt sufficiently fast to provide legitimate and acceptable means for this purpose* (Huntington 1969: 61; emphasis added).

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<sup>17</sup> The recent transformations of formerly socialist, centrally planned societies underscore this point. For an early discussion of the effects of liberalisation on corruption—precisely within this sphere of insecurity and regulatory void—see Harriss-White 1996, or for a more in-depth contribution see Cartier-Bresson 2000.

<sup>18</sup> This is an interesting take on Weber’s ‘iron cage’ of rationalisation. Whereas for Weber (1985, 2004) the relentless expansion of bureaucratic-legal domination into all spheres of life leads to a shrinking, a disappearance of other value and norm systems, Huntington re-interprets the expansion by observing a higher premium accorded to such non-rational value and exchange systems; instead of disappearing, they become more valuable to social actors.

In other words, the (new) possibility to trade money for political power and social prestige, and vice-versa, works as an arbitrating and adjustment mechanism balancing different levels of enfranchisement within a rapidly changing society by assimilating (economically, politically, socially) disjoined groups.<sup>19</sup> The consequences of this arbitration, however, depend on the trajectory of political relations<sup>20</sup>—on the potential for emancipation and rationalisation, as he expounds.

*Fourthly*, under the condition of economic underdevelopment and surging socio-political demands, modernisation of states is characterised by “the expansion of governmental authority and the multiplication of the activities subjected to governmental regulation” (Huntington 1969: 61). The extent of interaction between citizens and the public sector is multiplied accordingly, and proportionally the opportunity for corruption.<sup>21</sup> Coupling the expansion of state activities with the uneven institutionalisation of formal roles and norms, a situation is created in which corruption becomes the prevalent behaviour of public officials.<sup>22</sup>

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<sup>19</sup> For a more recent pioneering contribution on such exchange mechanisms see Reno’s analysis of shadow states and warlord politics (Reno 1995, 1997).

<sup>20</sup> In a recent study on the effect of liberalisation programs on Mozambique, Harrison uses an apt term to capture these fluid processes indicated by defining corruption as ‘boundary politics’, in which social actors attempt to “stabilise and/or valorise permeable social boundaries” (Harrison 1999: 538). Rather than conceptualising corruption as the instrumentalisation of politics, Harrison views corruption as the signifier of shifting boundaries, manifested in concrete practices on the boundaries between the national and the international economy, in contended societal relationships, and subsequently thriving in those open spaces “along the social boundaries dynamised by liberalisation” (Harrison 1999: 549).

<sup>21</sup> Huntington also puts into this context the extreme efforts to ‘be modern’ that can be witnessed in some developing countries—to be more Prussian than the Prussians, so to speak: “The ideals of honesty, probity, universalism, and merit often become so overriding that individuals and groups come to condemn as corrupt in their own society practices which are accepted as normal and even legitimate in more modern societies. [...] The escalation of standards in a modernizing society and the concomitant devaluation and rejection of politics represent the victory of the values of modernity over the needs of society” (Huntington 1969: 62–63).

<sup>22</sup> In an early and important contribution to the discussion, Leff highlights the positive effects of corruption on economic development, based on the (now mainstream) assumption that the public sector does not operate perfectly. Challenging the (then mainstream) assumption that strong etatist policies are prerequisite for concerted developmental efforts, Leff underlines the risk of wrong policies based on uninformed or self-interested criteria. He states that in “many underdeveloped countries, the bureaucracy may be the lagging rather than the leading sector” (Leff 1964: 13). In this situation corruption acts as a safeguard against bad policies as well as a lubricant for economic development and entrepreneurial innovation.

Huntington widens his analysis by comparing the function and the causes of violence and corruption in modernising societies.

Both are encouraged by modernization; both are symptomatic of the weakness of political institutions; both are characteristic of what we shall subsequently call praetorian societies; both are means by which individuals and groups link themselves to the political society and, indeed, participate in the system in ways which violate the mores of the system. Hence the society which has a high capacity for corruption also has a high capacity for violence. [...] The prevalence of violence, however, does pose a greater threat to the functioning of the system than the prevalence of corruption. In the absence of agreement on public purposes, corruption substitutes agreement on private goals, while violence substitutes conflict over public or private ends. [...] Violence [...] is a symptom of more extreme alienation (Huntington 1969: 63–64).

Huntington shows great perception in exposing the political implications of violence and corruption as well as the nature of their relationship with political order.<sup>23</sup> Although he is often critiqued for his functionalist approach to corruption,<sup>24</sup> highlighting the integrative and assimilative functions and glossing over its destabilising and disintegrative potential, the quote shows that he is more than aware of such dysfunctionalities, that he terms 'alienation' from public interests. However, analysing corruption in terms of specific practices of a systemic nature that link certain social groups to the political society, he places emphasis on the dynamics of social change in which corruption acts as a transformative mechanism; but a mechanism that only potentially, not necessarily leads to integration and assimilation.

Huntington concludes that although corruption by definition runs against the ideal of modernisation, it is endowed with a specific function within the adapting social structure: it provides a creative and responsive medium to the diverse and at times incompatible norms and social

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<sup>23</sup> The nexus between violence and corruption is one that has become more and more prevalent in African countries, and it seems that the nature of their relationship as well as the implications for political order are far from clarified. The recognition of such 'extreme forms of alienation' demarcated by the prevalence of violence anticipates current phenomena of African societies. In the wake of the protracted conflicts and social emergencies scarring many African countries since the nineties, violence seems to have become the hallmark of African politics. See, for instance, Mbembe 2002 who employs the term 'necro-power' to conceptualise the brute force of African elites. For excellent analyses and case-studies of violent conflicts in Africa see Lemarchand 2009; the case-studies in Kaarlsholm (ed.) 2006; or the contributions in Chabal/Engel/Gentili 2005. For a general outline of a sociology of violence see pioneeringly von Trotha 1997.

<sup>24</sup> For a trenchant critique see for instance Alatas 1990.

practices within a modern political system. He clearly observes that corruption can and does weaken political development by undermining the government bureaucracy and public interests, but remarks at the same time that corrupt practices may in fact stabilise political order in the short—to medium term.<sup>25</sup> He goes on to state that in the long-term, the organisation and structuring of political participation in the form of political parties is “the principal institution of modern politics” (Huntington 1969: 71); but far from necessarily impeding the evolution of modern politics, Huntington asserts that corruption may be the facilitator of a fledgling political integration and organisation, which gradually transcend the particularistic interests they evolved from in a virtuous spiral of increasing autonomy and authority.<sup>26</sup>

This view provides a frame of reference to another prominent scholar, namely James Scott, who in his “Analysis of Corruption in Developing Nations” of 1969 makes one of the most interesting empirical analyses of corruption of that era. As a point of departure he dissects the discrepancy between social norms and legal norms observable particularly in developing countries. Unlike Western societies upon which they are modelled, the legal framework in most developing countries has been adopted in an ahistorical fashion, rather than being a product of political struggles between social groups and classes.<sup>27</sup> This creates a situation in which “[m]ost developing nations have not only taken over Western legal forms; they have often adopted the most restrictive and demanding forms available” (Scott 1969a: 319). This rings true for developing nations a mere or so decade old, as they were at the time. More saliently, it is still of acute relevance today: most legal reforms are produced by the development

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<sup>25</sup> In contrast to contemporary scholars such as Chabal 1999, 2009, who conceptualise the function of corruption in terms of instrumentalising and stabilising a permanent state of disorder, the function of corruption in Huntington’s analysis is the opposite: namely to mediate between potentially conflicting norms, values and practices, to act as a kind of buffering zone of social, economic and political tensions arising through rapid social change.

<sup>26</sup> In his enquiry dating from the same period, Scott observes that one possible trajectory would be the transition from a bureaucratic political system to a political party system, where legitimate ways of influencing governments are created; e.g. the transition from an illegal bribe to a politician to a legal contribution to a political campaign. The point from the perspective of political development is not that the overall level of corruption necessarily is lowered, but that the transition from *illegitimate* and *illegal* to *legitimate* and *legal* is achieved, thus institutionalising non-corrupt practices which would have been deemed corrupt in a more bureaucratic system (Scott 1969a: 74).

<sup>27</sup> For seminal theories on political contention and struggles and political orders see Tilly 1990, 2004 and Tilly/Tarrow 2007.



apparatus, financed by donors and written by external consultants for recipient governments—a problem that is illustrated by the highly sophisticated constitutions and legal framework of recently democratised African countries, incorporating the highest standards of human rights and accountability institutions.<sup>28</sup> This tightening and simultaneous heightening of the legal framework leads to an almost automatic expansion of corruption, albeit primarily in nominal terms: whilst there may be continuity in prevailing social practices and values, the (legal) framework has shifted and lead to the legal stigmatisation of such practices, now deemed to be ‘corrupt’ in legal if not necessarily in social judgement.<sup>29</sup>

Scott’s key interest, however, is not primarily the distance between legal and social norms, although this remains a key characteristic and prime frame of reference in contemporary studies of corruption. Scott’s most innovative analytical contribution is the differentiated conceptualisation of corruption as an *a priori* neutral form of political influence. The question is not legality or illegality, or even legitimacy or illegitimacy. The pivotal question is access to political decision-making: Scott treats corruption as an alternative means of interest articulation. In his words, “this approach highlights the functional equivalence of a variety of acts of political influence, some of which violate all standards of community ethics and some of which are totally beyond reproach” (Scott 1969a: 322).<sup>30</sup> Like Huntington, he too is interested in the nexus between wealth and power, more explicitly looking at corruption as a means for social groups to access the political system. When does wealth act as a political resource, in which ways, by which groups? He concludes that it depends largely on the nature of the political system. It is in this analytical context that he makes his widely quoted ideal-typical distinction between ‘parochial’ corruption and ‘market’ corruption: the former denoting a situation where only ties of kinship, caste, etc. determine access to the

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<sup>28</sup> For a discussion on problems and opportunities of the glaring discrepancy between the formal legal framework and socio-political and socio-economic realities with regard to corruption and human rights in Malawi see Koechlin/Sepulveda 2009.

<sup>29</sup> Although Scott’s analysis allows some significant inference on the definitional power of certain actors and the frictions with the socio-cultural matrix of society, the emergence of attitudes and value structures that support the stigmatisation of (legally) corrupt practices is not discussed in his contribution.

<sup>30</sup> Scott’s definition echoes an earlier, much noted contribution by the economist Nathaniel Leff, who defines corruption crisply as “an extralegal institution used by individuals or groups to gain influence over the actions of the bureaucracy. As such the existence of corruption per se only indicates that that these groups participate in the decision making process to a greater extent than they would otherwise” (Leff 1964: 8).

Table 1: Corruption and Access to the Political System

Generally easy access to formal political system	Groups often securing access primarily by means of corruption because denied formal access by virtue of:		
	Ideological Reasons	Parochial Reasons	Lack of Organization
1. Political elite	1. Indigenous commercial and industrial groups	1. Minority ethnic or religious groups	1. Unorganized peasants
2. Cadre, branches of ruling party	2. Foreign business interests		2. Unorganized urban lower class
3. Civil servants associations	3. Political opposition		
4. Professional associations			
5. Trade unions			

(Source: Scott 1969a: 329)

favours of power-holders, while the latter signifies an impersonal process in which influence is accorded to those who can pay most, regardless of their person.<sup>31</sup>

Here, the type of political order is on centre stage; more precisely, the type of political order framing mechanisms of inclusion and exclusion.<sup>32</sup> Where formal possibilities of 'voice'<sup>33</sup> by certain social groups are restricted, corruption poses an informal way to access the political system. What is striking in this table is the importance that Scott accords to organised interests, or rather to the type and level of organisation of interests of particular interests. This is a point I will be taking up in some detail in

<sup>31</sup> The definitions are taken nearly verbatim from Scott, but without the footnotes in original (Scott 1969a: 330); see also Table 1 'Access to Political System' (Scott 1969a: 329).

<sup>32</sup> Scott explicitly focuses on types of corruption and access to specific types of political systems, or more precisely, on the relationship between type of corruption and type of political system. This is distinct from a broader conceptualisation framing corruption within the institutional placement and organisational characteristics of (informal or 'extra-legal') networks. For seminal contributions studies on clientelism see Eisenstadt/Rominger 1984; Eisenstadt/Lemarchand 1981, or the contributions in Gellner/Waterbury (eds.) (1975).

<sup>33</sup> See Hirschman 1970 for his seminal analysis of exit, voice and loyalty as key political and economic actions and their relationship with political (or organisational) responsiveness.

the case-studies of the following chapters, where professional associations and corruption in Tanzania will be explored more fully.

Scott carves out two further issues: first, social reality always produces messy and fuzzy connections between parochial and market corruption, or rather: between parochial and market processes of articulation and integration.<sup>34</sup> Second, the question of the impact of corruption on political stability depends on the relationship of the predominant forms of corruption with prevailing social structures. Scott's premise is that the closer the 'fit' is between corruption and existing social structures, the less politically disruptive such corruption is (e.g. ethnic-based corruption is less disruptive in an ethnically organised society than in a class-based society). The hypothesis is plausible in that 'fits' between social structures and 'corrupt' practices narrow down the fields of social struggles and potentially increase the potential of connecting actors and discourses. However, with the benefit of hindsight, this assumption that certain social structures fit neatly and functionally with corruption has been rendered downright cynical. In the intermittent forty years, a plethora of fundamentally disrupting and destructive conflicts in Africa have been a product of precisely this close 'fit' between social structures and corrupt practices. Instead of leading to a stable integration in the political system, such a 'fit' has led to violent politics of exclusion and particularism.<sup>35</sup>

One of the first scholars to be at odds with this functional view of corruption is Myrdal (1968). He carves out the destabilising force of corrupt practices, especially in countries undergoing fundamental socio-economic transformations. In his renowned study on South Asia, published in the same year as Huntington's book, he states that "it is obvious *that the extent of corruption has a direct bearing on the stability of South Asian governments*" (Myrdal 1968: 938; emphasis in original). His initial observation is that in developing countries in general, 'corruption' has become a political resource: governments lose elections over allegations of corruption,

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<sup>34</sup> This approach has since been elaborated and substantiated by Michael Johnston in his book on "Syndromes of Corruption" (Johnston 2005), where he frames types of corruption in relation to different types of political systems.

<sup>35</sup> A recent example is the violence that shook Kenya in the aftermath of the elections of 2007, due to precisely such close 'fits' between political order and ethnic structure, leading to vertical boundaries of exclusion along ethnic lines. The turbulent and often violent political history of highly corrupt Nigeria would be another case in point. For highly interesting contributions on the interrelationship between ethnicity, patronage and politics in African states that explores the issues that Scott touches upon in more analytical depth see Berman et al. 2004.

political parties win seats on an anti-corruption ticket, and, more seriously, regimes are toppled and coups are justified with the promise of eradicating corruption.<sup>36</sup> Although Myrdal chooses a different approach to Huntington by using the ‘folklore’, i.e. popular perception of corruption, as an analytical point of departure, he comes to similar conclusions with regard to the causes of corruption in developing countries. However, he places more emphasis on the nexus between cultural factors and economic necessities. In particular, the ‘plural societies’ of South Asian countries are characterised by the “fragmentation of loyalties and, in particular, little loyalty to the community as a whole, whether on the local or the national level” (Myrdal 1968: 949). Hence, they are historically predisposed to express more loyalty to less inclusive communities (such as family, caste, or ethnic and religious groups). Modernisation and the concomitant emancipation from such ascriptive loyalties and dependencies have the potential to fundamentally revolutionise static social structures. However, setting these social practices into the context of a fraught economy, i.e. inexistent, imperfect or fragmented market of goods and services, the socio-economic environment is such that the ensuing economic behaviour cannot be solely guided by ‘emancipatory’ calculations.<sup>37</sup> As Myrdal elaborates,

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<sup>36</sup> At that time, the fight against corruption was not part of the international development discourse, but was primarily a domestic issue, highlighting the struggles over political production and symbolic production (in Bourdieu’s sense). However, corruption as a powerful political resource has become even more salient since the rise of the governance and anti-corruption discourse—this is particularly evident in the African context, where the ‘third wave of democratisation’ (Huntington 1991), i.e. the introduction of multi-party politics in the early nineties, made (the fight against) corruption a crucial argument for incumbents and the opposition alike. It is probably not an exaggeration to say that there has been no election in Africa since the end of the Cold War in which allegations over corruption and concrete corruption scandals have not played a central role. For one example see the case-studies of 2003 and 2010 on Tanzania in this volume (Chapters 3 and 4, below); for further examples consider the allegations over corruption of the electoral commission in Kenya and its violent aftermath in December 2007, or the public debates and political unrest in South Africa over the corruption allegations of the now president Jacob Zuma, to name but some of the internationally most visible. More generally, see Schatzberg (2001: 24–27) for the connection between the moral matrix of political legitimacy and its conditions in the late eighties and nineties under which such legitimacy is seen to give way to political corruption, couched in the terms of greed and overconsumption.

<sup>37</sup> The lack of emancipation, i.e. the absence of liberation from material, political and social dependencies in spite of fundamental structural transformations is a central concern of most contemporary Africanists (see Mamdani 1996; Mbembe 2002). Focusing on the enduring reality of subjecthood (as opposed to citizenship) analysed so astutely by Mamdani, Chabal terms the historically framed closing of political spaces a ‘bastard form of political rule’: “Far from bestowing on Africans political emancipation, colonial

'connections' must fill the gap. These 'connections' range all the way from the absolute dependence of attached labor in agriculture and the peasants' relations with moneylenders and landlords, which are determined by custom and power, to the special considerations that lead to nepotism even in big business. In such a setting a bribe to a person holding a public position is not clearly differentiated from the 'gifts', tributes, and other burdens sanctioned in traditional, pre-capitalist society or the special obligations attached to a favor given at any social level (Myrdal 1968: 948).

This description illustrates a key feature of corruption, operating not within dominant legal-rational boundaries, but in permeable arenas framed by diverse exchange rationalities and varying degrees and types of coercion.<sup>38</sup>

In other words, existing social structures and cultural codes that permeate all spheres of society—'traditional' and 'modern'; economic, social and political—make inclusion of citizens into the economic and political system a function of particular connections. The stability of such a social order, defined and glued together by particularistic loyalties, then becomes a function of the resources and power of one particular social group. This order explains the high incidence of 'corruption' or, better: boundary-crossing connections, as well as the widespread politicisation of corruption. Corruption is the means to access political and economic resources, and is accorded a high premium, especially by those who are not part of the right network, those who are excluded. Of all the authors, Myrdal emphasises the dark sides of such exclusionary socio-political relations most strongly, ranging from issues of dependence, marginalisation and social polarisation, to the negative impact of corruption in terms of loss of legitimacy and waste of resources. In Myrdal's view, the prevalence of corruption is a mine-field for society, for it fosters political instability as well as more latent processes subverting the ideals of modernisation<sup>39</sup>—

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rulers thus instituted a dual form of subjecthood, which undermined their modernising discourse and created a bastard form of political rule" (Chabal 2009: 90). The question of emancipation is one I shall return to in the next chapter (Chapter 2, below).

<sup>38</sup> See also Cartier-Bresson 1997 on different exchange relationships of corruption and their implications.

<sup>39</sup> For the latter condition, observable in many developing countries, Myrdal (see Myrdal 1968: 950) coined the expression "soft state", a state in which 'social discipline' [sic] is lacking, public institutions are malleable and neither officials nor politicians adhere to their duties. This notion of a 'cultural' dimension of development, not in the sense of predetermined norms and customs, but in the meta-political sense of value-based consensus on the essence of socio-political order echoes Schumpeter's insight of the normative preconditions of functioning liberal democratic orders (see Schumpeter 1993).

an analysis that pre-empt the gist of many contemporary theories on African politics, as will be discussed further down.

The key characteristics of corruption and development of this early discourse are portrayed in distinct but interrelated ways. Firstly, all three authors carefully trace the relationship between social, political and economic order and the function that corruption takes on in terms of inclusion and assimilation into such spheres. Although they highlight different aspects, stressing political access, political integration or political destabilisation, respectively, they provide a multidimensional understanding of corruption in relationship echo Scott's empirical postulate that "it is impossible to ascertain the effects of corruption on political integration, income distribution, or economic growth without first asking who benefits in what ways from what kinds of corruption" (Scott 1969a: 340).

Secondly, they carve out that power, accumulation and the exercise of violence are not regulated primarily by the rule of law; the rule of law merely features as one amongst alternative systems of social reference. The 'state', i.e. public institutions function in practice along different lines. One common feature of these early and seminal studies on political change is their emphasis on the *prime importance of the political office* in developing states. The political office is the clearing-house for status and prestige as well as for economic and political resources. Therefore, access to and control of the political centre is synonymous with access to and control of the distribution of benefits, which is key to cementing political support. The state neither has the primacy over nor capability to implement the rules of public affairs nor what Bourdieu terms (in a neat twist of Weber's much quoted definition of the state) the monopoly of legitimate symbolic violence (Bourdieu 1985: 732), i.e. the authority to define and impose 'official' viewpoints. Insofar the state is weakly institutionalised, the importance of 'reciprocity'<sup>40</sup> becomes paramount as a means of securing and defining predictability. The uneven internalisation of formal norms and political processes, and uncertainty about the sources of legitimacy and capacity of the political system, leads to a situation in which political power is exchanged with status and material wealth, so that short-run, concrete inducements serve to secure political cooperation

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<sup>40</sup> In this early discussion, the notion of reciprocity was utilised in the simple sense of exchange obligations. Only later did Scott anchor a specific understanding of reciprocity to the concept of the 'moral economy' in rural, underdeveloped states (Scott 1976); and Hyden in particular highlighted reciprocity as a focal point of African social relations and the essence of the 'economy of affection' (Hyden 1980; 1995).

and support. The underlying assumption shines through (maybe with the exception of Myrdal) that societies will move on from this phase to the next, rational-legal phase depending on the “process of industrialisation as new economic arrangements take hold and provide new focuses of identification and loyalty” (Scott 1969a: 279).<sup>41</sup> They all sharing similar premises with regard to necessary processes of value-formation and social differentiation. Still, the analysed dynamics and features of the political order in developing societies depicts political institutions that are intimately—but unevenly and informally—embedded in society, economic opportunities that are framed by political offices, and social practices evolving and crystallising within parochial as well as market norm systems.

### 3. *The Political Economy of Corruption: Rules and Regimes*

Evidently, in this early and defining discussion on corruption there seems to be a level of consensus on the causes of corruption in developing countries, but no general conclusions about its effects. The only generally valid assumption regards the long-term effects on political development; although many early scholars of corruption<sup>42</sup> argued that corruption can conceivably be functional in the short-to medium run, all studies conclude that in the long-run corruption undermines the objectives of ‘modernisation’ if it does not evolve beyond its prebendal roots. As the preceding section illustrated, the line between ‘functional’ and ‘dysfunctional’ corruption is not only blurred, but also bound up in a complex configuration. A variety of dynamic elements significantly shape the context of corruption, ranging from the conditions of economic development to the values and conventions framing social practices.

However, in the decade following these seminal conceptualisations of corruption, the interest in corruption as such waned. With few exceptions,<sup>43</sup>

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<sup>41</sup> However, as the study by Scott on Machine Politics in the USA shows, this transition is historically contingent, and therefore by no means linear or even predictable (Scott 1969b).

<sup>42</sup> Apart from the arguments made by Huntington (1969) or Scott (1969a) discussed, see in particular Leff 1964, Nye 1967, or Banfield 1975.

<sup>43</sup> Such as the key article by Banfield, where he develops the concept of principal-agent relations (Banfield 1975); Rose-Ackermann’s seminal study on the political economy of corruption (Rose-Ackermann 1978); or the pioneering volume on political corruption in historical and comparative analysis, originally edited by Arnold Heidenheimer and Victor LeVine in 1970, and subsequently reprinted in many co-editions with eminent authors such as Michael Johnston (for the latest edition see Heidenheimer et al. 2009).

corruption came to be understood as an intrinsic structural feature of many Third World states. Reviewing the literature of the seventies, the 'problem about corruption',<sup>44</sup> if it was addressed at all, mutated into the question of regime types in the Third World, where corruption was one significant but not explicitly analysed determinant. The analysis of 'corruption' moved out of academic fashion, only to be replaced by an interest in patronage and clientelism as key features of Third World political systems.

Most importantly, the political science of development evolving during this time produced the distinction between two models of political regimes of the Third World: the corporatist state of Latin America<sup>45</sup> and the neo-patrimonial state of Sub-Saharan Africa.<sup>46</sup> Analogous to Huntington's notion of the praetorian character of political competition, where neither rules nor political institutions are firmly anchored in society, both concepts attempt to explain the modes of containing political disorder and social confrontation in terms of personal relations and the specific relationship with the formal structure of the state. On centre-stage are the mechanisms of allocation, distribution and redistribution of economic and political resources. Although both concepts revolve around patronage and clientelism as structuring mechanisms of political order, the main difference between them lies in the degree of legal-rational institutionalisation of bureaucratic structures.<sup>47</sup>

Until this day, the notion of the neo-patrimonial state plays a dominant, if increasingly contested role in explaining 'politics' and 'development' in Africa.<sup>48</sup> Its key role in explaining personalistic and corrupt politics and their effects on the continent neo-patrimonialism shall serve as an entry-point into a more pointed probe into African politics. A neo-patrimonial state is conventionally understood to be a state which formally adheres to legal-rational standards, but operates within a double frame of reference,

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<sup>44</sup> "What is the Problem about Corruption" is the title of a seminal article on corruption and development, written by Colin Leys in 1965 (see Leys 1965).

<sup>45</sup> For early literature on corporatism in Latin America see the influential volume on authoritarianism and corporatism in Latin America by Malloy (ed.) 1977, including a contribution by O'Donnell on what he calls "Corporatism and the Question of the State" (O'Donnell 1977).

<sup>46</sup> For early literature on neo-patrimonialism in Sub-Saharan Africa see, for instance, Lemarchand/Legg 1972.

<sup>47</sup> For critical contributions questioning the distinction between the two concepts see classically Hammergren 1977; for a more recent discussion in the light of the resurged interest in clientelism and neo-patrimonialism see Theobald 1999.

<sup>48</sup> With regard to development policy, see, for instance, World Bank 1989 or 1997.



namely a private/social as well as public/official one, and thus pervades the public/private boundary the modern state is based on. Of course, as already Max Weber made clear, no political system operates to the exclusion of all other forms of 'rationality', but idealtypically there is a dominant form of rationality which marginalises other existing principles of political relations.<sup>49</sup> Patrimonial administrations are characterised by the *legitimate* private appropriation of the spoils of office, such as taxes, customs, land, labour, etc. as part of the routine exercise of political office.<sup>50</sup> Hence, the prefix 'neo' refers to a political order that is formally based on the legal-abstract rationality of public administration—and therefore a 'modern' state—but in practice adheres to a patrimonial rationality (or more precisely: patrimonial realities). Engel/Erdmann sum up its characteristics in the following words:

Neopatrimonialism is a mix of two types of political domination. It is a conjunction of patrimonial and legal-rational bureaucratic domination. The exercise of power in neo-patrimonial regimes is erratic [...]. Finally, neopatrimonialism corresponds with authoritarian politics and rent-seeking culture, whereas legal-rational domination relates to democracy and a market economy (Erdmann/Engel 2006: 31).

Evidently, a more grounded understanding of the terms patronage and clientelism is called for. As Gellner/Waterbury highlight: "What makes a patronage society is not the sheer presence of this syndrome, but its prominent or dominant position, to the detriment of other principles of social organisation" (Gellner/Waterbury 1975: 4).<sup>51</sup> Important here is that patrimonial or patronage societies are not bound to a specific historical period; on the contrary, a variety of concrete forms exist in contemporary societies.<sup>52</sup> Perhaps one of the most interesting conceptualisations of such relations stems from the work of Eisenstadt and his fellow authors (1978, 1984). Here, patron-client relations are framed in terms of specific

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<sup>49</sup> For a recent theoretical innovation highlighting the material and symbolic struggles of and between states as well as non-state actors within societies organised along formal-legal lines see Migdal 2001.

<sup>50</sup> See Weber 1985; also Breuer 1998 on a typology of states in their historical context.

<sup>51</sup> Seminally on patronage, principles of social organisation and also the importance of trust see Eisenstadt/Roninger 1984.

<sup>52</sup> For one of the most noted studies see Putnam and his fellow authors (1993), who made a seminal contribution to the concept of 'social capital' with a comparative analysis of wealthy, prosperous and dynamic Northern Italy, and poor and socio-economically static Southern Italy—the former, he concludes, being structured along weak, horizontal ties, the latter structured along hierarchical, vertical (patron-clientelistic) lines.

modes of generalised exchanges of trust; or more particularly, on relations between (and types of) distribution of power, the flow of resources and the structure of social relations in society, with a specific analytical interest in “the different levels of continuity, or discontinuity, in the construction of the institutional order” (Eisenstadt/Roninger 1984: 28).<sup>53</sup> In this reading, patron-client relations “indicate that the tempo and direction of change in some crucial aspects of social division of labour—as manifest above all in levels of technological and economic development—may differ from those that develop in the construction of trust and meaning, and in the regulation of power” (Eisenstadt/Roninger 1984: 28). Their key interest is hence of a more fundamental sociological nature, namely the ways that such interpersonal relations structure trust, provide meaning and regulate power within a society, i.e. the ways in which generalised exchange mechanisms relate to specific exchange mechanisms in a society.<sup>54</sup>

According to Eisenstadt/Roninger (1984: 48–49),<sup>55</sup> patron-client relationships are endowed with some specific characteristics that distinguish them from other relations of dependence: a) they tend to be primarily particularistic and diffuse, as opposed to universalistic and formalised; b) they are characterised by the simultaneous exchange of different resources, such as identified, for instance, in the work of Huntington or Myrdal, i.e. the exchange of instrumental, economic, political resources (on the side of patrons) with reciprocity, loyalty and solidarity (on the side of clients, although evidently, for instance, ‘loyalty’ can and often is articulated as a political resource); c) the latter is often tied to unconditional, interpersonal obligation; d) these relations are based on informal (albeit strongly binding) understandings, i.e. not fully legal or contractual, and often in outright opposition to the official laws of the country; e) they are organised in a vertical rather than horizontal way; and f), lastly,

patron-client relations are based on a very strong element of inequality and of differences in power between patrons and clients. [...] the most crucial element of this inequality is the monopolisation, by the patrons, of certain

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<sup>53</sup> This is of course also an intended theoretical prod against the inherent bias of ‘static’ societies of the structural-functionalist school, which is critiqued as “negating the creative autonomy of groups or individuals in the very construction of such order” (Eisenstadt/Roninger 1984: 24).

<sup>54</sup> For a detailed discussion of distinct types of patron-client systems exploring differing perceptions of corruption see also Heidenheimer 1970: 18–28.

<sup>55</sup> See also Heidenheimer 1970 and Gellner/Waterbury 1975.

positions which are of crucial importance for the clients—above all [...] of the access to the means of production, major markets and centres of society (Eisenstadt/Roninger 1984: 49).

This latter point is the hinge that such relations swing on: in spite of patron-client-relationships being reciprocal in character, the patrons are the gatekeepers to essential resources.

Applying these findings to social reality, an important insight is that patron-client relations are not necessarily predominantly found in developing countries; in most if not all contemporary societies such relationships exist in many differing concrete forms. Eisenstadt/Roninger (1984: 49) distinguish between the place that such relations are accorded within the broader institutional contexts of their societies—whether they constitute a) a basic aspect of the institutional matrix; b) not a basic aspect but a recognised dimension; or whether they are, c), an ‘addendum’ to the central institutional structure.<sup>56</sup> These analytical distinctions are of importance, as they allow a more general and simultaneously empirically more open understanding of modes of generalised exchange and features of social structures.<sup>57</sup> Although there may be some empirical overlap between these different forms and features, they constitute different models (if not distinct types) of generalised exchange.

In the past few decades, the analysis of patron-client relationships, in particular the model ‘neo-patrimonial’ politics, has been extensively applied and developed with reference to African states.<sup>58</sup> As Clapham makes explicit, the term ‘neo-patrimonial’ refers to political orders in

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<sup>56</sup> The concept of an ‘addendum’ is derived from C. Landé, who elaborates that “formal, explicit, institutionalized contracts do not offer an adequate explanation of the way a community works, because they do not provide for all of the needs of a community or of the individuals who enter into such contracts. Some of these must be enlivened by the superimposition upon them of voluntary relations of a more selective, flexible, intermittent and emotional sort” (Landé 1976; quoted in Eisenstadt/Roninger 1984: 49–50). What is meant with ‘addendum’, in other words, is not necessarily the higher premium on affective or culturally embedded exchange relations in periods of increased instrumental rationalisation, such as identified by Huntington 1969, but the enrichment of social relations by further rationalities without threatening what Gellner/Waterbury (eds.) 1975 term the dominant (in contemporary states usually: legal-bureaucratic) principle of social organisation.

<sup>57</sup> Interestingly, African countries play a minor role in patron-client-theories of the era; for instance, Eisenstadt/Roninger 1984 only include one African country, namely Rwanda, in their discussion of in total 30 case-studies.

<sup>58</sup> The early literature draws heavily on Weber’s concept of patrimonialism (see Weber 1985). However, as, for instance, Eisenstadt/Roninger 1984 demonstrate, and Erdmann/Engel point out explicitly (Erdmann/Engel 2006: 12, footnote 7), a specifically ‘African’ sub-type of patrimonialism (and, by extension, neopatrimonialism) would only make sense in a comparative conceptualisation.

which patrimonial rationales are intimately interwoven with legal-bureaucratic rationales,

a form of organisation in which relationships of a broadly patrimonial type pervade a political and administrative system which is formally constructed on legal-rational lines. Officials hold positions in bureaucratic organisations with powers which are formally defined, but exercise those powers, so far as they can, as a form not of public service but of private property (Clapham 1985: 48).<sup>59</sup>

Fully aware of the plurality of simultaneous rationales discussed above, Médard, a renowned French Africanist, goes a step further by painting the elusive and ambivalent character of a neo-patrimonial political order:

Unlike the patrimonial regime the neo-patrimonial regime hides behind a public facade which is complex and differentiated. It dissimulates the private while simulating the public. This is of course true of all political regimes and all political speeches, as neo-patrimonialism is not the monopoly of underdeveloped states. However, while in the developed states the patrimonial reality coexists with a strong institutionalization of power, in underdeveloped states it undermines the state itself (Médard 1982: 181).

Although the 'real' politics may be hidden behind a public facade, neo-patrimonial politics produce and reproduce the centralisation and interdependence of socio-economic and socio-political power—political office as the 'clearing house'—which enable the patrons to materially 'feed' their clients and their clients to express political loyalty. Médard astutely observes that neo-patrimonialism reduces political resources into economic ones, for

politics becomes a kind of business with two modes of exchange: connections and money. The state is a pie that everyone greedily wants to eat. Observing these practices, however, shows that Western-style reference to ideas of public service of general interest is not entirely a mystification, as some authors assume. Truly, these concepts remain vague; they also hide specific interests, but one must acknowledge that when these values are not sufficiently internalized, this results in incongruous behaviour from the viewpoint of good administration (Médard 1982: 183).<sup>60</sup>

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<sup>59</sup> For early literature on patron-client relationships and neo-patrimonialism in Africa see also Lemarchand/Legg 1972, Theobald 1982, Joseph 1983, and the contributions in the edited volume on patronage and political power in Clapham (ed.) 1982. For a recent concise overview and differentiated analysis see Erdmann/Engel 2006.

<sup>60</sup> The whole idea of 'nation-building' begs the question of whose nation, i.e. the interests and values of which social groups shape and participate in this process. Picking up the issue of who carries and transforms which interests, Leys dryly observes the following on

In spite of this recognition of values informing political relations, he maintains that the core of neo-patrimonialism must be its (country-specific) politico-economic dimension: “Neo-patrimonialism is conditioned by mechanisms of production, exchange, extraction, distribution, and, eventually, accumulation of resources” (Médard 1982: 185). Echoing Scott’s cry for empirical analysis, Médard also argues that neo-patrimonialism can only be understood if each of its elements (corruption, nepotism, patronage, etc.) are understood in their concrete relationship to the political regime in question. In other words, neo-patrimonial regimes, whilst characterised by certain key features, are dynamic and potentially adaptive configurations that are subject to contingency and change.

A point which has been sidelined hitherto is that neo-patrimonial practices are anchored in the social underpinnings of political authority, for by definition patronage-ties cut across the divide between political authority, social legitimacy and economic wealth. By harnessing social institutions—such as ethnically, regionally or spiritually legitimated or, indeed, constructed communities<sup>61</sup>—political and economic power is consolidated and simultaneously elongated in its outreach. Instead of a legal-bureaucratic framework of due process, however, the medium of this relationship is the exchange of political acquiescence for state resources is a medley of particularistic and universal, public and private, formal and informal practices, the patterns of which are highly contextual. So whilst the state, or state resources, are the honey-pot for which competing groups struggle and strain, personal ties and practices interweave with impartial rules, thus creating a specifically neo-patrimonial rationality that mediates and orders the hierarchy of and integration into the political order. As in patrimonial societies, unequal relationships between individuals and groups, between patrons and clients, are the defining characteristic of such an order, but with the significant difference that

under neopatrimonialism, the distinction between the public and the private, at least formally, exists and is accepted, and public reference can be made to this distinction (it is a different matter whether this is observed or not). Neopatrimonial rule takes place within the framework of, and with

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the conditions in ‘new states’: “Neither attitudes nor material conditions in these countries are focused on the support of a single concept of the national interest or of the official purposes of state and local officers and institutions which would promote that interest” (Leys 1965: 224).

<sup>61</sup> On the latter see the decisive works by Anderson 1983 and Hobsbawm/Ranger (eds.) 1983.

the claim to, legal-rational bureaucracy or ‘modern’ stateness (Erdmann/Engel 2006: 18).<sup>62</sup>

In other words, the simulations and seeming incongruousness of political practices in neo-patrimonial orders observed derive their very legitimacy from their reference to distinct, albeit interwoven rationalities—or, to stay closer to the (post-)Weberian terminology, to two distinct but in this particular case intimately interwoven types of domination.<sup>63</sup>

More recently, Bratton/van der Walle (1994, 1997) have conducted seminal studies on political regimes and democratic transitions in African states, exploring the implications of neo-patrimonialism for political change. Although the context has changed dramatically—on centre stage is not the *modernisation* of authoritarian or soft states anymore, but their *democratisation*—the theoretical prerequisites of formal rationality and effective institutions are identical. Interestingly, in spite of the significant change in national and international contexts, their diagnosis of African politics is an echo of Médard:

Rather, the distinctive institutional hallmark of African regimes is neo-patrimonialism. In neopatrimonial regimes, the chief executive maintains authority through personal patronage, rather than through ideology or law. As with classic patrimonialism, the right to rule is ascribed to a person rather than an office. In contemporary patrimonialism, relationships of loyalty and dependence pervade a formal political and administrative system and leaders occupy bureaucratic offices less to perform public service than to acquire personal wealth and status. The distinction between private and public interests is purposely blurred. The essence of neopatrimonialism is the award by public officials of personal favors, both within the state (notably public sector jobs) and in society (for instance, licences, contracts and projects). In return for material rewards, clients mobilize political support and refer all decisions upwards as a mark of deference to patrons. [...] Thus, *personal relationships are a factor at the margin of all bureaucratic systems, but in Africa they constitute the foundation and superstructure of political institutions* (Bratton/van der Walle 1992: 458–459; emphasis added).<sup>64</sup>

<sup>62</sup> See also Gellner/Waterbury (eds.) 1975 for further analyses.

<sup>63</sup> For a detailed contribution on the relevance of patrimonial symbols for the moral matrix of political legitimacy in Africa see Schatzberg 2001; for an elaborate discussion of neo-patrimonialism in post-Weberian terms see Erdmann/Engel 2006.

<sup>64</sup> See also Bratton/van der Walle 1997. This insight corresponds with the typology developed by Landé 1976 (quoted in Eisenstadt/Roninger 1984: footnote 40), who does not speak of personal relationships on the margin of bureaucratic systems, but as an ‘addendum’. The insight is the same, namely that personal relationships constitute a subordinate politico-administrative matrix, omnipresent but not omnidominant. For contemporary theories on the importance of personal and informal relations for the institutionalisation of social interaction and reduction of social friction see Coleman 1990 or Putnam et al.

Taking this analysis a step further, Bratton/van der Walle frame the question whether individual key actors, such as the 'big man politics' and the pattern of their political rule in African countries,<sup>65</sup> shape the outcome of politics idiosyncratically, or whether there are deeper structural features that impact on the outcome of political transitions. Bratton/van der Walle come to the conclusion that transition processes are more contingent on the previous regime type than on other factors. According to their findings, the 'rules of the political game' structure the dynamics of the transition, even if they do not determine the outcome itself. More saliently, their findings indicate that the prospects for democracy depend on prior traditions of political pluralism. The conclusion is stark: neo-patrimonial regimes, characterised as they are by the privatisation and monopolisation of political power, inherently disable processes of democratisation and pluralisation (Bratton/van der Walle 1994: 474–480). As they contend themselves, in itself this may not be such an original insight. However, based on the premise that new modes of political behaviour require a learning process by the involved actors (and, therefore, the crucial step from 'democratisation' to democracy is only achieved once this particular internalisation and institutionalisation has taken place), Bratton/van der Walle spell out the analytical implications by linking the make-up of the previous regime with the actual dynamics unfolding during times of political change:

Our argument suggests that organizations both within and without the state, and the interaction between them, *provide critical arenas for this learning*. It will be difficult, that is, to institute new rules of accountability, tolerance, and participation if political parties or trade unions are missing or underdeveloped and if judicial and legislative bodies have no tradition of independence from the executive (Bratton/van der Walle 1994: 488; emphasis added).

Whilst recognising the practical importance of the informal organisation of political, social as well as economic relations, they stress the pivotal importance of formal institutions of political participation and opposition for transformation.

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1993, both conceptualising in different approaches the importance of social capital for the accumulation of social cohesion, trust and knowledge exchange; or Granovetter 1985, who famously observed the 'strength of weak ties'.

<sup>65</sup> See Médard 1982 for a key article on the phenomenon of Big Men in African states; see seminally Jackson/Rosberg 1982a and 1982b for the meaning of personal rule in post-colonial Africa.

Although the analysis of the political economy of corruption through the lens of neo-patrimonialism is empirically and analytically valuable to understand the concrete politico-economic institutions and their dynamics in particular countries, there are two main critiques that need to be levelled against it. The first regards scholars of neo-patrimonialism's nearly exclusive emphasis on personalistic ties permeating the state as the root cause of underdevelopment. Although neo-patrimonial and clientelistic relationships are uncontestedly a predominant structural characteristic of African states, and the theory of neo-patrimonialism has laudably heightened the theoretical as well as empirical understanding of these mechanisms, neo-patrimonial theories are constrained by its strict dichotomies of (neo-)patrimonial versus rational/legal principles and informal versus formal principles. Neglected here are the highly creative processes of adaptation and assimilation that this 'informalisation' of rationalities and dominance allow.

The specifically modern social imaginaries of neo-patrimonial states are both more diverse as well as more constrained than in legal-bureaucratic states. To use a term elaborated by Charles Taylor, the 'social imaginaries', i.e. the background images that inform the "implicit grasp of social space" (Taylor 2004: 26), are key to a socially and individually visceral understanding of the norms underlying social practice. They are also key to a sense of what makes these norms realisable. However, as Taylor demonstrates, such imaginaries are not unchanging, underlying as they do dynamics of appropriation and change. Initially, specific moral orders (such as, for instance, the legal-rational or 'modern' state) may be idealised, but this idealisation itself leads to complex imaginaries that are associated with specific and generic social practices. Taylor himself observes that this process is frequently dynamic, both recreating as well as creating a social order that is "in part traditional but often transformed by the contact" (Taylor 2004: 19). Emerging forms of social imaginary in times of social change, hence, are not necessarily uniform, nor need to be applied and appropriated uniformly; on the contrary, often new principles and norms are introduced only on certain levels "while leaving other niches untouched" (Taylor 2004: 146).<sup>66</sup>

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<sup>66</sup> Classically, this process of uneven penetration of society by enlightened and legal-rational values has been demonstrated by scholars such as Durkheim 1960 or Weber 1985, 2004, analysing the transformations to specifically modern states, economies and societies. Taylor discusses it *inter alia* in terms of contemporary societies, e.g. with regard to issues of suffrage or minority rights (see Taylor 2004).



Applied to the political order in Africa, the social imaginaries that penetrate and inform the social realities of African states are evidently derived from both patrimonial as well as from legal-bureaucratic orders; a hybridity which, on the one hand, opens up spaces of creativity and negotiation on prevailing norms (unlike the 'iron cage' of legal-bureaucratic domination diagnosed by Max Weber), but on the other hand also imposes particularistic constraints on the scope and type of action at the disposition of social actors. The constraints derive precisely from the seeming pluralism of frames of reference: the characteristic ambiguity of neo-patrimonial orders with regard to the prevailing dominant order in specific moments does not necessarily open up creative spaces. In practice it seems to primarily open up a wider spectrum of sanctions available to patrons, who can draw on both patrimonial as well on legal-bureaucratic norms and corresponding disciplinary measures, with a degree of arbitrariness that is directly correlated to the relative powerlessness of the clients. So whereas in Western history the specifically modern social imaginary lead to the primacy of categorical relations (to use a term by Taylor) and an emancipation from ascribed or 'traditional' relations (albeit unevenly), the process in African countries is dissimilar: the 'contact' of modern social imagery with the social, cultural and economic realities has led to a relative disempowerment and disenfranchisement of people and a transformation of 'ascribed' identities.<sup>67</sup>

A second critique of the neo-patrimonial state is levelled against a different dimension of the concept, namely against the invariant frame of reference of such an approach: the image of a Weberian state, portrayed implicitly as an autonomous, unchanging and coherent body of space and norms. Viewed through the lens of a legal-bureaucratic state any leakage of other rationalities and practices into this bounded public sphere is considered deviant—although of course the ideal-type of a legal-bureaucratic state is just that, an ideal-type and not social reality.<sup>68</sup> The merit of neo-patrimonial theories is that they, in contrast to the more

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<sup>67</sup> In contemporary African studies the focus on such invisible dynamics and creativity has gained renewed traction from an agency perspective, highlighting the surprisingly successful and resourceful survival and coping strategies of actors in sometimes extreme situations of marginalisation and destitution. For an influential general theoretical contribution, see Long 2001; for a recent contribution with an African focus see Chabal et al. 2007; for a critique with regard to the underlying 'overoptimism' of such agency-centered theories of African societies see also Chabal 2009.

<sup>68</sup> For an influential theorisation of the heterogeneity of contemporary states see Migdal 2001.

simplistic modernisation theories, conceptualise political deviance as an order *sui generis*, but the normative judgement deriving from the modern ideal-type is not suspended. On the contrary it serves to sharpen the contours of the 'deviant' (patrimonial) order. More interesting theoretical approaches undercut such limiting and normative dichotomies, exploring 'the state' as part of a field populated by multiple actors, practices and framing matrixes, in which both the images as well as the practices produced in these fields "can be overlapping or reinforcing, or contradictory or mutually destructive" (Migdal 2001: 16),<sup>69</sup> raising issues I shall return to further down.

The main conclusion emerging from neo-patrimonial theories is that evidently new values and rules are not consolidated automatically: the internalisation of values that provide a frame of orientation for everyday attitudes and practices, normative prescriptions on the 'right' behaviour, and correspondingly a regime of social and legal sanctions that regulate and control such practices underlie complex contingencies. Looking at more iterated patterns, the impact of new rules and resources on configurations of power and political order is even more unpredictable. The key question is what social practices do these social imaginaries lead to, what new, adapted, appropriated, or, indeed, unchanged figurations of social and political order? For if, as the studies on democratisation show in an exemplary fashion, the formal, democratic transformation of neo-patrimonial regimes merely leads to the consolidation or even radicalisation of neo-patrimonialism (albeit now in a formally democratic guise), is the quest for the identification emancipatory actors and practices not futile?<sup>70</sup> How should the implored values of 'accountability, tolerance, and

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<sup>69</sup> The approach of 'state in society' developed by Migdal, who draws on Weber, Shils, Bourdieu and (with critical qualifications) Foucault in his elaboration of a more dynamic concept of 'the state'. The lynchpin is his highly pertinent definition of the "state as a field of power marked by the use and threat of violence and shaped by (1) the image of a coherent, controlling organization in a territory, which is representative of the people bounded by that territory, and (2) the actual practices of its multiple parts" (Migdal 2001: 16, emphasis in original). The key point is the while "the image of the state implies a single morality, one standard way, indeed *right* way, of doing things, practices denote multiple types of performance and, possibly, some contention over what is *the* right way to act" (Migdal 2001: 19; emphasis in original). Although arguably the dichotomy between image and practice is not as pronounced as implied in Migdal's twofold definition (see, for instance, Taylor 2004), his 'state in society' approach provides a sophisticated and useful analysis of the complexities of what conventionally is so bluntly termed 'public-private' relationships.

<sup>70</sup> This may also be due to the naivety of Africanists, who tend to disregard sophisticated theories on political and economic change (e.g. Schumpeter 1993; Polanyi 1957).

participation' (Bratton/van der Walle 1992: 488) evolve, how do the 'political parties or trade unions' (Bratton/van der Walle 1992: 488) emerge.<sup>71</sup> In other words, where do the value systems and social actors emanate from to carry, shape and institutionalise such a transition, if evidently the blurring of the private and public boundaries are a defining feature of African societies?

In a seminal article published in the mid-sixties, Leys discussed the identical problem of a "corrupted society" (Leys 1965: 228) in new African states, and came up with a highly Weberian solution:

There are perfectly plain differences to be seen between one developing nation and another in terms of the public spirit and devotion to duty shown by their elites, and the idea of a society economically stagnating in the grips of a self-seeking and corrupt élite is not a pure fantasy. The line of escape is also fairly clear. Typically, a nucleus of 'puritans'—drawn from groups of such as an independent business class, professional groups, or small farmers—begins to exercise effective pressure to apply the official but disregarded public code of ethics (Leys 1965: 229).

In the meantime, Leys' cautious strand of hope with regard to 'progressive'—here: in Weberian tradition 'puritan'—forces as well as the more confident predictions by other authors about the facilitative function of corruption have been proven wrong by the political and economic reality of subsequent decades. With the benefit of hindsight and even after the democratic revolution in Africa the conclusions reached by Bratton/van der Walle have been overtaken by the realities of seemingly 'unproblematic' countries such as Kenya or the Côte d'Ivoire. Ultimately, in both cases their political break-downs can also be traced back to the dominating politics of neo-patrimonialism and social cleavages entrenched by particularistic and vertical modes of redistribution.<sup>72</sup>

Hence, given the historicity and theoretically contested universality of the Western state, the most prominent weakness may well be the

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I maintain, however, with Rueschemeyer and his fellow authors in their seminal study on the relationship between capitalism and democracy, that "it is power relations that most importantly determine whether democracy can emerge, stabilize and then maintain itself even in the face of adverse conditions" (Rueschemeyer et al. 1992: 5).

<sup>71</sup> The quotes of Bratton/van der Walle 1992 are used as a *pars pro toto* that crystallise Africa's key 'absences' identified in the scholarly and developmental literature—and at the same time constituting the key solutions identified for its development (for many others: Hyden 2006).

<sup>72</sup> For a political economy of ethnicity see Berman (2004), Berman et al. (2004); for a highly insightful book on Kenya illustrating this point graphically see Wrong 2009.

precedence accorded to the normative distinctions and elevations inherent in state definitions and imaginaries that even differentiated and sophisticated neo-patrimonial approaches fall prey to. The political economy of corruption is hobbled to its inherent benchmark, the deeply ingrained culture of public administration in Western liberal-democratic states. The conceptual dichotomy of 'modern' bureaucratic-legal and 'traditional' patrimonial order,<sup>73</sup> on which the concept by definition rests, makes it if not blind then blinkered to new formations and figurations of social order that do not necessarily reproduce this dichotomy.

Before, however, we turn to political orders that go beyond such established frameworks, a second line of thought about politics and boundaries in Africa needs to be explored. This takes us to a hitherto underexplored dimension of corruption: the cultural embeddedness of social and political practices observed in the introductory remarks. Networks of patronage and clientelism are not exclusively informed by power relations, but evidently have specifically cultural roots; they are nurtured and legitimised by specific social values, practices and norms. Cartier-Bresson terms this phenomenon aptly "social exchange corruption" (Cartier-Bresson 1997: 466), where corruption is organised by social networks and becomes institutionalised through long-term relationships and community-like structures based on trust, reciprocity and solidarity.<sup>74</sup> It is these relationships and their structuring principles that need to be understood more clearly to render a more complete picture of the political economy of corruption, which shall be sketched out in the following section.

#### 4. *The Moral Economy of Corruption: Values and Practices*

As was shown above, the early debate on corruption and development already features a broader socio-cultural understanding of corruption.<sup>75</sup> The roots of such a conceptualisation can be found in classic political economy that put the relationship between moral order, economic

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<sup>73</sup> See Rueschemeyer et al. 1992 for an excellent survey and analysis of the historical and sociological context of this development.

<sup>74</sup> Here, Cartier-Bresson 1997 leans heavily on the seminal insights of Granovetter 1985.

<sup>75</sup> One could argue that this was primarily due to the analytic frame of reference based on the dichotomy between traditional and modern societies; by definition, the undifferentiated, static features of traditional societies in modernising states could only be captured with reference to social, cultural and religious determinants.

practices, and the social good on centre stage.<sup>76</sup> In the last century, the embeddedness of economic relations in a socio-moral matrix was famously profiled by Karl Polanyi, who in his *opus magnum* “The Great Transformation” (1957 [1944]) traced the ways in which capitalist economies are no longer embedded in a social and moral order; the ways that such economies no longer rely on social modes of regulation to control modes and norms of economic conduct, but on the contrary, have produced a society which operates merely “as an adjunct to the market”, as he puts it (Polanyi 1957: 57). Still, the concept of a moral economy, i.e. a socially embedded economy, where social norms and values are not just internal to economic practices (in the sense that these are historical and cultural products), but provide the prime frame of economic relations, plays a key reference point in his analysis of the commodification of society and the self-regulation of markets.

In development studies, the concept of a ‘moral economy’ is closely associated with Scott’s seminal study on modes of production in rural South-East Asia (Scott 1976). Scott’s theoretical innovation was to capture the powerful social principles of reciprocity and obligations as economically rational logics of subsistence. The ‘ethics of subsistence’ he describes is placed in a context of high insecurity, minimal resources, and little room to manoeuvre for individual peasants and peasant families (Scott 1976: 13–14); the objective and premise of his study is “that we may learn more about the politics of the peasants by asking not merely how poor they are but also how precarious their livelihood is” (Scott 1976: 34).<sup>77</sup> The novelty of Scott’s approach was the empirical recognition and analytical inclusion of non-economic factors to explain economic behaviour; not by reducing his theory to cultural determinants, but by embedding it in a social context.<sup>78</sup> Not long after, Hyden (1980) coined the term ‘economy of

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<sup>76</sup> Classically see Adam Smith, who analyses the ways economic relations are informed by moral ‘sentiments’ in the sense of values (and the rationales under which these are overridden) in his two main publications, the “Theory of Moral Sentiments” (1759) and the “Wealth of Nations” (1776). See also for an earlier and influential contribution Adam Ferguson’s “Essay on the History of Civil Society”, first published in 1767 (see Ferguson 1995).

<sup>77</sup> Scott’s study begins by analysing the meaning of subsistence ‘ethic’ for peasant economies, which he explores right to its logical and significant end by applying it also to peasant politics and, saliently, the question of peasant rebellion; essentially and highly politically, Scott tries to understand the dynamics of continuity and change in the agrarian order.

<sup>78</sup> This more differentiated understanding of economic theory, that conceptualises economic behaviour in a socio-cultural environment rose to glory under the label ‘neo-institutional economics’ in the late eighties through renowned scholars such as Elinor

affection',<sup>79</sup> exploring the particular logics of peasant production in rural East Africa that are based on affective ties and solidarity.<sup>80</sup> Here, analogous to Scott's study, the investment in social relations is more important to the generation of status and security than the investment in means of production.<sup>81</sup>

It is this blind spot comprising the socio-moral framing of certain practices that Olivier de Sardan (1999) attempts to illuminate by conceptualising corruption in Africa in terms of a moral economy. The emphasis is on 'moral', focusing on the morality framing corrupt practices that are rarely found in other approaches. In his words, the

social mechanisms of corruption are scarcely explored, nor are its processes of legitimation seen from the actors' point of view. This is why this article uses the term: moral economy, which may appear surprising when attached to a term as unanimously stigmatised as amoral or immoral. The intention here is to insist on as subtle as possible a restitution of the value systems

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Ostrom (1988) or Douglass North (1990). Following excerpt may illustrate this paradigmatic shift from the neo-classical model of rational, distanced individuals to the institutional approach of embedded actors: "The political realm is not a world apart from the economic realm, the religious realm, or the social realm. Families are key producing, trading, consuming, educational, and self-governing units in any society. They sustain an inter-generational cycle of life that is ordered in relation to conceptions and practices that have ethical and religious significance. Societies get put together as complex configurations of human relationships" (Ostrom 1988: 445).

<sup>79</sup> However, for our purposes Hyden's term is more misleading than Scott's, for the constraints and pressures of subsistence produce a particular moral matrix which have little to do with affection. The economy of affection maximises security, so that 'affection' must not be understood in a subjective sense, but in a normative sense. Hence, analogous to the 'moral' of peasant economy, to a certain degree 'affection' is objectified to secure economic survival. The approach developed by Scott, on the other hand, is based on a clear theoretical frame of reference with a hermeneutic focus on the specific individual and communal rationality inherent in a particular socio-economic context.

<sup>80</sup> For a critique of Hyden's concept see Hauck 2001: 201–205.

<sup>81</sup> One of the characteristics of such affective, reciprocal economic transactions analysed by Hyden is the virtual inexistence of conflictual power relations that determine market economic transactions. In the economy of affection, by definition, irrespective of the intended gain or distribution of benefits, social relations within the same kin or community must be harmonious, implying on the other hand that conflicts are more likely to emerge between different communities than within the same social group (Hyden 1980). As Myrdal (1968) amongst others already observed, particular modes of (peasant) socio-economic organisation are linked to particular modes of social identification and conflict resolution, which have strong repercussions on the way that communities interact with other communities and, centrally, with the nation-state as a whole. Hyden's core interest lies here, in the role of the state as a transformative power vis-à-vis such a moral matrix framing economic relations, whereas Scott is more interested in the conditions of social action by peasants.

and cultural codes, which permit a justification of corruption by those who practice it (Olivier de Sardan 1999: 25).<sup>82</sup>

Olivier de Sardan's central question revolves around the generalisation, normalisation and banalisation of corruption in contemporary Africa. With a set of discerning hypotheses and facilitating 'logics of corruption', he shows how social and cultural norms frame the arena in which actors can and do operate in contemporary Africa. He lays bare the routine practice of corruption, or what he—similar to Cartier-Bresson's notion of the social exchange of corruption—terms the 'corruption complex', i.e. the broad practice of illicit deeds in sweeping contradiction to the official ethics of 'public property' or 'public service' (Olivier de Sardan 1999: 28–30). Although these practices are only in part legally corrupt, their illicit character is still pivotal for a meaningful understanding of the problem of corruption in contemporary, post-colonial African societies.

Interestingly, Olivier de Sardan takes the discrepancy between 'formal' and 'practical' norms as a frame of reference—in his view, "the core of the sociological problem of corruption is to be situated in the distance between juridical condemnation of certain practices and their frequency, their banalisation or indeed their cultural legitimacy" (Olivier de Sardan 1999: 29).<sup>83</sup> From his perspective, the explanandum must include the social reality of everyday behaviour, "in order to consider what these various practices have in common, what affinities link them together, and to what extent they enter the same fabric of customary social norms and attitudes" (Olivier de Sardan 1999: 28). Based on the analysis of this socio-moral fabric, he diagnoses a "schizophrenic situation" (Olivier de Sardan 1999: 48), where the professional and administrative legitimacy of civil servants is derived from a more or less completely contradictory set of values than their social legitimacy.

What is new about this diagnosis is the light it sheds the complex cultural embeddedness of corruption. Olivier de Sardan distinguishes between general theses on the institutional framework of corruption in Africa, such as the general discourse on corruption and patterns of its stigmatisation and routinisation, on the one hand, and identifying on the other hand its socio-cultural logics, such as solidarity and networks of

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<sup>82</sup> However, Olivier de Sardan does clearly not have an interest in the *economy* of corruption, i.e. the relations of production, such as Scott or Hyden put in the centre of their enquiry.

<sup>83</sup> For a critique of this view, see the last section in this chapter.

the people, the predatory authority of the elites or continual negotiation. These logics are compounded by transcending and ‘facilitating’ multipliers particular to African societies. Firstly, a sense of shame: on the one hand, shame to fail to deliver the spoils of the office to those who socially feel entitled to a part; on the other hand shame to ‘betray’ the practices of corrupt colleagues. Secondly, the ‘over-monetarisation’ of social relations, with money playing a permanent and central role even in (what would be considered in Western societies) the most private of social relations. Within this densely woven fabric, corruption becomes a cultural imperative framed by socio-economic determinants.

The analysis Olivier de Sardan offers is remarkably insightful, illuminating diverse facets of the corruption complex. Rather disappointingly, he then reaches a surprisingly simplistic conclusion, namely that the crux of Africa lies in the “glaring discrepancy” (Olivier de Sardan 1999: 47) between the norms of the public service and legal definitions of corruption with the predominant socio-cultural logics. More direly, “it would seem that the effect of acquired habits and the normalisation of commonplace practices renders the situation more or less irreversible.” All he leaves the reader with is “the general feeling of helplessness in the face of an infernal mechanism” (Olivier de Sardan 1999: 48), and an outlook which is dismally identical to the finding that Colin Leys came to over 30 years earlier:<sup>84</sup> that the “development of movements of a ‘puritanical’ tendency, intended to bring about a reform of public morals [...] may be among the ultimate means, in the absence of an improbable self-reformation of the political elites, to attempt to change the present course of affairs. Any ‘anticorruption’ policy must face up to these realities” (Olivier de Sardan 1999: 48).

In other words, although not only the understanding and conceptualisation of corruption has come a considerable way since the height of

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<sup>84</sup> See Leys 1965, in particular his doubts with regard to the development of such a “nucleus of ‘puritans’” (Leys 1965: 229) as a precondition for the development of a public morality—given the lack of appropriate conditions in the newly independent African states, not least “the wealth accumulated improperly by the top élite” that is “solely motivated by the hope of personal gain” (Leys 1965: 229). Looking at the extent of grand corruption in Africa in the past decades, his analysis pre-empted the trends later captured in terms of kleptocracy, predation and criminalisation (see, for instance, Bayart et al. 1999; for an excellent documentary account of kleptocracy in the former Zaïre under Mobutu Sese Seko see Wrong 2002; for a detailed account of grand corruption from a whistleblowers perspective in Kenya under Kibaki see Wrong 2009; or for a knowledgeable dissection of the role international business in grand corruption see pioneeringly Moodie-Stuart 1996 and recently Baker 2005).



modernisation theories, but also the understanding and empirical studies of 'development', the analytical implications of a theory of corruption jumps back to square one. The paltry product of Olivier de Sardan's innovative emic view is the vague notion of induced, disembedded development of socio-moral movements to change the present course of affairs.<sup>85</sup> Such a statement begs the question from where such puritanical movements should evolve from, if, according to his analysis, social practices are too sedimented for change. In spite of his definitional reference to the legal-bureaucratic institutional framework, he too falls prey to the fruitless opposition between legal-bureaucratic norms on one side and social practices on the other side, thereby rendering the exploration of the (potentially creative) dynamics between social practices, ingrained values and official norms impossible.<sup>86</sup>

In conclusion, what the debate on the moral and political economy shows is that theoretical understanding as well as the implementation of anti-corruption policies require more differentiated empirical studies to shed light on the "critical arenas for learning" (Bratton/van der Walle 1994: 488), studies that capture the processes framing the values that serve as orientation to social practice, norms that are endowed with social significance (and the actual power to sanction), and institutions with the

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<sup>85</sup> Olivier de Sardan is unfortunately not alone here. As was shown in the preceding sections, this point is made consistently by scholars of Africa from all disciplines. Most analyses end in a highly Weberian 'solution', disregarding more sophisticated social-scientific literature as well as studies of the East Asian 'miracles'. Consider, for instance, Hyden's surprisingly simplistic statement on the type of government prevailing in African states and the type seen to be necessary for the pursuit of the public good: "Every country in the world that is now developed—or succeeding in getting out of poverty—has been forced to reduce or eliminate informal practices such as nepotism, spoils, and similar discretionary uses of public authority. What remains to be done in African countries, therefore, is by no means unique. What is possibly exceptional is the extent to which these problems appear intractable. They may, therefore, call for bolder thinking [...]. A policy government is committed to providing and implementing public goals that have been duly approved by institutions with legitimate authority to do so. There is a clear separation between official and personal and the distinction between public and private matters. That means that employees have a self-binding commitment to an organizational mission, its objectives, and the specific tasks associated with particular roles that they play. They are driven by work related goals, not those that may arise during the workday stemming from the personal problems of one's relatives or friends. In short, there is a work discipline that precludes distractions. On top of that, in the best cases, there is a professional pride in work and achievement." (Hyden 2006: 266).

<sup>86</sup> Not least, a more explicit reference to the economics of corruption is also lacking, beginning with (economic) survival strategies and ending with the globalisation of corrupt economic opportunities (e.g. capital-flight, money-laundering, etc.). For a discussion see Mény 1996.

capacity and mandate to provide public goods. ‘Getting institutions right’ was the implicit approach of the good governance agenda, which has not achieved its goal of strengthening the effectiveness and accountability of states; ‘getting values right’ is inherently fraught with conceptual and hence also empirical problems—so what remains? Although Olivier de Sardan succeeds in sketching a dense and ‘daily’ picture of the corruption complex, he flags at the dire consequence of his analysis. Left only with “the general feeling of helplessness in the face of an infernal mechanism” (Olivier de Sardan 1999: 48), he struggles to find a flicker of enlightened hope. Whether political realities in Africa are really framed by such an infernal mechanism is a question I shall return to in Part B. First, however, pursuing the reconstruction of pivotal theories on political order and corruption in Africa, another angle shall be illuminated. Here, instead of seeking the way out of such ‘infernal mechanisms’, perhaps the political as well as moral economy of corruption should be understood as exactly that: a political order *sui generis*, shaped by own and unique patterns linking social actors to rules and resources.

##### 5. *The Order of Disorder: Power, Authority and Accumulation*

As we have seen, conventional wisdom has it that political order in Africa is characterised by a whole shopping list of patrimonial networks and personalistic, particularistic and ascriptive politics, symptom of the pervasive blurring between the public and the private sphere. The ‘thoroughly corrupted society’ discussed by Leys (1965) as a remote likelihood over forty years ago, seems to have become reality in many African states, leading in many cases to complete economic, social and political breakdowns—not only a failure of development in terms of social and economic indicators,<sup>87</sup> but also a failure of ‘modernisation’, of the institutionalisation of the

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<sup>87</sup> This popular perception of Africa is substantiated by development indicators. For instance, in the latest Human Development Report 21 out of 23 countries classified with ‘Low Human Development’ are African countries (see UNDP 2009; the report and the indicators are available online under <http://hdr.undp.org/en/reports/global/hdr2009/>; last accessed 25 March 2010). A more polemic index of failed states underlines the prominence of African countries in terms of social, political and economic disintegration, with 11 African countries ranked in the first 20 of the Failed States Index 2009, including intuitively implausible ones such as Ethiopia (rank 16) and Nigeria (rank 15). The index is available under [http://www.foreignpolicy.com/articles/2009/06/22/2009\\_failed\\_states\\_index\\_interactive\\_map\\_and\\_rankings](http://www.foreignpolicy.com/articles/2009/06/22/2009_failed_states_index_interactive_map_and_rankings) (last accessed 25 March 2010).

modern state. Rapaciousness, corruption and inefficiency seem to have become the hallmark of modern African politics, again after the retreat of the Third Wave. Maybe the merit of the concept of neo-patrimonialism is the fact that, to a certain degree, it reinserts the historical context into politics. It shows how the 'modern' state is appropriated by private interests, an interaction which is strongly couched in economic, social as well as symbolic (ethnic, religious, magical, etc.) terms. Of course, access to and (re-)distribution of public resources are the hinges this relationship swing on, operating not along the distinction but in the intersection and interweaving of private and public spheres. The 'incomplete' institutionalisation of the state, in terms of its practical elevation over other structuring principles, is in fact the stuff of these relations of enrichment, reciprocity and mobility, the umbilical cord that feeds patrons and clients.

But the question remains: how can the ambivalence of the public sphere, the intertwining of the formal and informal, the self-enrichment and even vicious predation by African elites be explained? The core of the problem is the framing of the fields of power that characterise African societies. In spite of the African state's apparent weakness in terms of capacity on the one hand, and apparent hegemony in terms of repression on the other hand, power in Africa is represented by a specific, non-Western relationship to the state, oscillating between paradoxes. In Aké's forceful diagnosis:

The distinguishing characteristic of the state in Africa, however, is that it has little autonomy. This is a legacy of colonialism [...]. Colonial politics was not about good governance but about the resolution of two exclusive claims to rulership; it was a struggle to capture the state and press it into the service of the captor. [...] The [postcolonial] state is in effect privatised: it remains an enormous force but *no longer a public force*: no longer a reassuring presence guaranteeing the rule of law but a formidable threat to all except the few who control it, actually encouraging lawlessness and with little capacity to mediate conflicts in society. Politics in Africa has been shaped by this character of the African state. It is mainly about access to state power and the goals of political struggle are the capture of an all-powerful state, which the winner can use as he or she pleases. The spoils, and the losses, are total. African politics therefore puts a very high premium on power. [...] In this type of politics, violence and instability are endemic, with anarchy lurking just below the surface. Despite the enormous power of the state, a political order does not emerge (Aké 1996: 73; emphasis added).

As will be discussed in more detail in this section, arguably the politics that Aké diagnoses do depict the emergence of political order, albeit not one based on the rule of law or democratic values. But the politics that

Aké and many other renowned Africanists<sup>88</sup> evoke circumscribe struggles in African politics as particularistic, exclusionary and discrete, with political power translating into personal and/or communal economic wealth and social prestige, and few if any mechanisms of integration into political order that reach out beyond bounded groups. The radical shifts in deterritorialisation of economic relationships and of political authority of the past three decades have only exacerbated the issues. In an analysis of the external dimension sustaining and radicalising political orders that do not provide order, Mbembe in his study of the postcolony (Mbembe 2002) captures accelerating transnational factors:

Millions of people have been deprived of jobs, food and shelter and are now reduced to struggling for daily survival. Instead of curbing the corruption of local elites, the brutality of the international system has increased their greed and carelessness. Under the pretext of privatization, looting has become a norm as well as a cultural practice. Partial democratization under conditions of structural adjustment has opened the way for the privatization of violence.<sup>89</sup>

Under these circumstances of confrontational politics, scarce resources and worn social cohesion, the deregulation, privatisation and democratisation of African states of the past decade have led not to political and economic empowerment and engagement of society, but to the polarisation of the political order. Instead of achieving societal transformation, the post-colonial state of Africa has resulted in socio-economic stalling, political uncertainty and social conflict, leading to persistently high levels of social, political and economic disempowerment. At the end of the Millennium, fuelled by the high hopes whipped up during the 'winds of change',<sup>90</sup>

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<sup>88</sup> See, for instance, the excellent volumes edited by Chazan et al. (eds.) 1988, Rothchild/Chazan (eds.) 1988 or Gordon/Gordon (eds.) 1992; further selected and influential theories can be found, chronologically, in Bayart 1989; Chabal 1992, Bayart et al. 1999; Chabal/Daloz 1999; Herbst 2000; Mbembe 2002; Hyden 2006; or Chabal 2009.

<sup>89</sup> This quote by Achille Mbembe in an interview with Christian Hoeller (editor *springerin*) was first published in *springerin* 3 (2002). The excerpt here is drawn from the online version on H-Africa under <http://h-net.msu.edu/cgi-bin/logbrowse.pl?trx=vx&list=H-Africa&month=0210&week=b&msg=MvoarOWtxoQHDYAU%2Buy4IQ&user=&pw=> (last accessed 25 March 2010).

<sup>90</sup> In an interesting observation, Clapham notes that although the 'winds of change' swept through Africa as well as Eastern Europe and Central Asia, just looking at the territorial structure Africa remained virtually untouched—a strong indication, in his opinion, that even oppositional and 'new' African politicians are deeply reluctant to articulate any alternative to the post-colonial state (Clapham 1996). See also Herbst 2000 on the importance of the political geography and the political function of 'hard borders' of African states.

not the image of soft states or personal rule<sup>91</sup> in Africa shape scholarly and popular discourses, but the image of the 'failed state'.<sup>92</sup> Corruption here takes on a strangely hybrid guise between socio-political engagement and disengagement: although the political disengagement becomes apparent through the informalisation and illegality of corrupt practices, the systematic abuse of public funds, symbols or offices for personal or factionary interests actually serve to enhance the importance and authority of the public realm.

Against this backdrop of, one is tempted to say, the normalisation of (traits of) state failure, possibly the tables should be turned by viewing African states not as a failed or weak or soft states, but on the contrary as a successful adaptation and re-appropriation of the Western state to the African context. Here, the 'historicity', the uniqueness of the post-colonial African state is the theoretical point of departure. In distinction to the scholars such as Huntington or Scott, who were interested mainly in processes and structures framing political assimilation and integration, Bayart (1993) chooses a more archaeological and less predictive approach. What he observes is a 'hybrid state', a state in which the mix between Western organisation and norms of public institutions introduced by the colonial state and their amalgamation by local socio-political practices produces a distinct and different African state in its own right. What neo-patrimonialism already identifies, namely that in principle mutually exclusive logics, such as the formal and informal, the modern and the traditional, the public and the private, are intimately intertwined in African politics; what is novel about Bayart's view is that far from being dysfunctional, such a state is portrayed as an *integrative* force, the climbing frame of rhizomatically linked interests. The 'reciprocal assimilation of elites', i.e. the historically grounded collaboration between elites to secure access to national and international resources in a process of 'extraversion', is the mechanism through which the hybrid state reproduces itself.<sup>93</sup> This is not to say

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<sup>91</sup> For the term 'soft state' see seminally Migdal 1968; for a pivotal contribution on personal rule in Africa see Jackson/Rosberg 1982.

<sup>92</sup> It is no coincidence that seminal contributions on the 'failure' of the African state emerged in the mid-nineties. Consider the contributions in Wunsch/Olowu (eds.) 1995, Zartmann (ed.) 1995, Joseph (ed.) 1999, and Rotberg (ed.) 2003, 2004. This discourse was compounded in the wake of 9/11 and the geo-political discourse on terrorism and state failure. Hence the title of Robert Rotberg's edited volume "State Failure and State Weakness in a Time of Terror" (Rotberg (ed.) 2003). Tellingly, the annual Index on State Failure was first published in 2005 by the Fund for Peace and Foreign Policy (see [http://www.foreignpolicy.com/articles/2009/06/22/the\\_2009\\_failed\\_states\\_index](http://www.foreignpolicy.com/articles/2009/06/22/the_2009_failed_states_index); last accessed 25 March 2010).

<sup>93</sup> See Bayart 2000 on the characteristics and history of African extraversion.

that the integrative force of the state furthers its stability or effectiveness; on the contrary, the state is merely the trough of the 'politics of the belly', i.e. the relentless pursuit of wealth, status, prestige by the elites, that enables them to further their own interest and continue internal competition.<sup>94</sup> 'Political order' in an African context, therefore, is not produced to serve or define the public interest or to mediate conflict, but to manage the politics of the belly, the political struggle to gain access to state power and therefore to personal and communal enrichment.<sup>95</sup>

More recently, Bayart, together with co-authors Ellis and Hibou (Bayart et al. 1999), argues that African politics are currently undergoing a fundamental change in their mode of governance, formerly characterised by such politics of the belly.<sup>96</sup> Dramatically described, a process of criminalisation, distinct from earlier forms of corruption and predation, is increasingly advancing to become the main feature of African states. Large-scale, organised economic delinquency (i.e. smuggling or fraud) as well as the spread of illegitimate use of violence have become intimately and routinely linked to the exercise of politics. The authors underline that this

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<sup>94</sup> What Bayart offers us is the 'true historicity' (Bayart 1993: 5) of African politics, a realistic account of what is happening in Africa without the claim or the attempt to practically change anything or offer advice for how such change should come about. For a critique of Bayart's concept see Leys 1994.

<sup>95</sup> Schatzberg has provided perhaps the most detailed analysis of the cultural legitimisation underlying such metaphors, showing that "power in middle Africa has much to do with 'eating' (in both literal and figurative sense) as well as with other forms of consumption. The second premise of the moral matrix thus indicates that while the father-chief may eat', and even eat well, there are nevertheless limits placed on how much he can and should consume. In a sense, this premise deals with the imprecise frontier between an acceptable appetite and political corruption. In a rough-and-ready calculus of legitimacy, the first and second premises will probably vary directly most of the time. In other works, the more the people have to eat (the better are the general economic conditions), the larger will be the permissible range of chiefly or presidential appetite. But if the people begin to go hungry, if economic conditions deteriorate, then appetites the citizenry might once have tolerated in good times will no longer be perceived as falling within the prerogative of the father-chief. It is also worth noting that throughout middle Africa the language of corruption is often related to the language of food: 'madesu ya bana' (beans for the children), and 'un petit quelque chose à manger' (a little something to eat) in Zaïre; as well as the ubiquitous East African equivalent, 'chai' (tea). Similarly, in Tanzania during the 1980s and 1990s many folds came to believe that their leaders had 'eaten' too much, and there was a consequent corollary that their legitimacy had declined apace (Schatzberg 2001: 26; footnotes referenced in original omitted).

<sup>96</sup> Although the authors are at pains to distinguish the 'criminalisation of the state' from the politics of the belly, they emphasise that this transformation is best viewed "in the light of historical continuity" (Bayart et al. 1999: 30), not least because of the diversity and specificity of African states and societies.

is a nascent, uneven tendency that can be pointedly observed in various contexts, but which is not yet a universal hallmark of African politics.

It must be said that the multiplication of conflicts, the main political logic of which is simple predation and which tend to be accompanied by a growing insertion in the international economy of illegality, [...] the spread of a culture of institutional neglect, systematic plunder of the national economy and the uncontrolled privatization of the state [...] all suggest that a slide towards criminalization throughout the sub-continent is a strong probability (Bayart et al. 1999: 30).

In their view, the reframing of the political field and the emerging or, as it were, consolidated types of what Olivier de Sardan termed 'predatory authority' and here is depicted as coercion stripped bare of social legitimacy has been perpetuated by the structural privatisation of the state and the erosion of public authority; however, the tangled, underground roots of the rhizome state are becoming increasingly intermeshed with criminal, illegal and, in certain areas of trade such as human trafficking and armed conflicts, even illegitimate structures. The 'shadow state' (Reno 1995) is changing its spots: whereas before, generally speaking, African politics was a function of "the management of factional intrigues for personal interest" (Bayart et al. 1999: 21), the "relationship between accumulation and power is henceforth situated in a context of internationalization and of the growth of organized crime on a probably unprecedented scale" (Bayart et al. 1999: 9). Intriguingly, in spite of the emphatic recognition of the historicity and specificity of African politics, the authors firmly anchor the definition of 'criminalization' in 'Western', universal standards of international law. Echoing other influential authors, the distance between internationally accepted (legal) norms of political order and actual political practices measures the degree of criminalization, consequently defining such international norms as benchmarks of legality.<sup>97</sup> The central question raised in their approach is not so much the fact that the criminalisation of the African state is on the rise—a process already treated

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<sup>97</sup> The authors "regard as criminal those political, social and economic practices which are the object of a 'primary criminalization' either by the laws and other texts of the states under discussion or, more particularly, in international law, or according to international organisations or acknowledged guardians of international morality, and especially the financial and economic morality which accompanies the current trend towards the globalization of the economy" (Bayart et al. 1999: 15). As can be deduced from this definition, Bayart et al. are well aware of the cultural and normative arenas in which such notions are framed. However, as, for instance, Migdal (2001: 19) critiques, their approach still leads to an unreflected elevation of one set of standards over another.

in theories of neo-patrimonialism—but the question of radically changing terms of legitimacy. Whereas before illegal and even criminal acts committed within the logics of neo-patrimonial relations were politically legitimate (at least for the beneficiaries), the frame of political reference seems to be hardening. Ultimately, what Bayart and his fellow authors propose is the re-circumscription of political ‘order’ in Africa; the politics of the belly and the politics of extraversion are mutating from the ‘merely’ informal or personal sphere to a highly organised, clearly illegal and frequently illegitimate dimension. In fact, this hypothesis leads the authors to contemplate the changing nature of political order in general:

In effect, one may wonder whether the phenomenon which we describe as criminalization is not best considered as a qualitative change which is transforming the overall manner in which whole societies and the international system of diplomacy and commerce are organized, by changing the balance of forces between fundamental determinants of any political order: power, accumulation and the exercise of violence (Bayart et al. 1999: 18).

In a nutshell, profound changes on the national and international stage have led to mutating determinants and the body politic in Africa. As a consequence, the understanding of political legitimacy lies wide open in Africa—and, by implication, elsewhere. The criminalisation of the state implies that the moral economy of corruption, embedded as it is in socio-culturally legitimising logics, is ruptured; that the acquiescence of the population is framed by violence, only partially embedded in functional exchange relationships, such as between patrons and clients, or culturally legitimised exchanges within vertically structured networks and communities (religious, ethnic, regional, etc.). Concomitantly, the political economy of corruption is being fundamentally transformed. Where the stakes grow exponentially through the internationalisation of illegal trade and the growing opportunities of insertion into the global market (globalisation and deregulation of the financial and commodity markets), the relationship between clients and patrons is becoming disjointed, or, more precisely, tilted in favour of the patrons. Their power is shored up by the availability of resources: the international networks, the finances, the arms to secure their influence without needing to consider their clients anymore. The line of enquiry pursued by Bayart et al. 1999 seeks to unravel trends emerging in state power and political order in Africa from a perspective of historically changing patterns and opportunities of accumulation. Here, African political structures are firmly set in an international (global) context of economic and political exchange, increasingly defined by the privatisation of former key public institutions (such as the



customs service or organs of public security),<sup>98</sup> by the erosion of sovereignty to International Financial Institutions such as the World Bank or the IMF as a result of severe indebtedness and the concomitant rise in influence of other, non-governmental organisations such as the Church or aid agencies (Hibou 1999). More severely for the idea of the state, based as it is on autonomy, rationality and legality, African politics are framed by a whole host of informal political, economic and military organisations (see Bayart et al. 1999).

So where does this leave the idea of political order in Africa? Can African politics only be conceptualised as kleptocratic, even felonious states? Drawing on their historical understanding of political processes, Bayart and his fellow authors are more subtle in their analysis:

Africa is resistant to every conditionality and its democratisation remains a great leap into the unknown, considering the degree to which popular sovereignty is alienated and the systematic creation of shadow networks of power is being precipitated by the privatisation of both the state and the economy. But Africa is busily recreating itself, and in this process crime is not shorn of all 'usefulness' (Bayart et al. 1999: 116).

It is the specific nature of such 'usefulness' of illegal practices that two other renowned Africanists, Chabal/Daloz (1999) emphasise in a noted study of African politics. Their line of enquiry is based on the trenchant assumption that politics in Africa derives from an instrumentalisation of political disorder; disorder that they analyse not from the perspective of institutional decay, but from the 'rational' utilisation of such informal and opaque relations by adept political actors. Their key hypothesis is the following:

In a world of disorder there is a high premium both on the vertical and personalized infra-institutional relations through which the 'business' of politics can be conducted and on access to the means of maximising the returns which the 'domestication' of such disorder requires. [Disorder] should be seen as a condition which offers opportunities for those who know how to play that system. Whether, however, such a situation is conducive to (economic and political) development as it is normally understood is a totally different question. [...] If, as we believe, there prevails in Africa a state of generalised disorder, then it behoves us to explain how such disorder is instrumentalized politically (Chabal/Daloz 1999: xix).

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<sup>98</sup> For a detailed study on the links between privatization, corruption and patronage of the era see Tangri 1999.

Chabal/Daloz argue extensively the fact that formal, 'modern' political norms in Africa have not succeeded to supersede other (ethnic, factional, nepotistic) modes of order and exchange within the community. However, this is not to say that African socio-political practices are traditional or primordial, or that politics organised along neo-patrimonial lines are but a stage away from 'modern' politics, but that Africa is acting according to its own developmental logic, a modernisation *sui generis*. Political order and political representation is maintained and reproduced through networks of patronage, not through systems of merit; hence, corrupt practices are politically not only accepted, but imperative for political success. As the authors expound: "Given the durability of vertical social relations and the endurance of certain forms of political representation, corruption remains instrumentally rational" (Chabal/Daloz 1999: 103). More to the point, they raise the question "whether such complex informal arrangements, such as well-organized predatory networks, do not actually conspire to create and maintain a system of legitimization based on unequal exchange which lies at the very heart of the political order" (Chabal/Daloz 1999: 103).<sup>99</sup> In other words, here corruption—in the sense of particular (patrimonial) modes of accumulation and (re)distribution—becomes the norm of political practice, the key logic linking political legitimacy to economic distribution, where the analysis of corruption is radicalised through the prevalence of disorder and lurking violence. Corrupt practices, in this reading, are dangerously close to the edge, serving to reproduce a political order that oscillates precariously between socio-cultural legitimacy and a sense of just economic redistribution mechanisms on the one hand, and naked power and coercion that is disembedded from any moral authority on the other.

By provocatively emphasising the 'own' developmental logic of African politics, they refuse to provide an analytic frame of reference for political dynamics of change—although under the condition of the informalisation of the state and the instrumentalisation of politics, nearly all (outwardly non-political) practices become political. Although they observe generalised features of African politics, these politics are not conceptualised in the conventional sense of 'public power' or the relationship between state and society (the 'public' and the 'private'), but in the sense "in which political actors, within both 'state' and 'civil society', link up to sustain the vertical, infra-institutional and patrimonial networks" (Chabal/

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<sup>99</sup> See also Chabal 1992 discussing the genesis of this phenomenon more extensively.

Daloz 1999: 22).<sup>100</sup> As Chabal/Daloz demonstrate at length, political order in Africa is not only defined by specific exchange relationships framed by instrumental rationalities *sui generis*, but is also inextricably caught up in them. In their view, political order in Africa is framed by a complex matrix of dependence and survival on the one hand, and profit and power on the other hand, suffused by (appropriated and adapted) spiritual, cultural, and not least legal-administrative values—and corruption is the medium of such exchange relationships, on a material and immaterial level.

The great merit of Chabal/Daloz is the boldness of their line of argument, shedding light on the transcending logic of political disorder in African countries. However, the authors analysis sketches a very bleak and, in its relentless historical, economic and cultural logic, rigid image of African politics locked in a steel cage of personal, particularistic and short-term interests, bearing a remarkable resemblance in all but their explicitly suspended judgement to Olivier de Sardan's 'infernal mechanism'. Although they discard the loaded notion of 'development' to conclude that "Africa is not degenerating, nor is it 'blocked', but that it is forging ahead, following its own path, although assuredly at great variance with existing models of development" (Chabal/Daloz 1999: 135), their uncompromising pursuit of the political economy of politics in Africa leads to the foreclosure of such alternative political spaces. The practical resilience of most African political orders to the governance and liberalisation paradigms ruling national and international discourses is pinpointed precisely; but pinpointed to the extent of fixing African politics to a particular, unchanging pattern. Given their ultimately apocalyptic diagnosis of the instrumentalisation of political disorder, it is, therefore, not evident what new paths African politics are forging, unless it is the perpetual reproduction of old wine in new bottles—*plus ça change, plus ça reste la même chose*, one is tempted to conclude.<sup>101</sup>

Interestingly, although both Bayart's approach as well as Chabal/Daloz offer a radical and insightful mode of thinking African politics, their prime reference of understanding African politics still remains the *state*—in its historical (dis)continuity, but also in its socio-cultural metamorphosis and

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<sup>100</sup> Evidently, the two key terms, state and civil society, are put in inverted commas for want of more appropriate terms that are not irrelevant and misleading when applied to African politics. In this reading, the state is not institutionalised or differentiated enough to be called a state, and civil society is too weak, fragmented and personalized to emancipate itself.

<sup>101</sup> Chabal has provided a further analysis of politics in Africa in a recent volume (Chabal 2009), which will be discussed further down in this chapter.

routinised methods of extraction and accumulation. Reviewing the literature on the state in Africa, of which above authors are only the tip of a prolific iceberg, it has become routine practice to put the concept of the state in Africa in inverted commas, highlighting the ineffectiveness of the African 'state' in its transformative capacity and widespread alienation from social representation.<sup>102</sup> The semantics indicate that, involuntarily, disorder and criminalisation are indeed a 'corruption' of development—as indeed the proliferation of corrupt practices themselves are a symptom of collapse, of “terminal damage at the macro-sociological level” (Chabal/Daloz 1999: 138), and, instrumentally rational, leading to the “fusion of criminal and political practices” (Bayart 1999: 114). Corruption, as ever, serves as the lead to fathom the depths of disorder, even when corrupt mechanisms of political reproduction are conceived in terms of political (dis)order *sui generis*. Beyond merely measuring the distance between the 'real' and the 'shadow' state, changing patterns of corruption also indicate changing patterns of inclusion and exclusion, of the exercise of authority and accumulation of socio-cultural and economic resources.

The conceptualisation of corruption within a globalised cultural matrix as well as within a compelling politico-economic system magnifies the intrinsic logic of corruption in African political order: corruption is no longer a deviant political practice, but ambivalently represents the source of legitimacy and accumulation and, consequently, of power and authority, as well as simultaneously undermining and destabilising the very order it reproduces—a point sorely illustrated during the demise of 'stable' neopatrimonial states caught in a vicious circle of sapped economic resources and diminished political legitimacy. From a bird's eye view, the institutional regime of political orders has been shaped to accommodate clientelistic networks and vertical exchange relationships, which constitute the arteries of social as well as economic and political reproduction. From a worm's eye view, the exigencies of survival coupled with the 'normalisation' of corruption serve to inscribe corruption in legitimatised ties of reciprocity and solidarity. These long-term, historically grounded processes have been accelerated by the rapid transformations of the international political economy of the past two decades. The concern of development

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<sup>102</sup> Many authors have explored the nature of the African state from different theoretical reference-points; the common denominator, however, is that the state in Africa is a 'state' only with qualifying attributes. Some of the most notable contributions have coined terms such as 'quasi-state' (Jackson 1993), 'shadow state' (Reno 1997), or 'parastatehood' (von Trotha 2000).

discourse with the institutional configuration of, first, the markets, and, secondly, the political order, highlighted the institutional deficiencies leading to rent-seeking and extortionary behaviour of patrons and elites; the subsequent remedies, however, have failed significantly in their quest for effective and accountable institutions. If anything, the structural changes induced by liberalisation and democratisation seem to have amplified the struggles about domination and accumulation rather than mediated and confined them—observable in the intensified illegal and illegitimate instrumentalisation of the public domain, manifested in the totalisation of power structures which intermesh formal and informal networks, in the privatisation of national and international resource extraction and accumulation, and in the consolidation of structural violence and physical coercion (Mbembe 2002). In a radicalised reading, one could argue that the very basis of socialisation (in Weber's sense of 'Vergesellschaftung')<sup>103</sup> is put into question.

Where does that leave us with regard to the analysis of corruption? As tentatively proposed at the beginning of this chapter, the study of corruption allows for a probing study of the underbelly of state-society relations, maybe to a greater extent than envisaged. Corruption, or rather, in Olivier de Sardan's term, the 'corruption complex' is a key field providing insights into the topography of power and accumulation, into struggles about meanings and appropriations of legitimacy and authority. Significantly, these struggles are being carried out in sliding local, national and international spaces by a variety of social actors, where corrupt structures and practices not only shape patterns of (legal and illegal, legitimate and illegitimate) power and accumulation, but, transcending and compounding the above, the term 'corruption' is also used as a political resource providing the key to domestic and international funds and credibility.

### 6. *Conceptualising Corruption: The Question of Agency*

Distilling seminal contributions on political order and corruption in Africa through a more focused sociological filter, corruption can be

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<sup>103</sup> Weber makes the balance and convergence of interests the very essence of socialisation; only social agency endowed with these intentional or unintentional characteristics are defined as social relations framing socialisation (see Weber 1985: 2). Concepts such as 'necropower' developed by Mbembe 2002 or, in a less radical terminology, the 'politics of suffering' elaborated by Chabal 2009 illustrate formations of power that exercise brute predatory or calculated coercion, tearing at the fabric of socialisation.

conceptualised as a mechanism along which inclusion and exclusion into social spheres operates. Compounded by the exigencies and dynamics of a globalised economy, the boundaries of inclusion and exclusion are informed by ambiguous social imaginaries, operating within the space of a formal state apparatus but framed by a more or less dynamic matrix of hybrid values and norms. On the level of social actors, the social constraints and individual dependencies arising from these particular modes of inclusion overall result in restricted spaces of social agency: social *exclusion* rather than *inclusion*, with African societies characterised by a lack of adaptive capacity conventionally described as vulnerability and instability on both a social and systemic level.<sup>104</sup>

And yet: stepping back from the bleak analysis of exclusion, the approach to corruption we embarked from comes back to mind, namely one which puts the political and symbolic struggles over meanings, standards and distinctions on centre stage.<sup>105</sup> In Johnston's sense, corruption is a systemic problem; but as he also observes, the very articulation of 'corruption' indicates semantic and political struggles over norms and standards, ambiguities over the meaning of corruption or rather over the propriety of political office and roles. Precisely this understanding takes us to a strikingly absent feature of the scholarly discourse on political order and corruption in Africa, namely the question of agency. All theories, whether they be informed by a socio-cultural or a more political scientific analytical framework, either ignore, neglect, or explicitly dismiss the possibility

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<sup>104</sup> This would provide an entry-point for a system-theoretical exploration of this lack of adaptive capacity of African societies, which emphasises the codes of inclusion and exclusion along differentiated functional logics. In this perspective, the success of modern societies is precisely due to the hardness (e.g. universal suffrage) and simultaneous suppleness (e.g. non-coercion) of such codes. Seminally, see Luhmann 1984; for a contribution on inclusion and exclusion in developing countries see Luhmann 1995. However, *in strictu sensu* fully articulated functional differentiation allows for no immediate sense of 'society' as a whole, only for participation in and at best a sense of separate subspheres.

<sup>105</sup> This approach referenced Johnston, who conceptualises corruption "as a systemic problem having to do with the sources, uses, limits, and accountability of wealth and power" (Johnston 2004: 22). Although Johnston treats corruption classically as "the abuse of public roles of resources for private benefit," he emphasises "*that terms such as 'abuse', 'public', 'private' and even 'benefit' are matters of considerable ambiguity or dispute in many societies. [...]* Rather than ending the confusion over what constitutes a corrupt act, this approach puts conflicts over standards and ambiguities about the public-private distinction at centre stage" (Johnston 2004: 22/23, emphasis in original)—as touched upon in the Introduction. This approach ties in with other, more general social scientific theories conceptualising the interrelationship (rather than the dichotomy) between structures and agency, such as developed famously by Bourdieu 1990, 1977, or, more recently and for my purposes more usefully Migdal 2001.

of agency. Addressing this gap, agency is understood as forms of action emerging from “the capability of the individual to ‘make a difference’ to a pre-existing state of affairs or course of events” (Giddens 1984: 14), which “logically involves power in the sense of transformative capacity” (Giddens 1984: 15). In a more sophisticated elaboration of agency, Emirbayer/Mische stress the both the temporal embeddedness as well as the potential variability and creativity of human actions:

The ways in which people understand their own relationship to the past, future, and present *make a difference* to their actions; changing conceptions of agentic possibility in relation to structural contexts profoundly influence how actors in different periods and places see their worlds as more or less responsive to human imagination, purpose and effort (Emirbayer/Mische 1998: 973; emphasis in original).<sup>106</sup>

However, this capacity and variety of social agency to ‘make a difference’ (both to one’s own actions as well as potentially to one’s environment) is rendered invisible in studies of African politics. The bottom line of all enquiries treating corruption and political order in Africa is the question under which circumstances the ‘infernal mechanism’ can be transformed—and yet producing either strangely flat responses,<sup>107</sup> or deeply pessimistic ones with regard to agents who are endowed with transformative capacity.<sup>108</sup> Taking this proposition seriously, this raises the question whether these social and structural constraints imply in the last instance the dissolution of agency other than those already well endowed with social power, here: the elites, the strongmen, the thugs? The political dynamism that is implied (or implored?) *malgré tout* in their analyses ring hollow in the absence of the identification of actors and mediums that would be conducive to social change that, simply put, allows more rather than less freedom. On the contrary, the dynamics of the political order

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<sup>106</sup> For a discussion with regard to agency, politics and governance see Förster/Koechlin 2011.

<sup>107</sup> An example discussed here is Olivier de Sardan 1999; another could be Hyden 2006 with his depiction of the necessity of a idealtypical legal-bureaucratic state and concomitant particular ethos of public administration.

<sup>108</sup> Consider, for instance, Bayart 1999, who depicts crime as the motor of Africa’s ‘recreation’—although it is highly contentious whether ‘regeneration’ is an appropriate term for what essentially describes the tightening spiral of illegitimate and downright violent modes of inclusion/exclusion. Or consider the “systemic contradictions” that Chabal (2009: 83) identifies as binding African political authority to particularistic interests, leading to a “calculated violence of neglect” (Chabal 2009: 153) by those in power, ultimately leading to the corrosion and downright breakdown of the foundations of agency. See also Chabal 1999 or Mbembe 2002.

carved out are stark: institutional reforms are appropriated, moulded and instrumentalised by particularistic logics; structural transformations of the economic and political regimes lead to the privatisation of political and economic power; and socio-cultural practices solidify a moral economy of corruption, locking African politics in a spiral of unravelling social order, brutalised violence and criminalised economics—leaving no space for struggles over such norms and practices. Other than on a highly generic level, the scholarly discourse fails to identify the social actors and agency conducive to shaping a political order that mediates instead of produces conflict, that provides a structured space for consensus on public purposes.<sup>109</sup>

In other words, the academic discourse on corruption is curiously dismissive of the intentional and unintentional activities by emancipatory social forces, concentrating instead on the force (in the sense of both power and of violence) of intentional activities to produce disorder by established elites or unintentional sedimentations of exclusionary structural properties. The development discourse on corruption, on the other hand, is bound by distinct spaces of thought and action and the interrelated technocratic system of relations through which it is produced and reproduces itself.

So the elephant sits squarely in the room: Where is the locus of agency for democratic spaces?<sup>110</sup> Against the backdrop of both the development as well as the scholarly discourse on corruption this is the key question guiding the second part of my enquiry, which will be pursued with some conceptual enrichment in the next chapter. First, however, I shall attempt to sketch an outline of the invisible but palpable elephant, which is primarily evident as that which is absent: the distinction between private and public, informal and formal. The imploration of these boundaries, however, was ever of an idealtypical nature, and is particularly ill suited to capture

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<sup>109</sup> For many others consider, for instance, Hyden, who, like Huntington 40 years earlier, observes that “Africa needs to transform its movements into political parties that are issue-oriented and focused on constructive problem solving” (Hyden 2006: 273).

<sup>110</sup> I quite intentionally risk the over-optimism which Chabal identifies in the quest for agency in African political orders: he introduces his latest book with a critical discussion of the notion of agency as used in African studies, pointing to the analytical risk that too strong a focus on agency can lead to a neglect or whitewashing of the “systemic condition in which development is not really on the agenda” (Chabal 2009: 15). My analytical focus, however, is precisely on the role of agency in fostering democratic politics.



contemporary processes and framings of social and political change.<sup>111</sup> Social transformations that shape political orders and, in a metapolitical sense, the creation of regimes that are based on general, inclusive, and public-oriented justifications, rather than particularistic and exclusionary logics are highly complex and contextualised both in space and time—and increasingly so in a world characterised by deterritorialisation, in which globalised economic, social, political and cultural relationships cut across national and local topographies. As a critical reading of both the development discourse as well as the scholarly discourse on corruption and political order in Africa shows, the imploration of a transformative *deus ex machina* is fraught with theoretical and empirical difficulties. Hence, the identification of such emancipatory struggles requires an analytical shift. A case will be made here for linking the macro-level of analysis, such as expounded both in the political economic theories as well as in the more socio-culturally informed theories on corruption and political order, with a micro- and meso-level perspective, analysing the socio-cultural constraints and political spaces from the viewpoint of particular social actors. Taking articulations of ‘corruption’ as a *pars pro toto*, how and why are patterns of structuration and institutionalisation of norms and practices shaped, which social struggles and social actors gain traction, which structural properties are iterated and solidified, and which are marginalised and vanish, shaping orders of inclusion and exclusion?<sup>112</sup>

To understand how political orders emerge which allow for communities of interest to negotiate their differences, and, in a more normative twist, develop a fundamental readiness to moderate parochial or individual

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<sup>111</sup> For theoretical contributions and case-studies on the blurring of the public-private boundaries see Peters et al. 2009; for a consolidated interdisciplinary approach see Peters/Koechlin/Zinkernagel Fenner 2009 and Peters/Förster/Koechlin 2009.

<sup>112</sup> What is referred to here is the structuring of social relations in Giddens’ sense, which involves the “patterning of social relations in time-space involving the reproduction of situated practices” (Giddens 1984: 17). In other words, structures are not exogenous, they emerge from situated practices of human agents. Subsequently, Giddens defines structure in contrast to functionalist or system-theoretical notions: “I treat structure, in its most elemental meaning at least, as referring to such rules (and resources). It is misleading, however, to speak of ‘rules of transformations’ because all rules are inherently transformational. Structure thus refers, in social analysis, to the structuring properties allowing the ‘binding’ of time-space in social systems, the properties which make it possible for discernibly similar social practices to exist across varying spans of time and space and which lend them ‘systemic’ form” (Giddens 1984: 17).

interests in consideration of some common good,<sup>113</sup> a new dimension needs to be incorporated into the analysis that has only been alluded to hitherto: namely the emergence of public spheres. Put in a nutshell, the particularly Western trajectory has been the substitution of physical violence with the force of discursive argument in specific public spheres and institutions, opening up historically unprecedented spaces for agency, for intentional and self-reflected social action.

Here the normative precedence of politics comes into play when thinking about modes of inclusion that go beyond mere systems and structures to include values and symbolic orders. This brings us back to Leys' emphasis on, in his terms, 'public morality' (Leys 1965) in his discussion of corruption in African states. As Philp stresses in an essay on political corruption, "politics is partly about the contestation and projection of conceptions of the public interest. [...] Public office and public interest are, then, intimately connected" (Philp 1997: 445). He fleshes out the distinctive feature of politics (as opposed to other exchange systems or social relations) as being "the type of general, public orientated justification used to legitimate its claims" (Philp 1997: 451). In other words, politics are necessarily tied to constitutions of legitimacy and representation. This has direct repercussions on the notion of what constitutes a public good. It also reframes the problem of corruption:

Politics takes normative precedence because it orders otherwise irresolvable forms of social and interpersonal conflict [...]. It is impossible not to recognize that political authority can be exercised cruelly, violently, or vindictively, or that those who rule may do so incompetently. In each case, these activities will damage the capacity of the authority to secure a stable order of rule capable of resolving conflict. But political corruption is distinctive as a form of dereliction: if political authority is desirable because it orders fundamental conflicts between interests, the suborning of that authority to serve one particular set of interests covertly reinstitutes the domination which that authority is designed to avoid (Philp 1997: 453).

What is outlined here are two sets of questions. The first set revolves around a political system which allows for the ordering and mediation of divergent and possibly antagonistic interests; a political system which orders difference without intolerable suppression or exclusion. The second set revolves around the mechanisms, deliberative or other, that

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<sup>113</sup> This is strongly based on Shils concept of 'civility', i.e. the consideration toward 'the other' beyond one's family or own community (see Shils 1991). These are concepts that we shall return to further down.

define public interests. What is collectively desirably?<sup>114</sup> Precisely the discourses and articulations around such ethical notions, around desirable public goods and the emergence of and internalisation of values that inform them are the hallmarks of the public sphere as understood here. With corruption subverting and appropriating procedures and values that characterise such a deliberative public sphere, African societies are, again, characterised by the absence of such a public sphere. And evidently it would be a gross naïvety to transport notions of a deliberative and procedurally ‘pure’ public sphere to any reality, but in this case in particular to African topographies characterised by exclusionary fields of power and a vast array of social imaginaries.

A key issue is precisely the framing of such deliberative spheres and processes. Chabal, for instance, based on his analysis of the hybrid concepts shaping legitimacy in African politics, diagnoses the ‘systemic’ impossibility of the emergence of such public ethics: “Therefore, the difficulty lies less in the inherent corruption of political leadership in Africa—however acute that may be—than in the systemic contradictions inherent in the translation of the local ethics of public virtue into a more coherent, national and long-term vision of the public good” (Chabal 2009: 83–84). This is a point made already in the seminal work of Peter Ekeh, who cuts across Weberian distinctions with his conclusion that Africa has not one but two public spheres, each one characterised by different ‘moral linkages’ to the private realm: the primordial public realm is a sphere characterised by communal relationships and values, whereas the civic public realm is the political and administrative structure historically associated with the colonial state. The public sphere that he accords moral primacy to is, perhaps surprisingly, not the civic public realm, which he sees as historically perverted: “The civic public in Africa is amoral and lacks the generalized moral imperatives operative in the private realm and in the primordial public” (Ekeh 1975: 92). The moral primacy lies in the ‘private’ realm, or perhaps more aptly termed a non-official public—but this private realm is informed by a cultural matrix disjoined from the norms of the political system it operates in. So how to achieve these seemingly

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<sup>114</sup> Seminally on deliberative mechanisms and constitutions of the public sphere, see Habermas’ influential theory of communicative agency and the public sphere (Habermas 2009a [1962], 2009b [1982]). As Chabal puts it with regard to African societies: “To what main aims should socio-economic or political agency be directed? The pursuit of public goods is, in every society, the mark of political legitimacy” (Chabal 2009: 81).

intractable translations of values and norms,<sup>115</sup> in the sense of collective understanding towards some common good, and of a public sphere that enjoys moral legitimacy?<sup>116</sup>

The discussion on post-colonial African states has demonstrated how differing African trajectories are, with corruption as a structuring property, with structural and physical violence characteristically removed from social legitimacy, and subsequently public spheres shrinking into private or covert spaces. And yet: the pervasiveness of corruption and the corollary straddling and fusion of spheres characterising African political orders still do allow for the emergence of public spaces and procedures for transacting different interests, albeit in spaces and institutions that may not correlate to conventional definitions of the public sphere.<sup>117</sup>

On centre stage is the question how the systemic condition of exclusion can be transformed into a systemic condition enabling inclusion(s)—or, put in more political terms: into structuring properties of the political order enabling emancipation, of creating spaces for the negotiation of societal meanings, the mediation of particularistic and competing interests.<sup>118</sup> This puts the scholar of African politics doubly on the spot: Whence the social agents articulate and resourceful enough to transform prevailing power relations? And of course, which ideas and values inform social practices and actions that are indeed conducive to an emancipatory political order?

This is an essentially political quest, and the objective of my analysis is precisely to reinsert the political back into a theory of African political

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<sup>115</sup> Conventional dichotomies capture such translations in terms of transformations from local to national, from informal to formal, from private to public. Given the inherently problematic content of these terms, I prefer to formulate the process in more open terms.

<sup>116</sup> There is a *caveat* with regard to the pairing of these seeming dichotomies: 'local' does not necessarily imply 'informal', or 'national' equal 'formal', etc. This is a trap that, for instance, Chabal 2009 seems precariously close to, who routinely implies a synonymous relationship between 'traditional' and 'local', even if the translation of such 'localities' does lead to a political (dis)order *sui generis*.

<sup>117</sup> For a highly insightful case-study on articulations of a public sphere and moral discourse in Sierra Leone during the 1986 elections see Ferme 1999.

<sup>118</sup> Although Geertz emphasises the symbolic dimension, he infers the importance of ideas and their transformation into values, norms and material substance through social action: "Ideas—religious, moral, practical, aesthetic—must, as Max Weber, among others never tired of insisting, be carried by powerful social groups to have powerful social effects; someone must revere them, celebrate them, defend them, impose them. They have to be institutionalized in order to find not just an intellectual existence in society, but, so to speak, a material one as well" (Geertz 1993: 314).

order. To achieve this, a last conceptualisation of corruption is required, before moving on to a detailed empirical discussion of such potential social forces. In the next chapter, I undertake a conceptualisation linking 'corruption' to social agency and social articulation. Here, corruption is seen neither as social practice nor structural feature, but through the very lens of emancipation: as a discursive representation that creates the possibility of public spaces and discursive interaction.

### 7. *Conclusions: Corruption, (Dis)Order and Agency*

The second discourse I portrayed is the scholarly discourse on corruption. Although this second discourse may not be as powerful in material terms as the development discourse, it produces related categories of thinking about corruption and hence about 'right' and 'wrong', or 'conceivable' and 'inconceivable' frames of political order and social organisation. As a body of structuring principles the scholarly discourse contributes to the formation of social facts, social facts which inform and are informed by the way we think and perceive of 'corruption'.<sup>119</sup> Within this discourse corruption is conceptualised in a more multi-faceted way, illuminating structures, practices, norms and cultural matrixes informing and defining 'corruption'. What, however, is systematically squeezed out is the possibility of agency and mobilisation, the possibility of challenging dominant socio-political imaginaries and, in Bourdieu's sense, of dominant positions within the social space. In short: the scholarly discourse dispossesses African political orders of actors, fields and practices of political struggle that could or do lead to a 'viable social order',<sup>120</sup> a social order which is politically permeable to social negotiation and procedurally firm enough to protect social spaces.

The separation of the two discourses is an analytical sleight of hand to render the respective contours more visible. However, it is clear that the two discourses are interrelated and mutually inform and shape each other in manifold ways. They are both, to put it in Escobar's terms, part "of an institutional field from which discourses are produced, stabilised,

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<sup>119</sup> See Durkheim 2002 for his seminal theory on social facts; for a first seminal contribution on the role of epistemology to discourse theory see Foucault 1966, which also informs the post-development approach. See also Bourdieu 1985 for a succinct discussion of the relationship between objective power relations and categories of the social world.

<sup>120</sup> This is a term borrowed from Laclau (1996: 19, endnote 2) although I do not use it in precisely the same sense as he does.

modified, and put into circulation”, constituting “an apparatus that organizes the production of forms of knowledge and the deployment of forms of power, relating one to the other” (Escobar 1995: 46). Most obviously, the scholarly discourse provides the epistemology, the legitimisation of terms and concepts, the categories and taxonomies, which the development discourse appropriates and applies in its intervention strategies. It legitimises and justifies the expert knowledge that development professionals ‘apply’, that policies and strategy papers are based on. On the other hand, development agencies provide a substantial flow of funds to communicative platforms and academic research exploring governance, actively fostering scientific knowledge creation and knowledge diffusion that ultimately validates and legitimises ‘right’ concepts and interventions.

These linkages consolidate the strategic apparatus<sup>121</sup> fusing the symbolic imaginary and epistemic communities with the material resources, woven together by a myriad of social and systemic threads that serve to render the distinctions between the two discourses a matter of focus. One remarkable feature of the corruption discourse in this wider sense is precisely its ability to absorb and render intelligible a multitude of different and even antagonistic elements, even where theoretical and practical contestations about the ‘right’ way of seeing and doing are made audible and visible.<sup>122</sup> This resilience to deconstruction is part of its adaptive strength—which is derived from systemic logics that actively produce and require legitimising factors and knowledge for new interventions, new research, new policy-work. Although one might assume that trenchant critique of the discourse constitutes an impossible inscription, by undermining the very configurations and mechanisms of the discourse on corruption, such counter-representations are mostly acknowledged ‘constructively’. This holds especially true for scholarly critique, which is mandated by the development industry and forms part of the image and

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<sup>121</sup> See Foucault 1966.

<sup>122</sup> Interesting examples are provided by (former) development workers who critically dissect the mechanisms of development cooperation that themselves are the precondition for (often: large-scale) corruption to emerge and solidify into permanent practices. For a detailed deconstruction of the corruption system within a programme, written up by the former programme manager, see Jansen 2009 who feeds his knowledge back into the discourse through an institution established by the very industry he is deconstructing. For a trenchant critique of World Bank lending practices and the window-dressing with regard to corruption see Berkman 2008. For classic critiques, including the systemic (at best unintentional) fostering of mismanagement and bad governance of foreign aid see Kabou 1993, Hancock 1994, Hanlon 1996, Raffer/Singer 1996, Lancaster 1999, Easterly 2006, or Moyo 2008.

symbolic representation of reflexive, self-critical development agencies. In this way such critique actually paves the way to the adaptation and modification of the discourse, whose reproductive rationale is ultimately even strengthened—as witnessed, for instance, in the governance turn of the development discourse in the wake of singularly failed market-centred development interventions.<sup>123</sup>

So summing up, the hegemonic formations that the double discourse on corruption consolidates, especially in its categorisation<sup>124</sup> of African political orders, has led to an impasse in identifying and understanding *loci* and agents of change beyond conventional, generalised spaces. In the scholarly discourse, potential agents and spaces of change are dismissed as inexistent, powerless or appropriated by dominant rationales of ‘corruption’, extraction and disorder. The development discourse, by its essentially bureaucratic nature, merely identifies such agents in a highly technocratic way—the usual suspects in civil society or the private sector, that, however, disappear behind the mechanics of the project implementation cycle and programme implementation. Even where development agencies seek more sophisticated approaches which capture the politics of development, such as for instance in the concept of ‘drivers of change’,<sup>125</sup>

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<sup>123</sup> There are exceptions, of course, where such critique oversteps the boundaries of the discourse. See, for instance, the example of Sir Edward Clay, at the time British ambassador to Kenya, who in a speech to the British Business Association in Nairobi in 2004 accused the Kenyan government under Mwai Kibaki of being on a ‘looting spree’ characterised by arrogance and greed. He famously exclaimed that “their gluttony causes them to vomit all over our shoes” (<http://www.independent.co.uk/opinion/commentators/edward-clay-kenyas-government-is-full-of-corrupt-gluttons-553304.html>; last accessed 25 March 2010). Although the EU did later that year freeze £83 million because of major corruption scandals, in particular the Anglo-Leasing scandal (see <http://www.guardian.co.uk/world/2004/jul/22/eu.kenya>; last accessed 25 March 2010), Clay was later disowned by the British government (for a rendition see Wrong 2009). For examples of the World Bank’s blinkering-strategies see Berkman 2008.

<sup>124</sup> The discourse on corruption, intentionally or not, has a strong element of ‘shaming’ of agents and structures of African political orders involved, be it rapacious elites or specific socio-cultural matrices. This corresponds neatly to Bourdieu’s statement on the power of categorisation and the entymology of the word: “In fact, this work of categorization, i.e. of making-explicit and of classification, is performed incessantly, at every moment of ordinary existence, in the struggles in which agents clash over the meaning of the social world and their position within it, the meaning of their social identity, through all the forms of benediction or malediction” (Bourdieu 1985: 729).

<sup>125</sup> This is a concept developed by DFID in their attempt to identify actors and institutions that are practically more relevant to initiating and supporting governance reforms. Some of the Drivers of Change country reports are some of the best analyses of the political economy. However, ultimately operational rationale derives from precisely the same technical reduction which it seeks to overcome: its success is not measured in terms of revealing and addressing repressive politics or skewed accountability processes, its success

the practices *sur place* of the Anti-Development Machine described so intricately by Ferguson (1990) pulverise the political to fit the operational logic of development cooperation.

In contrast, the premise of this chapter is that tropes of change and political imaginaries do indeed exist in African political orders. Not only do they exist; my key hypothesis is that the very discourse of corruption provides the terrain in which these struggles take place. The overarching interest and the main objective of the following chapters is, consequently, the exploration of the political and social spaces that 'corruption' opens up (or closes down), i.e. the manifold political and social articulations that feed off corruption as a reference. My premise is that although the discourse of corruption may take on a hegemonic (in the sense of dominating) shape, it actually provides the terrain for the articulation of particular struggles—and potentially may lead to the creation of a plurality of political spaces and public spheres.

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is measured in terms of the 'tools' and 'training programmes' which it has allowed DFID to produce (see DFID 2004).



## CHAPTER TWO

### SKETCHING OUT AN EMANCIPATORY DISCOURSE: CORRUPTION, POLITICAL SPACES AND SOCIAL IMAGINARIES

*Here, then, is the paradox in the search for civil society at the century's end. The very fertility of the Idea—its broad, transnational appeal as a trope of moral imagining—stems from its polyvalence: its capacity to condense distinct doctrines and ethical strains in a fan of pliable associations that can be variously distilled and infinitely elaborated [...]. The more inchoate and polymorphous, the more appealing: the more appealing, the less attainable in any substantive, meaningful form. [...]. As Durkheim said long ago, the ritual of conjuring with resonant signs is a condition of the very possibility of imagining society, sui generis.<sup>1</sup>*

*But if there is no ground of the social, any historical intervention will be the work of limited historical agents. This limitation, however, is more than compensated for by a new freedom that social agents win as they become the creators of their own world.<sup>2</sup>*

#### 1. Introduction

After having set the backdrop with an elaboration of the development discourse of corruption, on the one hand, and the scholarly discourse of corruption, on the other hand, the purpose of this chapter is to set up the main stage, namely to outline a specifically political theory of corruption. To tackle this rather ambitious undertaking, however, some conceptual and theoretical illuminations are required. In this chapter I will argue that the scholarly and the development discourse on corruption are intimately intertwined and create a particular, dominant body of knowing and acting upon corruption in Africa. This argument, however, will not serve to underpin similar arguments about the discourse of governance, i.e. that it has inherently repressive effects, intentionally or unintentionally, in that it consolidates unaccountable and unresponsive power relations on a domestic and international level.<sup>3</sup> There is a strong and well-documented case for such an argument, but my prime research interest leads to an

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<sup>1</sup> See Comaroff/Comaroff 1999: 6.

<sup>2</sup> See Laclau 1996: 102–103.

<sup>3</sup> For such a narrative see, for instance, Marquette 2003 or Harrison 2004.

inversion of this angle: my enquiry is driven by the quest to explore the fields and processes of social transformations that the discourse of corruption *opens up*, rather than a quest for the spaces it *closes down*. This is, evidently, a fundamentally different approach to the development discourse on corruption, which seeks to identify and redress 'dysfunctions'. It is also a fundamentally different approach to the scholarly discourse on corruption, which essentially refers, optimistically or fatalistically, to the importance of ruled-based, meritocratic behaviour, institutions and norms. My critique is that that both discourses obscure processes of change that do occur. The development discourse does this by its myopic and technocratic rationale, breaking 'politics' down into standardised, operational procedures, indicators and projects. The academic discourse, albeit on a more sophisticated level, does this by its ultimate reference to social theories derived from specific historical Western experiences. This leads to patterns demarcating the absence of similar processes or conditions visible in African societies, rather than illuminating the presence of actors, processes and conditions in Africa which are conducive to democratising and emancipatory spaces and structures. The body of literature since Foucault has given ample demonstrations of the mechanisms and micro-mechanisms through which discourses shape power relations and social realities. But it seems that we need a very different set of lenses to discover changes that are effected in a different direction, changes that may be of a more progressive—in a political sense of liberating and emancipatory nature.

But before such processes can be analysed on an empirical level in a way that does not replicate the blind spots of existing discourses, some central theoretical challenges need to be addressed. In particular, five conceptual steps are required, which will be undertaken in this chapter:

*Firstly*, a theoretical frame of reference shall be developed that enables us to identify within the discourse of corruption the political and social spaces that open up through the contact and interaction with the discourse (Section 2, below). For as the closing thoughts of the previous chapter indicated, my hypothesis is that such transformative processes are both more incremental as well as more political than inscribed in the discourse(s) of corruption—hence their invisibility. To grasp such emancipatory process adequately, a completely different theoretical approach is required, one which formulates a political theory that is linked to political practice. In particular, it needs to incorporate the mechanisms and regularities of political articulations whilst at the same time doing justice to the openings and transformations of social agency and political orders; in other

words, not to apply a theory that does not ‘smother’ the incremental processes of social and political transformation, but to develop a conceptual framework that profiles the interrelationship between social agents and political discourses and renders the dynamics of change effected by such interrelationships legible. Such a theory is found in post-Marxist political theories. Hence, in this second step, a political discourse theory will be outlined, drawing heavily on the political theory of Ernesto Laclau. His political theory will serve as the central theoretical frame of reference to identify and analyse what I am boldly (and in reference to post-Marxism) calling emancipatory processes in the classic sense of ‘setting free’.<sup>4</sup> This will enable me to carve out central concepts and their relevance to an analysis of corruption and political spaces in Africa. Rather than generalisations from a closed theoretical paradigm of ‘Africa’ or ‘African politics’, which characterise more recent theories discussed in the previous chapter, for my purpose a *general* theory on politics, or rather: the political is required.<sup>5</sup> This reconceptualisation is not only tapered towards identifying sites of social and political agency, it puts such operations at the very centre of the theoretical inquiry. In particular, I shall argue that “corruption” is not so much a practice or structural feature, but rather a nodal point which enables different claims, interests and identities to link up and structure the political in new ways. Corruption is, in the terms of political discourse theory, an ‘empty signifier’, a catalyst of social and political organisation. Key here is not so much what corruption ‘is’, key here is the ways in which different actors relate to what ‘corruption’ signifies and the ways they seek to differentiate or link up in relation to this signifier. My key hypothesis is that the very discourse of corruption provides the terrain in which these struggles take place. The overarching interest and the main objective of the following chapters is, consequently, the exploration of the political and social spaces that ‘corruption’ opens up (or closes down), i.e. the manifold political and social articulations that feed off corruption as a reference. My premise is that although the discourse of corruption may take on a hegemonic (in the sense of dominating) shape, it actually provides the terrain for the articulation of particular struggles—and

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<sup>4</sup> The Concise Oxford Dictionary defines emancipation as “setting free, esp. from slavery or from legal disabilities”, but also as “setting free, freedom, from intellectual or moral fetters” (Fowler/Fowler 1951: 387–388), putting freedom and liberation at the heart of the term. The term emancipation will be elucidated more thoroughly in the following sections.

<sup>5</sup> For an interesting contribution exploring the differences of the political and politics in discourse theory, see Dyrberg 2004.

potentially may lead to the creation of a plurality of political spaces and public spheres.

Equipped with these more refined analytical tools, it then becomes possible to illuminate actors and practices in the context of corruption that shed more light on their transformational potential. However, in addition to developing a more nuanced conceptual framework to analyse such politics, two key spheres of society need to be explored in more detail. If the state is and remains the central reference point of the discourse of corruption in Africa, surprisingly little is being said about the two other classic social spheres, namely civil society and the economy—although the discourse of corruption rides on the back of loaded implications about these two key non-state spheres and their relationship to the state, or, more broadly, to trajectories of development. In implicit or explicit reference to Western trajectories, both these spheres carry with them promise of democracy and wealth, promise of nurturing and enabling the kind of political and economic spaces that are seen to be prerequisite for overcoming the ‘institutional dysfunctions’ or ‘infernal mechanisms’ leading to corruption. Simultaneously, civil society and the private sector, like the strong state, are mainly present in the discourse through their identified absence. In an attempt to systematically explore the potential spaces for political mobilisation and change, hence, these two societal spheres and their relevance for the discourse of corruption, or more concretely: for the transformation of society to a more democratic society shall be explored. So, *secondly*, the loaded concept of civil society shall be scrutinised (Section 3, below). I shall fleetingly dwell on the normative blinkers that its use conventionally implies, but, against the backdrop of post-Marxist theory, primarily seek the liberating social imaginaries that the concept conveys and enables.

*Thirdly*, then, I shall turn to the economy, a field producing and reproducing key societal power relations, defining access to and control over both economic as well as social resources (Section 4, below). Historically, the social classes emerging from the development of a private sector have been pivotal to the separation between the private and public sphere, to the primacy of the rule of law, and the kind of political accountability structures which are manifest in all shades of liberal democracy. As such the state of the private sector is intimately linked to the state of civil society, both of which in turn frame the state of the state—and all of which are, as I shall argue, primarily conceived in the discourse on corruption via their deficiency, if not outright absence in Africa. And yet, the discourse relies heavily on the idea of a structural transformation that is both cause

and consequence of the intentional activities of such social classes, in particular of the middle class. Organised interests of the middle class have historically and epistemologically been of paramount importance. They signify a (part of) society that is not ascriptively defined, but is individualised and economically autonomous, which defines its societal linkages via economic and political interests and a particular professional ethos rather than via familial or patronage ties (Section 5, below). Their importance for a particular ‘modern’ trajectory and social imaginary shall be carved by illuminating the role of professional associations in sociological theories on social change—but more significantly, by discussing their role and presence in contemporary African societies (Section 6).

This chapter, as a whole, will set the scene for the empirical investigation of the discourse of corruption as appropriated by professional associations in Tanzania in the next chapter.

## 2. *Reinserting Politics: A Political Theory of Corruption*

My starting-point is the catch-all nature of the term corruption that has been critiqued so sharply with regard to the development discourse. The catch-all, however, also applies to the scholarly discourse, where ‘corruption’ denotes a plethora of values, practices and structures that, ultimately, undermine the spirit of fruitful development. I will argue that conceivably there is a certain political productivity in this ‘emptiness’ of the term. Its very amorphousness allows for different actors to employ it and connect to each other: using ‘corruption’ and the seemingly universal meanings it conveys as a vehicle to articulate and negotiate different visions of values, norms, rationales, interests, and not least visions. How else would social actors from different social spheres, positions and life-worlds communicate, if not on the back of a term that allows for all different meanings and interests to be transported and articulated? What I intend to do here is seek to explore on a theoretical level the articulations that are resonated in the very hollowness of the term corruption. Ultimately, my intention is to identify the emancipatory and democratising discourses that its very malleability render possible.

Drawing on post-Marxist theory, the argument developed here is that the term corruption is an ‘empty signifier’: a chronically underdefined term (such as justice, or freedom) that has no fixed signified, and hence can be filled with contingent meaning. This filling of meaning is far from arbitrary—it serves an essential systemic function. The argument is

elaborated extensively in the works of Laclau and fellow scholars,<sup>6</sup> who theorise the discursive formations of emancipatory spaces in a novel way. Conventionally, discourses construct meanings and subjects, and seek to represent universally valid truths. In ordinary language use as well as in post-modern usage the term discourse has been implicitly or explicitly linked to the concept of hegemony, a state of political and symbolic supremacy, of the blanketing out of difference, and hence of repression and domination.<sup>7</sup> Laclau has provided a highly sophisticated reformulation of the concept of discourse, that, based on a Gramscian understanding of hegemony, loses its *a priori* connotation with repression inherent in much Foucauldian thought. On the contrary, in Laclau's approach discourses and hegemonising operations become central to the constitution of society—in particular to *democratic* societies. In this thrust, Laclau and his fellow thinkers have contributed to a radical reformulation of the relation between the 'universal' and the 'particular'—central categories of post-structuralist as well as post-modernist theories. A central theoretical innovation in post-Marxism is that there is no theoretical bias of the particular over the universal (in the sense of a 'politics of difference'); on the contrary, the dual reference to both the universal and the particular become constitutive of social and political life.

To understand his conceptualisation of hegemony this relationship between universalisation and particularism needs to be laid out more carefully. The basic premise Laclau develops is that any concept of the 'universal', i.e. articulations of 'unity' or 'wholeness', is an impossibility. The universal is a signifier, which implicitly or explicitly negates a system of difference. At the same time there is no universal claim which can wholly and truly eliminate all differences; it is a logical impossibility that a particular identity, constituted through difference, can fully represent all identities.<sup>8</sup> In other words, universal claims are always expressions of

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<sup>6</sup> I shall concentrate on Laclau's political theory, although his work developed and develops in close collaboration and critical interaction with the work of Mouffe 1993; 1996, Žižek 1990; 2000a; 2000b; 2000c, and Butler 2000a; 2000b; 2000c.

<sup>7</sup> For an overview see Howarth 2000.

<sup>8</sup> Here the intellectual engagement with post-structuralists as well as Marxism is evident; the former especially with the centrality of disagreement in politics as a central feature. As Norval expands: "The centrality given to disagreement in the post-structuralist theorization of democracy arises directly from one of its basic ontological presuppositions, namely, the 'impossibility of closure' of any identity or structure. This is important, for it affects the status of disagreement in the model, making it not only an empirical feature of political life, but something arising from a constitutive characteristic of modern society. [...] While society can relate to itself only on the condition that it forges a representation

particular identities, never of a 'fullness' which exists and speaks for itself. A key universalism, namely, 'society' or the 'the social' is at the centre of Laclau's analysis. He argues that the notion of 'society' is *a priori* empty, it is an 'absent fullness', for the existence of 'a society' would imply the cancelling out of all differences. The term 'society' is thus more aptly conceptualised as a *symbol* representing such an absent fullness, a closed universality. This symbol, however, rather than having a meaning or a substance to itself, is filled with particularities, which have temporarily managed to symbolise universalities. But this appropriation of the universal through particularities is not *a priori* threatening or repressive, as implied in other discourse theories. On the contrary, a notion of universality is indispensable for any constitution of the social and the political.<sup>9</sup> As Laclau argues: "The universal is an empty place, a term which can be filled with only by the particular, but which, through its very emptiness, produces a series of crucial effects in the structuration/destructuration of society" (Laclau 2000a: 58). He goes on to argue that "the impossibility of a universal ground does not eliminate its need: it just transforms the ground into an empty place which can be partially filled in a variety of ways (the strategies of this filling is what politics is about)" (Laclau 2000a: 59). In other words, such terms and imaginaries that can impossibly be 'fixed' as one particular signifier are constitutive for social and political processes, for constituting society as such: for political struggles, contentions, and linkages around the 'filling', the definition of such signifiers are the very operations which enable different actors and identities to articulate and shape a common horizon which constitutes as an entity beyond their particularities.

Here enters Laclau's reconceptualisation of hegemony, for such a universality or common horizon, which is a necessary precondition for the

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of its unity, these representations are secondary accretions [...]. The moment of the institution of a social order is thus always already that of a particular imaginary regime" (Norval 2004: 152). See also Lefort 1986 for further elaborations on the role of Marxism in exposing the illusion of a society that accounts for itself.

<sup>9</sup> As Laclau/Mouffe elaborate with respect to the idea of unity: "For, even though impossible, this remains a horizon, which, given the absence of articulation between social relations, is necessary in order to prevent an implosion of the social and an absence of any common point of reference. This unravelling of the social fabric caused by the destruction of the symbolic framework is another form of the disappearance of the political. In contrast to the danger of totalitarianism, which imposes immutable articulations in an authoritarian manner, the problem here is the absence of those articulations which allow the establishment of meaning common to the different social subjects" (Laclau/Mouffe 1985: 188).

very emergence and maintenance of social relations, is constructed by discourses. In Laclau's terminology, universal references are constructed by hegemonic articulations, i.e. the articulation of particularistic identities that claim to embody some universal representation.<sup>10</sup> Hence his reformulation of 'discourse' to 'hegemonic representation',<sup>11</sup> which allows for a non-deterministic conceptualisation of hegemony: the universal can only be thought in specific social and political terms, capturing particularistic, contextualised articulations rather than essentialist universalisms. In a critical reformulation of Gramsci's theory,<sup>12</sup> these discourses thus need to be constructed in a way that go beyond their particularistic interest to become intelligible to other social agents; for if only particular social identities exist, then the existence or emergence of "common point of reference", a "meaning common to the different social subjects" (Laclau/Mouffe 1985: 188) elaborated above is not self-evident.

The mechanism through which this universalising effect of hegemonic representations is achieved is through the production of empty signifiers.<sup>13</sup> Empty signifiers allow a discourse to be filled with particularistic and potentially incommensurable contents whilst maintaining a universal representation. In this sense, empty signifiers are essential for creating linkages, in Laclau's terminology: for enabling chains of equivalence between differential and particularistic identities. To understand this aspect it is pivotal to take note of the crucial structuring effect that empty signifiers have on social practices and society as such.<sup>14</sup> A good example of the structuring effects of an empty signifier is for instance the 'nation': the idea of the nation consists of a somehow unified identification of fundamentally different identities, e.g. of gender, ethnic, regional, political, and religious

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<sup>10</sup> In Laclau/Mouffe's early reading, social identity itself emerges out discursive constructions, which they term 'discursive articulations', i.e. practices which establish a relation among elements. One important feature of such discursive articulations is that the social identities themselves are modified as a result of the articulation (Laclau/Mouffe 1985: 105), a point to which we shall return in our empirical analysis. In his later work, Laclau distanced himself from the notion that social identity must always or necessarily be discursively constructed, by introducing a primary category of dislocation'.

<sup>11</sup> Laclau/Mouffe capture one angle of 'hegemony' very beautifully in following quote: The space of hegemony is "a space in which bursts forth the whole conception of the social based upon an intelligibility which reduces its distinct moments to the interiority of a closed paradigm" (Laclau/Mouffe 1985: 93).

<sup>12</sup> See Gramsci, in particular Section 2 "*State and Civil Society*" (Gramsci 2008: 206–275).

<sup>13</sup> For a detailed discussion of the role of empty signifiers for politics see Laclau 1996a: 36–46.

<sup>14</sup> For a discerning discussion of the 'universal' see Gasché 2004: 17–34.



groups. Although these particular identities are constituted through a logic of difference, they are able to connect through a chain of references *vis-à-vis* an overarching universality. In other words, ‘the nation’ becomes an empty signifier by representing a universal identity. The chain of equivalence constructed by the empty signifier ‘the nation’ obscures the differential identities, by referring to something which is beyond particularities. Through the nodal points produced by the empty signifier, such chains of equivalence allow for the construction of a common identity—albeit one which is logically impossible, as these differences can only be overcome on a purely representative level. This is what Laclau (2000a: 56) terms the “representation of an impossibility”: the universal is an objective impossibility, it can only be constituted through particularistic representations.<sup>15</sup> At the same time, the production of linkages to other identities, which cancel out the differences between the different identities, is a precondition for a particular discourse to constitute itself beyond the narrow boundaries of its own terrain. In conclusion, the very condition of a politics of difference (Laclau’s critical appropriation of a central post-modernist term) is precisely the appeal to universal principles.<sup>16</sup>

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<sup>15</sup> To illustrate the mechanisms through which hegemonic relations work, Laclau invites us to consider following extreme situation of a radical disorganisation of the social fabric: “In such conditions—which are not far away from Hobbes’ state of nature—people need an order, and the actual content of it becomes a secondary consideration. ‘Order’ as such has no content, because it only exists in the various forms it is actually realized, but in a situation of radical disorder ‘order’ is present as that which is absent; it becomes an empty signifier, as the signifier of that absence. In this sense, various political forces can compete in their efforts to present their particular objectives as those which carry out the filling of that lack. To hegemonize something is exactly to carry out this filling function. (We have spoken about ‘order’, but obviously ‘unity’, ‘liberation’, ‘revolution’, etcetera belong to the same order of things. Any term which, in a certain political context becomes the signifier of the lack, plays the same role). Politics is possible because the constitutive impossibility of society can only represent itself through the production of empty signifiers” (Laclau 1996a: 44).

<sup>16</sup> For detailed elaboration see Laclau 1996. This theoretical reconceptualisation is a conscious distinction to the debates on multi-culturalism and the theories informing them. Laclau’s central premise is that precisely the split within particularism and universalisation, i.e. the ‘unfulfilled fullness’ which universalities signify, is essential to particularisms if they hopes to assert itself beyond its own boundaries. So the double reference to the universal and the particular are the very stuff of social and political relations. Although he clearly recognises the dangers of universalising discourses and their potentially totalitarian effects, he argues that “the assertion of pure particularism, independently of any content and of the appeal to universality transcending it, is a self-defeating enterprise” (Laclau 1996: 26). I shall return to the role of particularism and radical democracy further down in this section.

Empty signifiers thus frame the nodal points at which differential identities transcend their differences and collapse insofar as they refer to a common universality. Put differently, they relate to each other via the reference to a common universality, via an empty signifier. “There is no universality, as we have seen, except through an equivalence between particularities, and such particularities are always contingent and context-specific” (Laclau 2000c: 211). In this way, empty signifiers are constitutive for the construction of social order, in fact for society as such. Particular identities require nodal points to relate to each other and enable this process of identification with the universal—here: the absent fullness of society. Empty signifiers provide this filling function. On centre stage here are the modes in which social demands (particularities) are translated into struggles or notions that take on a wider representation beyond their own, narrow identity.<sup>17</sup> As Norval expounds, this process of constructing hegemony thus is in sharp relief from naked coercion or imposition of (particular) demands on subordinate groups, for it features a two-fold character:

On the one hand, demands are always specific, even particularistic, in that they arise from the experiences and conditions of particular and limited groups. On the other hand, for those demands to become universalized, to function as a horizon in which more generalized demands may become inscribed, they need to be marked by something transcending their particularity (Norval 2004: 157).

In other words, there is “both a contextual and a context-transcending dimension in the process of the hegemonization of a field of demands” (Norval 2004: 157). Such a universalisation of demands, manifested as political struggles, are only possible through the production of empty signifiers.

Although it clearly emerges from his conceptualisation of the ‘contextual and context-transcending dimensions’ of such hegemonic representations, Laclau is at pains to emphasise that the ‘emptiness’ to which he refers is a concrete notion. He exemplifies the steps connecting ‘emptiness’ with ‘universality’ by summing up his key arguments in a very illuminative way:

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<sup>17</sup> This double feature of hegemonic representations distinguishes the political theory of Laclau from the particularism and subjectivism that post-modern narratives on identities and interests are critiqued for.

[Thus], universality, not being either the result of a conceptual abstraction or of a conceptually grounded telos, is simply a concrete historical construction and not an aprioristically determined presupposition of the social as such. The anti-globalization movement, for instance, attempts to construct equivalential chains between many locally based struggles and demands. In that way it breaks with the narrow particularism of the latter and universalizes them by presenting them as part of a wider emancipatory struggle. But this construction of the universal through equivalential inscription is a process of identification which—as all processes of identification—is not purely conceptual but involves a plurality of intellectual, political, and affective dimensions (Laclau 2004: 281).<sup>18</sup>

Important to note here is that such hegemonising representations do not leave the identities or interests of the participants unchanged. They necessarily involve an engagement by the social groups on all these different levels. As Laclau himself alludes to in above quote, the very discourses—and hence the social demands and identities represented—change as a result of the contingent hegemonising processes. This is a point I shall return to further down, and which will be particularly salient for the empirical case-studies.

Summing up, in Laclau's political theory hegemonic articulations, and by elongation the empty signifiers that act as transmitters beyond particularistic identities, have a strong emancipatory potential. They create the conditions of democratic politics, of the articulation of different social struggles. So empty signifiers, far from being meaningless, are the very mediums of political articulations and struggles. They fully embody the contradiction of the incommensurability between the universal and the particular, the 'constitutive lack' which never be fully transcended. But far from being a deficiency, this constitutive lack signifies the possibility of plural hegemonic formations: "Incompletion and provisionality belong to the essence of democracy" (Laclau 1996: 16). Hence, empty signifiers enable a crucial democratic moment, with no *one* project or *one* political will being irreversible or uncontestable. Quite the opposite: all hegemonic representations are subject to contingent processes of identification.

Before connecting Laclau's political theory to the discourse of corruption, a word on the conceptualisation of social agents is required.<sup>19</sup>

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<sup>18</sup> For case-studies discussing localised protest movements in the light of post-Marxist theory see Griggs/Howarth 2000, 2008.

<sup>19</sup> As the elaborations in Laclau/Mouffe 1985 underline, much of this theoretical thrust derives from their intention to reject socialist universalism, which posits a necessary universal working class as the one and sole social agent, *qua* its economic position.

Although agency seemingly disappears behind the central categories of the universal and the particular, the chains of equivalence and the hegemonic strategies transcending the split between universalism and particularism are shaped and driven by social agency. In fact, Laclau's core interest revolves around the question of how to empower identities and cultural differences in an emancipatory way, especially under the contemporary 'dislocatory' effects of globalisation.<sup>20</sup> Unlike, for instance, in Foucauldian discourse theory, this political theory puts social agents on centre stage. Consistently, Laclau's and Mouffe's notion of a radical democracy is not only "to expand egalitarian effects into more and more areas of the social", but also to recognise that "the relative autonomy of the demands of different groups has to be accepted and articulated into a larger common movement, what is called 'a chain of equivalence'" (Critchley/Marchart 2004: 4). This prime consideration of plural social agents is what distinguishes this political theory from others, achieving a theorisation of social agency within a stringent framework of the social and society. Again in contradistinction to a Foucauldian discourse theory, where the notion of agency is smothered by a focus on discursive iterations, Laclau conceptualises social agents in an mediated fashion. His prime theoretical interest is the relationship between the universal and the particular, or more precisely: the political projects which aim to fill the "always receding horizon" (Laclau 1996: 34) of the universal with particular contents, which are connected by such chains of equivalence. But although the theory operates on a high level of abstraction, the 'contaminated' relationship between the particular and the universal is articulated as concrete political struggles by and between specific social agents:

If democracy is possible, it is because the universal has no necessary body and no necessary content; different groups, instead, compete between themselves to temporarily give to their particularisms a function of universal representation. Society generates a whole vocabulary of empty signifiers whose temporary signifieds are the result of political competition (Laclau 1996: 35).

In other words, political identities and interests shape and are shaped by contingent, historical processes of articulation. The more contestable and

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<sup>20</sup> The concept of 'dislocation' is a radical theorisation of Laclau's and Mouffe's notion of antagonism as the limit of the social; especially in Laclau 1990 and in his exchanges with Butler/Zizek 2000 dislocation becomes a primary category, capturing 'the outside' which is not necessarily discursively constructed in the form of an antagonism. For a more general discussion of the accelerated tempo of dislocatory experiences see Howarth 2000.

the more reversible the ‘fixing’ of the meaning of signifieds is, the more democratic the society. This has major consequences on social agency, which in a democratic society is freed up to a wide and deep understanding of agentic possibility in relation to structural contexts. Paraphrasing Emirbayer and Mische, a democratic society brings forth and is brought forth by actors that see their worlds as *more* rather than *less* responsive to human imagination, purpose, and effort (cf. Emirbayer/Mische 1998: 973).

There are several key theoretical openings that this conceptualisation of social and political relations enables. First of all, as there are no logics of necessity which predetermine the composition of political identities or the outcome of political struggles, it allows a theoretical focus on the (de) construction of such political identities and interests. Second, as Norval argues, “it opens up a whole realm of theorization of social and political relations based on their contingent articulation” (Norval 2004: 155). And thirdly, it is a theory which, rather than seeking to eliminate the ‘noise’ of political struggles, puts tension and disagreement at the very heart of it, but without foreclosing the terrain for processes and procedures constructing consensus.<sup>21</sup>

Equipped with these theoretical keys I will unlock the enquiry of the following chapters. They are based on the central hypothesis that the discourse of corruption performs precisely such a filling function: ‘corruption’ provides various groups with the universal terrain to articulate their representations and to construct chains of equivalence. Corruption is an exceptionally attractive term by semantically denominating a deficiency, a lack of a particular kind of social order, and hence referring to ‘that which is absent’, to a particular, ‘good’ social order. However, the kind of order that is implied in the reference to corruption is widely different and in fact often incommensurable, although the semantics all refer to the same empty signifier: corruption as an obstacle to a ‘level playing field’ of the private sector, as a threat to ‘the stability and security of societies’, to ‘the quality of life for all’, and not least the ‘values of democracy’—all of which are not necessarily compatible, or are even outright antagonistic notions. Professional associations, government officials, anti-corruption activists, grass-root organisations and CEOs of large international companies share neither the same lifeworld nor political agenda. So the rather puzzling fascination with corruption by actors from all (antagonistic)

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<sup>21</sup> For a highly insightful discussion of and comparison between deliberative and post-Marxist theories of democracy see Norval 2004, 2007.

wakes of society suddenly makes sense when viewed through the lens of an empty signifier: different groups can and do seek to fill it with particular meanings and contents which further their own objectives. The signifier 'corruption' provides them with the frame of reference to connect these different identities and objectives, the chain of equivalence that cancels out incompatibilities between them, as well as providing the universal (one could also say: public) terrain for articulating particular interests and political struggles.

### 3. *Civil Society: The Omni-Present Absence in Africa*

Classically, the terrain of such democratic articulations and struggles has been analysed in the concept of civil society: the locus of empowered and articulate social groups actively engaging in shaping the state and creating a socio-political order which provides a mediating structure, not a structure of exclusion. It is to the emergence of independent, voluntary and organised representation of societal interests that such an ultimately fruitful relationship between state and society is pinned to. Hence, it comes as no surprise that throughout the discourse of corruption one mantra is chanted again and again: that the 'principal institutions of modern politics',<sup>22</sup> the 'reform of public morals'<sup>23</sup> or the 'secure and broad-based consensus on the rules of the political game'<sup>24</sup> are the mediums as well as the products of social transformation that allow for rule-based, capable and legitimate collective action and representation.

The concept of civil society itself is based on the very idea of creating spaces for social actors to engage with the social foundations of the state. Conventionally defined, the realm of civil society lies between the primary units of society (individuals, families, clans, etc.) and the institutions of the state;<sup>25</sup> civil society offers autonomous sources of social power, of

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<sup>22</sup> See Huntington 1969: 71.

<sup>23</sup> See Olivier de Sardan 1999: 48.

<sup>24</sup> Leftwich 1993: 614; see also Hyden 1995; 1999.

<sup>25</sup> Consider the working definition offered by Cohen/Arato in their seminal book on civil society and political theory, who consider civil society "as a sphere of social interaction between economy and state, composed above all of the intimate sphere (such as the family), the sphere of associations (especially voluntary associations), social movements, and forms of public communication. Modern civil society is created through forms of self-constitution and self-mobilization. It is institutionalized and generalized through laws, and especially subjective rights, which stabilize social differentiation" (Cohen/Arato 1992: ix). Remarkable here is the explicit inclusion of the family, which is usually excluded, being a non-voluntary form of association. Important, however, is their inclusion of iterated forms

specifically civic values and civic action, whilst opening up new opportunities of political life as a consequence of the pluralisation and differentiation of institutional life. Epistemologically the concept of civil society evolved from its specific relationship to the (Western) state: the idea and practice of a ‘countervailing’ force to the state, where social forces form an inherent part of the project of the nation state by engaging with the state and shaping the public sphere, thereby idealtypically signifying both a curtailing as well as empowering complement to the state. The concept of civil society evokes the representation and participation of social forces in the political realm, transforming the latter into a locus of civic identification and representation.

For pertinent geo-political reasons, the concept of civil society was rejuvenated again after the end of the Cold War, and has come to play a pivotal role in development discourse. The powerful effects of social movements and civic associations in bringing about political liberalisation of the Eastern European countries inspired hope and sharpened interest in their democratising role. Rather mockingly, Gellner describes this rediscovery in the following terms: “The dusty term, drawn from antiquated political theory, belonging to long, obscure and justly forgotten debates, re-emerged, suddenly endowed with a new and powerful capacity to stir enthusiasm and inspire action” (Gellner 1994: 5). In regard to Africa, the developmental potential of civil society became hugely influential, partly due to the collapsing economic and structural base of the state, partly due to the neo-liberal emphasis by international development agencies on private initiative.<sup>26</sup>

Many scholars have critiqued that the term civil society, as utilised in the current development discourse, is tenaciously and (more often

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of public communication, which is, as will be discussed further down, an essential feature of civil society.

<sup>26</sup> The sense of a politically democratising and also economically vibrant force is summed up perfectly by Gyimah-Boadi, who also alludes to the *‘tabula rasa’* with regard to the public sector that African societies faced after the severe economic crises of the 1970s: “However, some of that developmental potential of civil society was restored, by default or by design, following the near collapse since the late 1970s of the African state and its economic development structures [...]. The proliferation of a wide range of grassroots and development NGOs in the 1980s and 1990s was a key manifestation of this restoration. This phenomenon, combined with the growing emphasis on private sector development as well as the emergence of private sector development groups and revamping of business associations, present renewed possibilities for the development of the private sector and economic decentralization, which can only enhance the prospects of African democratic development in the twenty-first century.” (Gyimah-Boadi 2004: 106).

than not) blindly informed by the contemporary (neo)liberal ideology.<sup>27</sup> Moreover, civil society plays a peculiarly double-edged role in development practice: on an ideological level, it is the locus of all that is empowering, equipped with the power to transform structural dysfunctions and check political predation; whilst on a functional level, it is looked upon as a service provider, a sector which can provide certain services that the state and the market are unable or unwilling to provide such services cost-efficiently, especially to marginalised groups.<sup>28</sup> The purpose of this chapter is, however, not to deconstruct the discourse of civil society in development cooperation. The purpose of this chapter is to identify mediums and actors of social transformations creating political spaces and the kind of normative consensus that are prerequisite for political inclusion of an emancipatory nature, to seek the transformationary potential of civil society, the political spaces that social actors shape and create. For this it is necessary to explore the concept of civil society in greater detail, to peel out the core potential as a theoretical concept as well as a social force.

First and foremost: civil society cannot be thought without the state. Fundamentally, “civil society cannot be constituted as a truly separate instance, for its functions both anticipate and extend the state’s role” (Laclau 2000a: 49).<sup>29</sup> In liberal theory<sup>30</sup> that informs much of the devel-

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<sup>27</sup> See, for instance, Comaroff/Comaroff 1999; Cohen/Arato 1994; Gellner 1996; Tester, 1992.

<sup>28</sup> For pioneering critiques of the era on the role of NGOs and civil society in development see Edwards/Hulme (eds.) 1996 a, b. However, civil society has lost none of its allure for development cooperation. Consider for instance the Advisory Group on Civil Society and Aid Effectiveness (AG-CS), who emphasise that “civil society is inherently diverse, and CSOs fill a range of roles in social and economic development in any country, many of which are beyond those supported through official development assistance (ODA)” (AG-CS 2008: xiii). The Advisory Group draws particular attention to civil society’s role in i) mobilising grassroots communities and poor or marginalized groups, ii) their monitoring role, iii) engaging in research and policy dialogue, iv) delivering services and programmes, iv) building coalitions, v) mobilising aid resources, and vi) civic education (AG-CS 2008: xiii).

<sup>29</sup> On this point (perhaps only), there seems to be general consensus across social theory. Note, for instance, Giddens, who reformulates the relationship between state and civil society in terms of a contradiction: “The primary contradiction of the capitalist (nation-) state is to be found in the mode in which a ‘private’ sphere of ‘civil society’ is created by, but is separate from and in tension with, the ‘public’ sphere of the state. It is a mistake to suppose that everything that lies outside the scope of the state, if that is taken to mean institutions which precede, and are not incorporated within, the realm of state power. The origins of the modern state are also the origins of the sphere of civil society [...]. The capitalist state, as a ‘socializing’ centre representing the power of the community at large, is dependent on mechanisms of production and reproduction which it helps to bring into being but which are set off from and antagonistic to it” (Giddens 1984: 197).

<sup>30</sup> For an elaboration of Marxist and post-Marxist perspectives on civil society see Laclau 2000a: 47–59.



opment discourse, civil society is generally conceptualised in three ways: as a social sector counterbalancing the state, as a societal sphere that nurtures specifically civic values, or, in its most truncated form, as a collection of non-governmental organisations. This admittedly grossly reduced outline does indicate, however, that civil society is *ab ovo* conceived in relationship with the state: both in opposition to the state, confining the state's hegemonic (here: in the sense of dominant and appropriating) tendencies, as well as complementing the state, weaving a social fabric that enhances and supports public institutions.<sup>31</sup> Historically, the concept of civil society emerged as a signifier for the separation of state and society, for the divide between the public (i.e. state institutions) and the private (i.e. the realm of citizens). The realm of civil society is defined by civic practices, identifying with the values of liberal capitalist order.<sup>32</sup>

Gellner, interested primarily in the conditions of liberty of modern society, emphasises the buffering role of civil society against state dominance:

The simplest, immediate and intuitively obvious definition, which also has a good deal of merit, is that Civil Society is that set of diverse non-governmental institutions which is strong enough to counterbalance the state and, while not preventing the state from fulfilling its role of keeper of the peace and arbitrator between major interests, can nevertheless prevent it from dominating and atomizing the rest of society (Gellner 1994: 32).

Conventionally, such civic groups encompass different types of voluntary organisations, whose common denominator is the representation collective interests of both a political as well as non-political nature—innocuous ones such as sports clubs or community organisations, to more overtly political such as trade unions and professional associations, and not least newer forms of issue-based organisations, such as human rights or environmental organisations.

However, not all voluntary or non-profit social organisations are subsumed under civil society, as Chazan emphasises with a specific focus on African societies:

Not all social forces are part of civil society [...]. Civil society is separate from the state but relates to the state: parochial associations that do not evince an interest beyond their immediate concerns, groups that do not have a

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<sup>31</sup> For a detailed discussion on the history and conceptual schools of the term civil society see Cohen/Arato 1992, Gellner 1994 or Elliott 2003.

<sup>32</sup> See, for instance, Putnam and his fellow authors (1993) on the importance of 'civic values'.

concept of the state beyond their own aims, and those totally controlled by state agencies are excluded from its domain (Chazan 1994: 256).

In other words, a particular kind of civic attitude and value structure are required for civil society, indicating just how intimately the idea and practice of civil society is tied to specific Western conditions of socio-political transformations.<sup>33</sup> The concept of 'civil society' is tied to the notion of 'civility', which Shils (1991) circumscribes as a particular social moral (or, in his words: the fundamental virtue of civil society): the recognition a common good, of individual rights and dignity beyond one's own community or family, and a sense of collective responsibility that restrains and mediates relations between members of society. This particularly civil 'virtue' or moral is underpinned by specific structural transformations, as Mamdani (1996) argues:

With an end to extra-economic coercion, force ceased to be a direct arbiter in day-to-day life. Contractual relations among free and autonomous individuals were henceforth regulated by civil law. Bounded by law, the modern state recognized the rights of citizens. The rule of law meant that law-governed behaviour was the rule. It is in this sense that civil society was understood as civilized society (Mamdani 1996: 14).

The key features of the structural premises of civil society cannot be carved out more clearly: individual rights, predictable rules and rule enforcement that protects citizens from the state as well as binds citizens' interactions with the state—but limited to very particular, normatively defined types of social practices and social agents.

Thus, the concept of civil society, as used in much development theory and policy, is based on certain (often circular) assumptions made with regard to both conditions as well as the effects of civil society. Especially dominant is the assumption that the 'nurturing' of civil society leads to

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<sup>33</sup> This is also emphasised by Gellner, who warns that the broad definition outlined by himself may equally well include social orders which evoke no democratic civic sphere, merely an autonomous sphere or societal segment that is not oppressed by the state. He elaborates: "Therefore, if we are to define our notion of Civil Society effectively, we must first of all distinguish it from something which may in itself be attractive or repulsive, or perhaps both, but which is radically distinct from it: the segmentary community which avoids central tyranny by firmly turning the individual into an integral part of the social sub-unit. Romantics feel nostalgia for it and modern individualists may loathe it; but what concerns us here is that, whatever our feelings for it may be, it is very, very different from our notion of Civil Society, even though it satisfies that plausible initial definition of it. It may, indeed, be pluralistic and centralization-resistant, but it does not confer on its members the kind of freedom we require and expect from Civil Society" (Gellner 1994: 36).

the development of a bourgeois society characterised by functional differentiation, rule of law and pluralistic politics. Elliott sums up the teleology inherent in the concept:

Higher levels of education lead to greater expectations about government and greater capacity to participate in national politics. Growth of the market undermines concentrated state power. The assertion of private ownership rights stimulates demands for political rights and freedoms. Middle class and professional groups brought into existence by development lead the process of democratizing politics. The results are a shift in the balance of power between the state and society, a change in the nature of associational forms, and a redesigning of the political system along democratic lines. The predicted outcome is a civil society (Elliott 2003: 30).

However, as the previous chapters have demonstrated, these structural conditions are quite simply not given in most African countries.<sup>34</sup> On the contrary, African societies seem to be characterised by a blurring between the public and private sphere, by public institutions shaped by both formal and informal practices, by dominance of personal and particularistic rationales rather than abstract and universal bureaucratic-legal rationale, by fragile rather than strong markets, by shadow states characterised by exclusion, dominance and coercion rather than inclusion, participation and freedom, with the types of ‘classic’ actors of civil society being few and fragile. With core preconditions of a conventional understanding of civil society in African political orders absent, not least the minimal requirement of the differentiation between state and society,<sup>35</sup> the lack of empirical realities of civil society in African societies is the source of much scholarly deliberation. As, for instance, Karlström criticises with regard to African political theories, “the concept of civil society surely serves no meaningful analytical purpose if it merely identifies an absence” (Karlström 1999: 106). He goes on to argue forcefully:

Its purpose should be to enable us to identify those forces and institutions that *do* have some potential for producing a more productive engagement between state and society, and, ultimately, the sort of stable, legitimate, and

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<sup>34</sup> White 1996 has undertaken one of the most interesting comparative studies (here: between Singapore and Ghana), specifically analysing the structural conditions for the emergence of civil society.

<sup>35</sup> In particular the development of capitalist modes of production and a differentiated state bureaucracy, structured along liberal democratic principles of accountability and representation.

democratic state forms that have proven so difficult to achieve in post-colonial Africa (Karlström 1999: 106; emphasis in original).<sup>36</sup>

Here, civil society is both a social force seeking to assert and universalise certain values in political practice, such as freedom or equity or particular rights, as well as a political force seeking the redistribution or protection of certain resources vis-à-vis the state.<sup>37</sup>

However, it is hard to conceptualise the kind of forces and institutions that would shape these emancipatory and democratic spaces other than ‘classic’ collective actors—precisely those which are notable through their absence in African societies. As the discourse on corruption demonstrates vividly, both in the development discourse as well as in the scholarly discourse responses to the ‘infernal mechanism’ derive, implicitly or explicitly, from classic conceptions of the role and composition of civil society in social transformation:<sup>38</sup> the emergence of new classes, of reciprocal networks, of voluntary organisations, of professional associations that link political order to the social basis, not just in terms of institutionalised interactions, but also and equally importantly in terms of common ethical standards and values.<sup>39</sup>

Africanists have grappled in different ways with this dilemma of absent empirical referents and the concomitant question of the analytical usefulness of the concept. Azarya addresses the conceptual and operational difficulties surrounding the term ‘civil society’, with the conclusion that scholars are “still faced with the need to characterize the society in some way and ask whether a legitimate civil-public sphere of action exists in contemporary African societies” (Azarya 1994: 96). Precisely because post-colonial African states’ authority and legitimacy has eroded, he does not focus on the legitimacy of civil society in relationship to the state, but rather on the “characteristics of civilness based on the legitimacy attributed to the public sphere” (Azarya 1994: 96). Azarya’s conceptual conclu-

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<sup>36</sup> For an early and seminal critique discussing fundamental flaws in the application of the concept of civil society to Africa see Bratton 1989. His main point of critique is that civil society as applied to Africa is an analytical concept without any empirical referents.

<sup>37</sup> See also Gellner 1994, who posits as a necessary condition for the definition of civil society the conferral of a certain type of freedom upon its members.

<sup>38</sup> Mamdani (1996) makes an interesting conceptual reversion by asking not how civil society shapes the state or, conversely, how civil society is marginalised by the state, but how society is ruled through the state articulation of civil society. In more Foucauldian terms, therefore, his line of inquiry is how the (specifically colonial) discourse of (un)civil society translated into social and political reality.

<sup>39</sup> See Boltanski/Chiapello (2000) for an excellent discussion of formative features and the changing spirit of capitalism.

sion is that civil society “may still arouse our sensitivity to a measure of recognition and societal support for collective responsibility and action” (Azarya 1994: 96).<sup>40</sup> So, perhaps not surprisingly, we are again faced with the question of the public sphere, and issues of representation and legitimacy attached to it.<sup>41</sup>

In an effort to come to terms with these issues, Bratton defines civil society (with specific reference to the relevance for African societies) as a

public political activity that occurs in the realm between the state and the family. Although such political activity may be motivated by the quest for private advantage, it is not ‘private’ in the sense of being confined to the domestic or household arena. Instead, it is decidedly ‘public’ in two senses: It entails collective action in which individuals join to pursue shared goals, and it takes place in the institutional ‘commons’ that lie beyond the boundaries of the household (Bratton 1994: 56).<sup>42</sup>

Bratton carves out two central features: first, that civil society is bound to collective action, and second, that the articulations and interactions are public, in the sense that they are directed at a community beyond the boundaries of a particularistic group. Perhaps more constitutive, as Taylor stresses, is, thirdly, the “radically purged time consciousness: It comes when associations are placed firmly and wholly in homogenous, profane time, whether or not the higher time is negated altogether or other associations are still admitted to exist in it. Such is the case with the public sphere, and therein lies its new and (close to) unprecedented nature” (Taylor 2004: 99).<sup>43</sup> Such are the features of a specifically modern public

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<sup>40</sup> This is a very different approach to the far more descriptive (and yet, based on her classic definition of civil society, normative) approach chosen by Chazan for instance: “State organs and social groups continually engage each other in multiple settings that are arenas of struggles for domination and accommodation. The constantly changing interactions that occur in these spaces mould and redefine the nature of state structures and social forces, generating an ongoing, mutually transforming, dynamic” (Chazan 1994: 256).

<sup>41</sup> For a seminal contribution on the “two publics in Africa” see Ekeh 1975. See also Bayart 1979 and Young 1994 for discussions on the conceptual nexus between state and civil society.

<sup>42</sup> By the same token, he emphasises that the public nature of civic action should not be confused with politics “in the public sector”—in other words, in the realm of the state. As government leaders have expanded the apparatus and prerogatives of the state, they have also appropriated and distorted the term ‘public’ to refer exclusively to the official activities of state functionaries. When used in extreme form, the terms ‘public’ (referring to family life) and ‘public’ (meaning state actions) imply that no public space remains for occupancy by civic actors” (Bratton 1994: 56).

<sup>43</sup> In spite of Taylor’s excellent discussion of the emergence of the public sphere, he leans heavily on a Habermasian concept of a depoliticised public sphere, “a space of discussion that is self-consciously seen as being outside power. It is supposed to be listened

sphere, a public sphere that carries within the potential for democratic politics.

Recast in post-Marxist terminology, 'public' in this sense refers to the discursive chain of equivalence which provides the terrain for articulations of identity and interests to become political, to be intelligible to other social agents, to shape and define and hegemonise the 'shared goals' and 'collective interests'—in a more Habermasian (and idealtypical deliberative) sense, civil society thus coined provides the spaces to articulate and debate shared values and interests. Civil society becomes the terrain (i.e. multiple social, cultural, political spaces, rather than a clearly delineated space) of such articulations that seek to represent their own particular aims with those of the community as a whole—albeit with reference to a very specific democratic social imaginary.

So rather than conceiving civil society as a clearly delineated sphere (or sector) separated from but related to the state, the concept of civil society carries within it manifold creative and emancipatory potential. Firstly, civil society denotes the spaces in which struggles about the meaning and the articulation of public norms and public values are carried out, the terrain in which (in the post-Marxist sense) hegemonic negotiations and deliberations are carried out. Secondly, civil society denotes the social actors which articulate these demands and struggles. And thirdly, thought together, civil society thus, potentially, becomes the very condition for linking up chains of equivalence around meanings of legitimacy, representation or indeed public interests.

Of all Africanists, Comaroff/Comaroff (1999) have been most radical and most creative in their critique and their reinvention of the concept of Civil Society—or 'The Idea', as they term it. They take above critique a step further by not only questioning the utility of a distinct sphere of civil society for African societies, but the fundamental incommensurability of the concept itself: "that the autonomy of civil society from the state, the very autonomy on which the Idea is predicated, is entirely chimerical. It, too, rests on a series of idealized separations, starting with that of political authority from private property. But this separation is, *de facto*, unsustainable" (Comaroff/Comaroff 1999: 24), they argue, due to the generalization of economic relationships which cut across the social and political landscape. Here, then, the deconstruction of the discourse reveals the social

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to by power. But it is not itself an exercise of power" (Taylor 2004: 89). This is a premise which I do not share, premising my analysis on the essentially political constitution of society.

and material conditions of modern societies (and its discourses on political order and civil society) and the critique of ideologically reduced concepts of African political orders lead to the same conclusion—namely that, in a very Foucauldian sense, “power dissolves the boundaries between public and private, state and society. And makes any notion of a discrete civil society, normatively and narrowly conceived, a cheerful illusion” (Comaroff/Comaroff 1999: 24). But precisely this ‘cheerful illusion’ has very powerful uses, for perhaps the alleged flaw of the concept, its ambiguity and diffusivity, is its major forte.

In the Comaroffs’ quest for creative and meaningful perspectives of the concept of civil society, they contend that the concept historically and within the social sciences serves as a ‘placeholder’, a ‘transitional term’ that is used to create the semblance of order. More to the point, this placeholder creates the semblance of *civic* (and conceptual) order (Comaroff/Comaroff 1999: 33). It is precisely in critical junctures, when social order is under stress, or when formerly meaningful social imaginaries become fragmented and insignificant, that the concept of civil society gains currency. A fundamental point they make is that “The Idea” “becomes especially ‘good to think’, and to signify with, at moments when conventional connections between the political and the social, state and public, are perceived to be unravelling” (Comaroff/Comaroff 1999: 12). As such it can be critiqued for its emptiness or propensity to be filled with various ideological contents—but a far more radical and promising understanding is precisely its validation as a placeholder, its capacity to be filled with various meanings and imaginations. They argue that

increasing numbers of people presume the possibility of civil society. But it is a force less self-generating than is often supposed. And nowhere does it define a discrete or wholly autonomous sphere of social action. As we said before, its capacity to mobilize and motivate, to open up discourses of democracy and moral economy, to hold out the promise of property and political engagement lies in its very incoherence, its polysemy, its slippery opacity (Comaroff/Comaroff 1999: 24–25).

In this way, ‘civil society’ has all the features of an empty signifier, framing significant nodal points and enabling chains of equivalence connecting particular discourses on the ‘right’ kind of social order, on common objectives and values, on specific social demands and interests to be articulated and to assume representation beyond particular identities. The symbol or the idea of civil society provides the space for public, universal representations, which conceivably can be the terrain for democratic politics and articulations. What Comaroff/Comaroff seek to circumscribe theoretically

is something they call so beautifully a ‘trope of moral imagining’: civil society’s “capacity to open up spaces of democratizing aspiration; [...] to mandate practical experimentation in the building of new publics, new modes of association, new media of expression, new sorts of moral community, new politics” (Comaroff/Comaroff 1999: 33)<sup>44</sup>—in other words, civil society’s capacity to create emancipatory spaces and processes.<sup>45</sup>

This rendition of civil society, very different from classically liberal concepts, carves out the similarities and relationship with the discourse of corruption as conceptualised in post-Marxist terms. The chains of equivalence enabled by the empty signifier ‘civil society’ intersect many nodal points enabled by the empty signifier ‘corruption’. Precisely their placeholder function in times of insecurity, of blurred background structuring ideas, of conflicting normative frameworks and social practices, their capacity to inspire social imaginaries beyond particularistic interests and values lend themselves to linkages. At the same time, the social agents and forms of public communication included in this trope shape and create these social and moral imaginaries.

#### 4. *The State of the Economy*

I now turn to the third and last sphere that has crucially produced and shaped social imaginaries, namely the economy. Expounding the relationship between the state and civil society, Giddens ponders on the historical trajectory of Western states and observes: “Civil society is the sector within which capital accumulation occurs, fuelled by the mechanisms of price, profit and investment in labour and commodity markets” (Giddens 1984: 197). Rather starkly, his argument underlines the linkage between civil society and the economy—in spite of the capitalist economic system’s disconnection from particular morals and ethics, that, seemingly, are the hallmark of civil society, and which in turn makes capitalism so very powerful.<sup>46</sup> However, just as civil society is inherently linked to the

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<sup>44</sup> For a further development of such moral imaginations under the condition of global capitalism see Comaroff/Comaroff 2000.

<sup>45</sup> As Laclau himself observes with regard to the question what kind of equivalential discourses would enable the emergence of new collective wills: “it is clear that the resulting collective will will find its anchoring point on the level of the social imaginary, and the core of that social imaginary is what we have called empty signifiers” (Laclau 2000b: 210).

<sup>46</sup> This is no contradiction to Weber’s classic study on the protestant ethics informing a specific capitalist economy, whose hallmark, as he demonstrates so inspiringly, is



emergence of the modern state, as discussed above, the development of a market economy is inherently linked to the emergence of a civil society, i.e. a class of entrepreneurs and professionals characterized by economic autonomy. Moreover, the specific economic system produces particular systematic linkages and identities: “The (market) economy comes to constitute a sphere, that is, a way people are connected to form an inter-connecting society, not only objectively but in their self-understanding” (Taylor 2004: 103). It is the economy in the narrow sense as well as the economic sphere in Taylor’s sense I shall turn to now in order to explore the foundations of such social imaginaries in more detail.

The imaginary of the economy is epistemologically loaded from Marxism to Neo-liberalism, which are based on powerful if fundamentally opposing premises on the nature of the economy, and more specifically the relationship between the state, the economy and society. Concepts of the economy are central to the discourse of corruption in that they articulate specific models of economic exchange and socio-economic relations. They are formative on three different levels: firstly, models and concepts of the ‘right’ kind of economy inform the background ideals that are intimately intertwined with structuring ideas of state and society—compare, for instance, the conglomerate of atomised *homines oeconomici* that constitutes ‘society’ in neo-liberalism with the radical Marxist collectivism and egalitarianism of a society rid of private property. Directly and indirectly, such imaginaries are pivotal in determining what is (socially, politically or legally) considered right and what is wrong, what legitimate and what illegitimate, what is corrupt and not corrupt. Secondly, they are formative for shaping and informing power structures and power relations within a society. The allocation and distribution of material resources, the regulation and organisation of property rights, and not least the modes of production and the economic productivity of a society are decisive in determining, consolidating and producing particular social positions and relations. In this way, they frame struggles over access and allocation modes of such resources, and, by inference, social mechanisms of corruption such as described both in the political and moral economy of corruption. Thirdly, the discursive uses and appropriations of the economy are important components of the discourse on corruption, serving to explain structural causes and social practices of corruption in the scholarly

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precisely its unmooring from moral and ethical foundations. For an explicit theorisation see influentially Polanyi 1957 or Boltanski/Chiaperello 2000.

discourse as well as to justify and legitimise anti-corruption intervention strategies in the development discourse.

The structural features of the economy in Africa are specific: the private sector in most African countries has remained weak, in spite of dramatic economic regime shifts since independence, and African capital played a modest role in the struggle for independence. In the post-independence period it even waned in importance, with the public sector taking over vast areas of the economic realm, and politics either smothering or appropriating private economic initiatives.<sup>47</sup> Partly this is a result of the centralized role of the colonial as well as post-independence state in the extraction, control and distribution of resources in many African countries discussed in the previous chapters. In post-independence African societies, especially in socialist regimes, this phenomenon lead to what Elsenhans (1981) and others have termed 'Staatsklasse',<sup>48</sup> a class of actors who use their public office to appropriate resources.<sup>49</sup> The pursuit of economically unproductive behaviour and the institutional arrangements that sustain it, such as for instance personal rule described so intricately by Jackson/Rosberg (1982) or the types of patron-client relationships explored in the last chapter, are seen to be key factors in explaining the underdevelopment of African economies.

In a study on statist Tanzania in the eighties, Bernstein/Campbell used the term 'bureaucratic bourgeoisie' to describe the factors leading to such behaviour in post-independence Africa:

Forms (and uses) of appropriation by the bureaucratic bourgeoisie do not represent accumulation in the capitalist sense (extended reproduction of capital and the development of productive forces) but predatory exaction of a pre-capitalist type ('predation') whereby goods and money are centralized

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<sup>47</sup> Underlining the political implication of the relative weakness of capital, Holmquist points out that since independence "African capital has not collectively enjoyed a prominent power position whether the regimes were civilian or military" (Holmquist 2002: 3). For further perspectives on the structural features of African economies see Collier 2006; Tangri 1999; Chazan 1994; Lemarchand 1988 or MacGaffey 1987.

<sup>48</sup> See Elsenhans 1981.

<sup>49</sup> In contemporary economic theory this is captured in the term 'rent-seeking', which denotes the same (unproductive) behaviour of seeking means to gain additional income, albeit unmoored from specific economic regimes. Khan has probably developed the richest theory of rent-seeking, which extends to actors in the public as well as the private sector. He elaborates the basic characteristics: "Since rents loosely represent incomes that are higher than would otherwise be obtained, they create incentives to create and maintain these rents. These activities range from bribing or even coercion at one extreme, to perfectly legal political activities such as lobbying or advertising at the other extreme. Collectively, these activities are known as rent-seeking activities" (Khan 2000: 5).

in the control of the ruling class and redistributed to establish and expand groups of followers (Bernstein/Campbell 1985: 17).

This Marxist analysis of the underdeveloped capitalist economy, ringing rather outdated in contemporary ears, makes the relationship between political and economic order explicit, whereby the relative weakness of the economy is strongly interrelated with the relative (and specific) weakness of the state as measured in Weberian terms. A fully developed market needs—or shapes—a fully developed state.<sup>50</sup>

Moreover, the logic that sustains productive forces is one of *profit*, not of extraction or exchange. In this sense, capitalism is both an economic and a political concept, relating intimately to the prevailing political order. As Nyang'oro observes,

it is necessary to comprehend the sociopolitical constraint on capitalism in Africa through an analysis of the historical and social factors conditioning political adaptation, the logic of personal rule and the consequences of this for economic life. In other words, our treatment of Africa's socio-economic base [...] is a necessary step to understand the state in contemporary Africa. To put it differently, politicians and bureaucrats in Africa are not inherently corrupt or 'tribalist'. Their behaviour is a response to a particular kind of a socioeconomic system in which they find themselves. That environment is not capitalist. We cannot expect a capitalist state to emerge in a society whose basic nature of political economy is essentially non-capitalist (Nyang'oro 1989: 128–129).<sup>51</sup>

This analysis, written in the historical year of 1989, illuminates the Marxist explanation for the specific types of economic relationships that prevail in Africa, economic relationships that have not (according to the development discourse: yet) been transformed into capitalist relationships penetrating the whole of society.

Two decades later, Chabal puts a different spin on ultimately the same conclusion, by emphasising the non-capitalist rationale of productive forces in contemporary Africa and explaining why class analysis is deficient:

This is not so much because classes had not consolidated in Africa but rather that even where they had begun to materialise Africans continued to largely behave according to 'traditional' social, cultural and economic logics that

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<sup>50</sup> For classic theories on capitalism (and socialism) see Weber 2004 and 1985, Polanyi 1957 and Schumpeter 1993.

<sup>51</sup> See Nyang'oro 1989. For a further astute analysis of the same period see also Sandbrook 1985.

class analysis supposed where being transcended. In this sense, it appeared that labouring within a capitalist economy did not produce classes, at least not classes that behaved like classes! (Chabal 2009: 78–79).<sup>52</sup>

In spite of the dramatic Structural Adjustment Policies of the eighties, the radical ideological break after the end of the Cold War, and the spread of governance policies of the nineties, evidently fundamental features of African state-society relationships have remained unchanged. In a recent study on African political orders, Hyden also posits that neither the structural nor social conditions prerequisite for state consolidation (and the specifically capitalist market development) are given in Africa, by stating: “The double pinch that African countries face is that neither the state nor market is already fully formed or developed. Neither is in a mode of consolidation. Both are still undergoing formation” (Hyden 2006: 216)—*nota bene* an observation three decades after his seminal study on the economy of affection. According to these analyses, what holds true for the state and for society in Africa also holds true for the market: rather than being imbued with a distinct and ultimately dominant structuring rationale, the market’s specific, profit-based rationale is merely one amongst many, permeated and transformed and appropriated by other social, political, cultural and not least economic rationales.

Although the non-consolidation of the market and the host of known characteristics of African economies—ranging from neo-patrimonial to informal to corrupt to criminal—are contingent upon local and national socio-political contexts, the international context plays an equally formative role. First of all, unlike class analysis of earlier decades, a contemporary analysis of economic development within African states cannot be separated from their dependency on foreign aid. On the one hand, multi-lateral and bi-lateral donors are highly influential in making and shaping domestic macro-economic and fiscal policies, with far-reaching effects on the structure and institutional framework of the economy.<sup>53</sup> On the other hand, the distortion of domestic political accountability resulting from donor intervention leads to economic policies that are characterised by

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<sup>52</sup> In his seminal work on markets and states in Africa, Bates 1981 makes a similar argument, albeit in a more differentiated fashion. He observes that, firstly, the African bourgeoisie is quite literally spread thinly, i.e. over vast geographical and demographic spaces, hence limiting its transformative powers; secondly, its transformative power is further constrained by the prevailing social formations in former colonies, i.e. the social, economic, legal and political structures and traditions.

<sup>53</sup> For example, see Haggard/Kaufmann 1992; van der Walle et al. 2003, Harrison 2004.

the kind of greed and rent-seeking behaviour of African political elites that was extensively discussed in the last chapter. Moyo, a profiled Zambian economist and vocal critic of foreign aid, does not mince her words with regard to its effect: “Foreign aid props up corrupt governments—providing them with freely usable cash. These corrupt governments interfere with the rule of law, the establishment of transparent civil institutions and the protection of civil liberties, making both domestic and foreign investment in poor countries unattractive” (Moyo 2008: 49). In other words, although a large proportion of foreign aid is directed at transforming the economy and the institutional framework supporting contractual relationships and private sector development, in a perverse (but not random) twist the actual effects are precisely the opposite.<sup>54</sup>

Secondly, the effects of globalization on African economies need to be taken into account. Globalisation by definition transcends and transforms national economies, and has fundamentally affected the authority and types of national economic policies.<sup>55</sup> The main effects are twofold. On the one hand, the technological advances characterising globalisation have had a strong accelerating effect on the corrupt siphoning off of national funds. As a direct result of the possibilities that globalised and nearly untraceable financial transactions in the eighties and nineties opened up, grand corruption in African countries and the level of stolen assets exploded.<sup>56</sup> The stealing and stripping of national assets had, evidently, always been a problem in many post-independence African countries, but the scale has become unprecedented. The direct economic effect is the consolidation of regimes that are based on extraction and predation within globalised financial and trade systems, rather than being beholden to creating an institutional framework for production and investment.

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<sup>54</sup> For similar arguments from an economic perspective see notably Easterly 2006. For one of many critiques see the review on *Dead Aid* in the *Oxonion* under <http://www.oxonianreview.org/wp/diagnosing-dongo/> (last accessed 25 March 2010). For a discerning critique of Easterly’s *White Man’s Burden* see Amartya Sen’s review “The Man without a Plan”, in: *Foreign Affairs* (March/April 2006), available under <http://www.foreignaffairs.com/articles/61525/amartya-sen/the-man-without-a-plan> (last accessed 25 March 2010).

<sup>55</sup> For a seminal contribution to the effects of technological and economic transformations on political spaces see Rosenau 2003. For an interdisciplinary discussion and case-studies on standard-setting in a globalised world see the contributions in Peters/Koechlin/Förster/Zinkernagel Fenner (eds.) 2009.

<sup>56</sup> Moody-Stuart 1997, a prominent business-man, was one of the first to outline the mechanisms of grand, international corruption and the role of international enterprises. For a recent, highly interesting contribution dissecting the mechanisms of corruption and asset-stripping by international business in developing countries see Baker 2005.

On the other hand, many African economies are still characterised by high dependency on primary commodities and low diversification, which means that global economic interdependencies render them more vulnerable than ever to external trends.<sup>57</sup> As Hyden makes explicit with an intentional prod against dependency theory: “In the current global economy, African governments have little, if any, leverage and their economies are very extensively dependent on what happens to more developed and powerful economies. If African economies were ever dependent, it is now” (Hyden 2006: 226). This dependency, however, is not merely a product of the global village—it is framed by a host of internal and external factors that characterise the specific ‘weakness’ of African economies.

So, looking at the development of the economy since independence, African economies—and in particular the private sector—have remained relatively insignificant in terms of size, volume, productivity and diversification, although the economic and political context has changed dramatically. Subsequently, the conditions for progressive social development are still fraught, especially when incorporating broader socio-economic indicators such as GDP per capita, poverty rates, literacy or basic health indicators. These conditions run counter to the basic socio-economic configurations that are specified for prosperous societies in economic models and concepts of civil society informing this discourse, i.e. specific conditions that are more likely to result in economic innovation, political openings and empowered identities. But the kind of socio-economic transformation that was the basis of Western development, with economic productivity and civic engagement generating a virtuous interrelationship with state institutions, is all but lacking in African countries. Quite obviously, African political orders did not emanate from the “end of extra-economic coercion, resulting in contractual relations between free and autonomous citizens that produced civilised [and, I would add: wealthy] societies” (Mamdani 1996: 14). Citizens in African are, for the most part, neither free nor autonomous. In particular, and highly relevantly for

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<sup>57</sup> For the latest statistical evidence see the annual data and report published by African Economic Outlook (<http://www.africaneconomicoutlook.org/en/>). Although economic growth in African countries had been on a record high for five consecutive years, in 2009 it was affected dramatically by the world Financial Crisis. The effects of the international economic crisis underlined the structural problems of many African economies, notably of the ones with a high reliance on primary exports. And as the Policy Brief of the OECD emphasises with regard to economic development in Africa: “More needs to be done to nurture an environment that is conducive to private-sector development, especially in further reducing corruption” (OECD 2009: 1–2).

processes of social transformation, civil society is in actual fact not “the sector within which capital accumulation occurs” (Giddens 1984: 197). Accordingly, individuals (e.g. entrepreneurs) and social groups (representing collective interests) are generally not economically autonomous in a way that would enable the political articulation and representation of economically (here: capitalist) derived interests and values leading to the rule of law and responsive political structures.<sup>58</sup> But as my quest is to identify the *presence* of political articulations rather than their *absence*, this statement on the lack of economically and hence also politically empowered collective interests in Africa will be explored in more detail in the next section.

### 5. *Organized Business Interests*

In Hyden’s rather bland analysis of the state and economy in Africa, he outlines the classic socio-economic conditions that are necessary for a legal-rational political order to emerge:

Foremost among these is the emergence of a corporate class of independently wealthy individuals who do not have to rely on public resources to become rich. With such a group in power, the state becomes an instrument that moulds development in the image of economic reasoning. A calculative and instrumentalist approach to policy analysis and policy making emerges (Hyden 2006: 70).<sup>59</sup>

This analysis is in direct reference to Weber’s theory of capitalist development (Weber 1985). Not surprisingly, the preconditions for prosperous social transformation contained in the discourse of corruption echo these points: new economic classes that are linked to the emergence of particular

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<sup>58</sup> The influence specific (here: religious) value-structures on the historically unlikely emergence of ‘the capitalist spirit’ is subject of a long and dense debate, sparked by Max Weber’s seminal study on the spirit of capitalism (Weber 2004). For further seminal contributions see Hirschmann 1977 or Boltanski/Chiapello 2000.

<sup>59</sup> Hyden’s analysis mostly reiterates conventional knowledge on African societies, and reinforces neo-patrimonial thinking about characteristic political structures and practices: “The first is the tendency to rely on informal rather than formal institutions. In societies where face-to-face relations and primary forms of reciprocity prevail, there is no need for external rules and impersonal authorities to enforce social action. [...] The second aspect is the tendency of politics to become centrifugal; there is little respect for formal rules associated with a higher authority such as the state. The abstract nature of the system underlying the ideal of a rational-legal type of bureaucracy is ignored in favor of the locale-specific pressures and interest associated with individual communities” (Hyden 2006: 56).

social groups, which articulate their interests and exert organised pressure on the state to protect and respect individual economic, social and political rights. To some extent, they cut across the conceptual distinctions between civil, political and economic society.<sup>60</sup> On centre stage here are specific social groups that are economically independent from the state. These groups are characterised by several highly significant sociologically features. Firstly, their economic autonomy through income generated within the private sector, which renders them less vulnerable to pressures from the state; but at the same time the pursuit of their economic interests makes them important stakeholders in the institutional framework that the state creates for the private sector. From the nature of the economic regime right down to the spirit and letter of regulatory bodies, price and taxation policies or legal provisions, professionals and entrepreneurs have a strong interest in influencing the state's interventions.

Second, bodies representing the collective interests of professionals have historically had a seminal role in informing and shaping social values underlying merit-and issue-based social order. Their economic role goes hand in hand with a particular moral matrix, which plays a seminal role in defining Western economic and political culture. Of the classic social scientists, Durkheim (1960) was perhaps the most explicit in theorising the role of professional associations. He puts them in context of the unleashing of the economic interests in the wake of the increasing division of labour.

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<sup>60</sup> On the relationship between political, economic and civil society note Cohen/Arato, who observe that "the actors of political and economic society are directly involved with political control and economic production, which they seek to control and manage. They cannot afford to subordinate strategic and instrumental criteria to the patterns of normative integration and open-ended communication characteristic of civil society. Even the public sphere of political society rooted in parliaments involves important formal and temporal constraints of processes of communication. The political role of civil society in turn is not directly related to the control or conquest of power but to the generation of influence through the life of democratic association and unconstrained discussion in the cultural public sphere. Such a political role is inevitably diffuse and inefficient. Thus the mediating role of political society between civil society and the state is indispensable but so is the rootedness of political society in civil society. In principle, similar considerations pertain to the relationship between civil and economic society, even if, historically, under capitalism, economic society has been more successfully insulated from the influence of civil society than political society has been [...]. Nevertheless, the legalization of trade unions, collective bargaining, codetermination, and so on witness the influence of civil on economic society and allow the latter to play a mediating role between civil society and the market system" (Cohen/Arato 1994: ix-x). Interestingly, here the integrative function of political and economic society vis-à-vis civil society are underscored; an inversion of the integrative function of certain groups of civil society that Durkheim 2002 stresses, which will be discussed further down in this section.



Rather than a social order of a utilitarian brand emerging, an order created through ‘invisible hands’, Durkheim sees the very same rationale of competition leading to disintegration and social pathologies. These risks, imminent to the prevailing societal order, can only be overcome by the economic actors themselves, who must create the normative standards to secure integration. More specifically, he fleshes out the role of professional associations as one of translating general norms of integration and cooperation into a particular professional culture (or ‘professional moral’, as Durkheim terms it.) The roles and morals of professionals are hence constructed in a reflexive turn, constituting a powerful moral authority that is endowed with the capability of countering the risks of social anomies—here in particular socio-economic disintegration and political oppression—by defining and nurturing values that in turn foster social integration through the realisation of social rights and duties.<sup>61</sup>

In other words, according to Durkheim professional associations perform key integrative functions in modern societies by expressing both social solidarity as well as undertaking effective social regulation; tasks which the vast bureaucracy of the state on the one hand and the capitalist logics of the economy on the other cannot accomplish. Durkheim thus singles out the potential of intertwined functional as well as moral features of professional associations:

Un tout autre groupe peut donc avoir la même action [integrative], pourvu qu’il ait la même cohésion. Or, en dehors de la société professionnelle, familiale, politique, il en est une autre dont il n’a pas été jusqu’à présent question: c’est celle que forment, par leur association, tous les travailleurs du même ordre, tous les coopérateurs de la même fonction, c’est le groupe professionnel ou la corporation (Durkheim 1990: 435).<sup>62</sup>

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<sup>61</sup> See seminal contributions by Durkheim (1960; 1990). For relevant secondary literature see Hayward 1990 or Stock 2005.

<sup>62</sup> In this sense, Emile Durkheim asserts that “the professional group might well satisfy all the conditions with laid down. On the one hand, it will not weigh heavily on industry, it is sufficiently close to the interests it will have to regulate not to repress them excessively. Furthermore, like every group formed of individuals united by ties of interests, ideas and feelings, it is capable of being a moral force for its members. If it were made a formal social organ, whereas it is as yet only a private society; if some of the rights and duties which the State is increasingly incapable of exercising and carrying out were transferred to it; if it were put in charge of administering things, industries and arts which the State cannot because of its remoteness from material things; if it had the necessary power to resolve certain conflicts, to vary the general law of society to suit particular kinds of work, gradually, through the influence that it will exercise through the rapprochement between the work of all, it will acquire the moral authority which will enable it to play the role of brake

As Durkheim so presciently observed, professional associations, even in today's era of globalisation, remain bearers and 'multipliers' of professional identities, who are concerned with securing public (also, but not only in the sense of 'official') recognition, defining norms and standards pertaining to their professional identity, and, not least, produce an ethos that echoes beyond their own particularistic boundaries.<sup>63</sup>

Thirdly, a point particularly relevant to the development discourse, professional associations are perhaps the archetypical representatives of the educated middle class,<sup>64</sup> heralding a socio-economic and socio-political transformation in the sense of a liberal Western society.<sup>65</sup> In addition, they are bearers of a particular professional rationality: members of professional associations are commonly characterised by their expertise, which in turn allows them considerable work autonomy and economic security.<sup>66</sup> It is no coincidence that Scott's typology of groups and modes of access to the political system lists professional associations as a group that has "generally easy access to the political system" (Scott 1969: 329; see also Table 3 'Corruption and Political Access' in Chapter 1, above), together with other associations and the political elite. As harbingers of structural transformation, of specifically modern organisation and representation of issue-based interests and values, and not least of valuable professional

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without which economic stability would be impossible" (from "Le Socialisme", quoted in Hayward 1990: 296–297).

<sup>63</sup> For contemporary analyses see Donor/Schneider 2000 or Lo 2005.

<sup>64</sup> The sociological concept of middle class is as central as it is contested. Here, I use it in a very broad sense. For a classic sociological analysis of the Western middle class see sociologist Mills 1951; for a more recent contribution see Gilbert 1998.

<sup>65</sup> Taylor intricately links the specifically modern concept of secularity to the emergence of common action purged of transcendental definitions of identity, such as characterise, for instance, traditional laws. He argues convincingly that the "crucial distinction underlying this concept of secularity can thus be related to this issue: What constitutes the association? Or otherwise put, What makes this group of people as they continue over time a common agent? Where this is something that transcends the realm of those common actions this agency engages in, the association is nonsecular. Where the constituting factor is nothing other than such common action [...] we have secularity" (Taylor 2004: 96). Evidently, professional associations fall squarely and perhaps even idealtypically into the secular category.

<sup>66</sup> However, in his critical clarifications to class and class action Weber warned against the conceptual correlation of a particular class with an association: "Eine universelle Erscheinung ist das Herauswachsen einer Vergesellschaftung oder selbst eines *Gemeinschafts*-handelns aus der gemeinsamen Klassenlage keineswegs. [...] Jede Klasse kann also zwar Träger irgendeines, in unzähligen Formen möglichen "Klassenhandelns" sein, aber sie muss es nicht sein, und jedenfalls führt es zu Schiefheiten, wenn man sie mit Gemeinschaften begrifflich gleichwertig behandelt" (Weber 1985: 532–533, emphases in original).

expertise, professional associations are key components of discourses articulating modes and interventions of social transformation—such as the discourse of corruption, which depicts an ‘infernal mechanism’ that can only be shattered by institutional reforms supported and initiated, *inter alia*, by puritanical movements, or one could also say: professional associations.

### 6. *Professional Associations in Africa*

A review on the literature on the role of professional associations with regard to democratic development in Africa shows that they are indeed accorded great significance as agents of social, economic and not least political change. Gros up sums the argument concisely:

Nevertheless, the advent of professional associations as a political force in African politics is a potentially significant development; it suggests that African society may be becoming less divided by ascriptive norms such as gender, age sets, and ethnicity, and more by those of professional and individual achievements. The multiplication of cross-cutting civil society institutions also may be a reflection of greater specialization and a more differentiated division of labor than has hitherto been the case. These were, in part, the social transformations that facilitated liberal democracies in the West, and there is no reason why they could not play a similar role in late twentieth-century Africa (Gros 1998: 11).

As gleaned not least through the discussion of the scholarly discourse of corruption, influential authors underscore the potential of professional associations to push for issue- and rule-based public policies. This interest has been renewed by the effects of the political and economic liberalization of the past three decades. “Economic and political liberalization since the 1980s has created a climate which has been conducive to new deliberative mechanisms” as Robinson (1998b: 166) expounds. He continues to cite examples from Nigeria, Ghana, Kenya and Swaziland, where the representation of business interests (more broadly than specific professional associations) have been institutionalised for the purpose of a policy dialogue with the government in various bodies. However, he qualifies this phenomenon in view of its limited outreach:

Periodic consultation restricted to government officials and a small but influential set of organized business interests is a very modest expression of enhanced political participation. In many respects this is not surprising as the principal objective of business associations is to lobby government in the hope of exacting concessions over budgetary commitments, taxation

policies, access to credit and foreign exchange, and other issues of concern to their members [...]. Given the limited nature of societal participation in policy-making, it is difficult to estimate the developmental significance of such initiatives, even though adherents of increased participation claim that it will lead to improved policy outcomes (World Bank 1997). The skewed and exclusionary nature of policy-making that continues to prevail in much of Africa gives reason to believe that policy outcomes will reflect the interests and concerns of business elites with privileged access to the policy process, which was previously identified as a source of blockage to effective reform (Robinson 1998b: 167).

This critical remark echoes other contributions on professional associations, which view them as privileged, rent-seeking organisations rather than professional, voluntary organisations.<sup>67</sup> Specifically, however, Robinson is sceptical whether the political spaces created by institutional reforms are sufficient to transform the exclusionary and particularistic nature of African politics towards a more inclusive nature of policy-making. "Policy-making remains the preserve of technocratic elites and policy dialogue is generally restricted to organized interests with power and resources, which provides them with privileged access to those responsible for making decisions" (Robinson 1998b: 169). This would lead to the hypothesis that business interests, if sufficiently well connected and resourced, can indeed gain substantive influence over policy making. Consequently, associations representing for instance small (and certainly informal) enterprises, which arguably constitute the greatest number of entrepreneurs in many African economies, and probably also extending to less well-connected medium-sized enterprises, are by definition excluded or struggling to gain such access to political decision-making arena.

A different aspect is problematised by Gros. Above all, he places strong emphasis on the fact that professional associations "have proven consequential for democratization" (Gros 1998: 11), citing individual examples of professional associations fighting successfully for greater civic freedoms in countries such as Cameroon or Kenya. Gros' *caveat* with regard to the transformative capacity of such groups also relates to modes of inclusion and exclusion, but with an explicit focus on space, not on expertise or resources:

The one weakness with African professional and civic associations is that, because they tend to be small in number, urban based and interest specific, their efficacy tends to be spatially and politically limited. [...] Unless

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<sup>67</sup> For a discussion see Donor/Schneider 2000 or Goldsmith 2002.

urban-based professional groups link up with their rural counterparts, democratization in Africa could remain an urban elite affair, utterly unconnected to the lives of the vast majority of Africans (Gros 1998: 11).<sup>68</sup>

In other words, Gros identifies the lack of critical mass and capacity to penetrate society threatening the impact of professional associations in Africa, rather than a dominant political economy of rent-seeking.

The concerns voiced by Robinson (1998b) as well as Gros (1998) are shored up by some of the few existing empirical case-studies on the role of professional associations. For instance, Brautigam and her fellow authors (Brautigam et al. 2002) find that so-called growth-coalitions, i.e. fruitful collaborations and synergies between state and business interests (which include professional associations) are a function of the nature of the state in question, rather than the nature of the organised interests in question. Their research indicates that in the three case-studies of African societies, all of which underwent democratisation processes, the state's leadership, ideas and capacity are the most significant factors shaping patterns and processes of inclusion and cooperation. However, although their case-studies are very illuminating, their focus on business interests, rather than on the more specific professional organisations, is too broad to gain concrete further insights beyond an affirmation of the importance of the specific configuration of the state.

Taking a completely different perspective, namely from within the associations, Moore/Hamalai find that professional associations show markedly different behavioural patterns than conventionally ascribed to them. Rather than fostering professionalism and political participation, "they often act more in the interests of their own staff than in those of members. The potential for 'unproductive' rivalry and conflict between competing associations is high. The more effective associations are those not financially dependent primarily on membership fees" (Moore/Hamalai 1993: 1895).<sup>69</sup> Just judging from these few insights on an empirical level,

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<sup>68</sup> An interesting link could be made here to Hyden's old analysis of the peasant economy and the state in Africa, who observes that the state, exerting no control over the productive relations in society, is completely disjointed from society: "[A]ppropriation by those in control of the state are made in the form of taxation and as such they are simple deductions from an already produced stock of values. These are tributary rather than productive relations and they do imply a much more limited degree of social control. In this respect, African countries are societies without a state. The latter sits suspended in 'mid-air' over society and is not an integral mechanism of the day-to-day productive activities of society" (Hyden 1983: 7).

<sup>69</sup> For further studies see Moore/Hamalai 1993, Lucas 1997, or Taylor 2007.

statements regarding the moral authority and or even the functional effectiveness of professional associations in fostering democratic, inclusive and productive societies are on shaky ground. There seems to be a real risk that the specifically democratic articulations of professional associations cancel each other out through competition between particular claims. Or they peter out for lack of financial and economic resources which would enable more powerful linkages across society. In other words, the claims and interests of professional articulations may not be equipped with sufficient material and symbolic resources to overcome other, more established meanings and practices. Hence, it is empirically open whether the democratic claims and demands of professional associations actually have democratising effects. Suffice to note at this point that without further empirical evidence the jury remains out with regard to concrete effects on democratic politics by professional associations.

### *7. The Politics of Corruption*

In this chapter, I have sought to bring together different facets relevant to a political theory of corruption. Whereas the developmental and the academic discourses of corruption are primarily concerned with articulating the deficiency and the dysfunction of African societies and designing and implementing appropriate remedies, a political approach to corruption understands corruption as an empty signifier, a medium for the hegemonic representations of particular identities, interests and values. Corruption, theorised in this way, is inscribed with an essentially democratic moment: a communicative conveyor belt that enables the articulation and connection of particular values, needs and demands to other particular values, needs and demands. The hegemonic discourse thus becomes “a surface of inscription of a plurality of demands beyond their particularities” (Laclau 2000c: 210). This universalising potential of empty signifiers allows particular discourses to be ‘fixed’ in meaning whilst at the same time evoking a reference to a common universality. Precisely this linking up of chains of equivalence is the condition for the creation of public communication and the manifestation of particular struggles, a fundamentally political operation which structures social relations. As Dyrberg exclaims: “The idea is to grasp the political as a practical dimension in the ordering of the co-existence of contexts, and that this ordering of differences is an act of creation” (Dyrberg 2004: 242). So hegemonies, such as the discourses on corruption, actually create the very terrain of the political (Laclau 2000a:

44), and politics are the structuring of these relations.<sup>70</sup> The contextual and at the same time context-transcending articulations that corruption as an empty signifier allows is hence a necessary, if by no means sufficient condition for democratic politics.

This is precisely where the notion of civil society comes into play, which has, classically, been pivotal in denoting 'civic' public spheres and modes of communication, where shared democratic values and norms are deliberated. The reinterpretation of civil society as a canvas for social imaginaries illuminates its position in the chain of equivalence in which corruption acts as an empty signifier. Importantly, civil society is endowed with the potential to be the terrain in which social actors produce and shape social imaginaries, articulate specific political demands and engage in negotiations, deliberations, conflicts and struggles. In other words, by making hegemonic articulations of corruption by specific social actors a potential vehicle of emancipation, this political theorisation of corruption has transcended the reduction of corruption to a symptom of institutional dysfunction or functional disorder. Again, the potentially creative, pluralistic moment of hegemonic representations is underscored.

But although this approach has opened up the theoretical means to conceptualise corruption in a potentially emancipatory way, the social actors that articulate their interests by seeking to fill corruption with particular meanings and demands still remain rather abstract. A recourse to the development and scholarly discourse on corruption also fails, as significant insights are either absent or refer to a diffuse macro-level. A key objective of this exploration, however, is to understand the micro-processes of such hegemonic articulations, for which concrete groups and actors need to be identified. This line of thought brings us to the economy, more precisely: to the relationship between social change, civil society and the economy. To explore *loci* and actors of social change of a democratic nature, the terrain of civil society needs to be filled with specific economic features. This is important for both conceptual and practical reasons. The economy is both a symbol as well as a field of economic, political and social differentials. Economic relations and related imaginaries of the 'right' society are formative for social actors that historically have been pivotal to shaping social values, rationalities and practices that underpin

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<sup>70</sup> See also Laclau 2000a, b, and c. For an elaborate discussion of the relationship between the political and politics in Laclau's and Mouffe's discourse analysis see Dyrberg 2004.

not just democratic but also productive societies. On the other hand, the discussion on structural features of the African economy concluded that African economies—and societies—are characterised by a significant lack: a lack of capitalist relations that have managed to transform and penetrate both state and society to the extent of Western societies.<sup>71</sup> This ties in with much of the scholarly discourse on corruption, which identifies the lack of (the historically intermeshed) legal-bureaucratic rationale as one key feature of African societies and political orders, leading to varying degrees of hybrid, oscillating or fused rationalities and exchange mechanisms of a negative connotation ('poor', 'corrupt', 'criminal', 'neopatrimonial', 'unstable', etc.).

The explorations of this chapter do not stop short at this insight. Although I recognise the structural features of African societies identified at a macro-level, my hypothesis remains that micro-processes of social and political change are underexplored and under-conceptualised; hence the recourse to key theoretical insights of post-Marxist political theory. Doggedly, the search for social actors with emancipatory potential is continued by zooming in on classic agents of social change. These actors need to meet both social as well as economic requirements endowing them with the capability of raising their voice—in post-Marxist terms: of articulating particular representations with both hegemonising as well as emancipatory potential. Professional associations fully meet this requirement: firstly, they have historically embodied important moral as well as regulatory functions; secondly, their members arguably occupy a privileged position in the social field, certainly in terms of material and symbolic capital, and on this basis act both as indicator as well as actors of socio-economic transformation; and thirdly, significant for our purposes, 'corruption' and all that it stands for is conceivably a highly politicised topic that lends itself to be filled with their own, particular interests.

This takes us to the second part of the book, in which an empirical inquiry into professional associations in Tanzania will be undertaken. The working hypothesis is that in spite of the structural configurations of African societies and the limited number and outreach of professional associations, they are endowed with the wherewithal to engage in the public sphere. More to the point, their own professional interests and values lend

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<sup>71</sup> Of course, this also ties in with Polanyi's seminal insight that capitalism is in fact a historical anomaly, especially the degree to which economic relations are disembedded from social relations (Polanyi 1957).



themselves to be linked up with key statements of the development discourse, especially with regard to institutional quality and the creation and legal protection of economic spaces. In this context, 'corruption' seems an ideal signifier in their struggles to be recognised and heard, providing as it does powerful nodal points with domestic political discourses as well as international development discourses relating to a 'universal', encompassing order.

These issues will be fleshed out empirically in the second part of this study. However, what needs to be stressed here is that the choice of actors is deliberately conservative: professional associations are actors that do *not* herald new morals or radical social imaginaries. What makes them attractive for our analytic purposes is that they are actors precisely in the mould of the development and scholarly discourse(s) of corruption. This renders the premises of the discourse of corruption legible to the political theory of corruption developed here. The question is whether, on an empirical micro-level, under the specific power relations analysed in African societies these struggles do indeed lead to public articulations shaping more inclusive, contingent and better (in a technical and functional sense) rules and institutions than are currently found in most African states. Indeed, the question is whether and how it enables democratic politics in the context of African societies.

## INTERLUDE: A TOPOGRAPHY OF CORRUPTION IN TANZANIA

*Despite the three common enemies of Tanzania's development namely ignorance diseases and poverty [sic], corruption has emerged the fourth. Suggest the root causes of corruption and the ways to stop this social problem in not less than 250 words.*<sup>1</sup>

*Tanzanians have got so used to corruption that many have accepted it as part of the social scene in the country. What has changed since 2007 is that for the first time corruption has been brought out into the open. It has become not only a subject of political gossip but part of the official discourse. Corruption has shifted from being something people take for granted to being the subject of a scandal.*<sup>2</sup>

Against the backdrop of the development discourse on corruption and governance, the first part of this study (Chapter 1 and 2) outlined two further discourses on corruption. The academic discourse, in conjunction with the development discourse on corruption, are discourses which have successfully hegemonised the meaning of corruption. They have constructed generally acknowledged ways of understanding, seeing, and practicing development and political order in African states around the term. The discourse on emancipatory politics sketched out in the previous chapter is more disparate, less coherent. It links an analytical strategy,<sup>3</sup> i.e. post-Marxist political theory, to a discussion of historically and conceptually formative social spheres, agents and practices of emancipation. In fact, it redefines the concept of discourse, by removing the inherent suspicion of repression, and theorising it as a key mechanism of (*a priori* open) social and political operations. The analytical strategy developed in the last chapter is tapered in specific reference to African political orders. In this way, the first part of this book lays the groundwork for an empirical investigation into the ways in which corruption is constructed, more precisely: the ways in which specific constructions of corruption frame, shape, open or close spaces of localised social agency, here understood in an emancipatory sense.

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<sup>1</sup> Exam question of the Certificate of Secondary Education Examination (O-levels) at Kisimiri School, October 2008 (courtesy of Sibylle Ganz-Koehlin).

<sup>2</sup> See Hyden/Mmuya 2008: 104.

<sup>3</sup> Akerstrom Anderson defines an analytical strategy as "a way to stress the deliberate *choice* and its implications, and to highlight that this choice could be made differently with different implications in respect of the emerging object" (Akerstrom Anderson 2003: XIII; emphasis in original).

The second part of this book, for which the groundwork is being laid in this interlude, is dedicated to this empirical exploration, which I approach in three narrative steps. In this interlude I will provide an outline of the discursive body that development, governance and corruption indicators construct on an aggregate level. What I seek to do here is to sketch out a topography, which will form part of the landscape in which the case-studies on corruption, social agents and the construction industry of the following two chapters are situated. In particular, the main statements made in quantitative and qualitative surveys on governance and corruption in Tanzania over the past two decades are summed up. The purpose of this interlude is twofold: firstly, to provide a glimpse into the ways that development, governance and corruption are constructed and linked in 'scientifically', i.e. statistically validated ways, producing rankings between countries regionally and world-wide, and thus emphasising numerical correlations between different features dimensions deemed important to define development (currently: governance and corruption). The second, and for my purposes more important intention is to describe the ways in which corruption is perceived and represented in Tanzania itself, and thus to set the stage for the case studies. In the past decade, the increasing number of publically available reports and citizens' surveys on corruption have served to profile a 'corruption landscape' of its own, by employing conventionally acknowledged methods of measuring reality and thus creating a means of articulating corruption in the public sphere. How powerful these articulations are in terms of inscribing processes of social change is another matter, and one which I shall attempt to explore from a completely different perspective, namely that of professional associations in the construction industry of Dar es Salaam (Chapters 3 and 4).

### 1. *Why a Topography?*

As was discussed in the Introduction, 'mapping' corruption is a highly popular technique of the 'Anti-Corruption Machine' of foreign aid to render the scale and the type of corruption in countries or sectors visible, and on the basis of this knowledge to design appropriate interventions.<sup>4</sup> Certainly with regard to the first objective, the 'rendering visible', such a profiling is also the intention of this chapter, namely to provide some

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<sup>4</sup> For an example and overview see the study undertaken Transparency International 2007 on behalf of the UNDP's Democratic Governance Group.

bearing points in discussing corruption in Tanzania. I have chosen the term 'topography' rather than mapping; not only to distinguish it from the intervention-gearred term of 'mapping', but also because the term 'topography' provides perhaps a more appropriate description of the steps undertaken here, which is to situate the case-studies of social agents and corruption in Tanzania. For this purpose, tracing corruption through the lens of indices and reports provides a (not the only, but an important) frame of reference of quantitative as well as qualitative statements made on corruption in Tanzania, of the relations amongst components of corruption in Tanzania, and of some of the representations of corruption by specific actors inside Tanzania. In this way, I seek to describe the 'surface' of corruption in Tanzania as captured, analysed and quantified in a variety of reports and indices. I hope to provide a situation (in the sense of situating) of corruption in Tanzania, informed by different types of knowledge and statements (i.e. quantitative, qualitative, comparative, sectoral, etc.). This topography can be analysed with regard to the inferences to 'development' or to 'governance' in Tanzania. But for my purposes far more important is quite literally to sketch out the landscape in which social actors operate in, to describe the most prominent surveys and reports that are in the public domain, which are available to and inscribed in discourses on corruption. This is a necessary operation before zooming in on to the case-studies that will be explored in the following chapters, not least to render them legible with regard to other discourses of corruption.

In the following sections of this interlude, I shall therefore undertake two steps. Firstly, I will seek to sketch out a broad landscape, demarcating significant bearing points on development and governance in Tanzania. Against the broader background of some developmental indicators and assessments, more recent ways of thinking about development in form of governance and corruption indices are included. These indices mostly have a global or at least regional scope, and thus allow a bird's eye view of this landscape in Tanzania. Their power lies in aggregation, etching few but condensed and memorable statements into the discursive surface of 'corruption'.

The second step seeks to compile perspectives that magnify more localised perspectives of corruption in Tanzania, grappling with the rather 'messier' landscape of such qualitative documents. In this section, I will proceed chronologically rather than substantively, for two reasons. Firstly, methodological representations of corruption in Tanzania are relatively recent, and a chronological account captures the speed and the new types of articulations more clearly. Secondly, a chronological account allows for the two case-studies that will be outlined in Chapters 3 and 4 to be situated accordingly within a temporalised landscape.

The various facets on corruption in Tanzania highlighted through these various perspectives by no means outline a comprehensive or even precise survey of 'corruption' in Tanzania. But as should be clear by now, this is not the intention. The intention is to describe the surface of corruption, indicating some relevant features, positions and elevations that provide bearing points for other articulations of corruption by social actors in Tanzania.

## *2. A Bird's Eye View: Development, Governance and Corruption in Tanzania*

Since independence in 1962, Tanzania has managed to remain one of the most peaceful states of the region; unlike other states, it has survived the varying levels and forms of economic hardship and far-reaching structural reforms without severe political challenges.<sup>5</sup> In fact, in the nineties Tanzania was considered to be one of Africa's so-called governance states<sup>6</sup> by major development agencies, endowed with great potential to develop its political and macroeconomic framework.<sup>7</sup> This is one reason why Tanzania has been a major beneficiary of foreign aid in the past two decades. Still, the developmental indices in Tanzania depict a consistently low social, political and economic performance.<sup>8</sup> Stand-alone as well as aggregate indicators measuring one or several dimensions of national development show that there is some, but slow and incremental progress.<sup>9</sup> By the early nineties, Tanzania was one of the leading countries in consistency and spread of liberalisation policies (World Bank 1994)—all the more remarkable given the socialist background of the country. However, the growth rates remained relatively modest and lower than the population growth, at about 3% yearly

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<sup>5</sup> Unlike many other African countries, such as for instance Zambia, which experienced serious social unrest and upheaval in protest to the Structural Adjustment Programmes (see Rakner 2003).

<sup>6</sup> For a critical discussion of the construction of Africa's 'governance' states see Harrison 2004.

<sup>7</sup> See in particular Adam et al. (1994) or World Bank (2000) for detailed reports and analyses on the levels, composition and impact of foreign aid to Tanzania, which were affected by disillusionment (especially on behalf of bi-lateral donors) and sanctions (on behalf of multi-lateral donors) in the early eighties, but regained a high status amongst all donors in the nineties.

<sup>8</sup> As an indication, the Human Development Index 2002 ranks Tanzania in the category 'Low Human Development' on Rank 162 (out of 177). The growth rate of Tanzania between 1975–2002 averaged 0.6%, and 0.7% between 1990–2002, with a GDP per capita of 580 PPP USD in the year 2002 (which is also the year of highest value between 1975–2002).

<sup>9</sup> These and further inferences can be drawn from Table 2 'Development and Governance Indices' of Tanzania (see below).

(World Bank 2004), with serious technological and resource gaps remaining (UNCTAD 2003: 67–88). In the period between 2000 and 2006, the GDP grew on average around 6%, which is a respectable growth rate (World Bank 2007; The United Republic of Tanzania 2008: 10).

A defining aspect of Tanzania's national economy is the proportion of foreign aid as part of the national budget. As Table 2, below, shows, Tanzania is a highly aid-dependent country,<sup>10</sup> with aid levels oscillating around 20% of GDP in the late eighties, and since gradually dipping down to around 10%, with foreign aid still constituting nearly half of the government budget.<sup>11</sup> In spite of favourable political conditions, foreign assistance and the structural reforms aimed at increasing the capacity of the public sector and the economy, various measures of governance indicate that Tanzania still ranks not only amongst the poorest (certainly at the time of the case-study of 2003), but also amongst the most corrupt countries in the world.<sup>12</sup> The governance challenges in terms of socio-economic outlook are summed up in the 2000–2008 Mid-term Millennium Development Goal Report on Tanzania:

Although for 2007/08 many indicators are less gloomy compared to (say) the early to mid-1990s, the country seems unlikely to meet many of the targets

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<sup>10</sup> Tanzania clearly conforms with Brautigam's succinct definition of aid dependency, namely "a situation in which a country cannot perform many of the core functions of government, such as operations and maintenance, or the delivery of basic public services, with foreign aid funding and expertise" (Brautigam 2000: 9). For concepts and analyses of aid dependency, see Brautigam 2000: 9–15 or Brautigam/Knack 2004.

<sup>11</sup> In 2006, the Official Development Assistance to Tanzania amounted to USD 46 per capita, which is just under the Sub-sahara African average of USD 52 of the same year (World Development Report 2009: 359, Table 4 'Trade, Aid and Finance'). The average GNI per capita of Tanzania in the same year was USD 400 (World Development Report 2009: 353, Table 1 'Key Development Indicators'). Even within international organisations, this is not seen to be a positive feature. Note, for instance, an official UNCTAD of 2003 document that argues that "[a]id dependency coupled with lack of domestic capabilities makes development difficult to sustain. Perhaps the least desirable outcome is to channel foreign support in an erratic and unpredictable manner through institutions that lack the capabilities, incentives, and structures to be effective. That seems to have been the case in Tanzania" (UNCTAD 2003: 78). Albeit less polemically than for instance Moyo (2008) or Easterly (2006), a growing body of literature elaborates perverse and systemic effects of aid dependency over time, namely that "large amounts of aid may reduce local ownership, accountability and democratic decision-making, while fragmenting budgets and lowering tax effort" (Brautigam 2000: 1; see also Brautigam/Knack 2004).

<sup>12</sup> According to Transparency International's Corruption Perceptions Index, Tanzania was on rank 73 out of 85 in 2002, and on rank 92 out of 133 in 2003. The changes in ranking indicate the relative position and methodological adjustments. Hence, the absolute rank is less revealing than the rather intuitive confirmation of widespread corruption in Tanzania (see also Table 2 'Development and Governance Indicators for Tanzania', below). For more information see the Corruption Perceptions Index under 'Surveys' at [www.transparency.org](http://www.transparency.org).

by 2015 if the country does not scale up human and financial resources input, with keen attention to effective use of resources, including foreign aid as well as raising domestic resource mobilization effort (The United Republic of Tanzania 2008: 10).

Frequent and indeed routine statements negatively correlating poverty reduction and national development with corruption can be found in some of the most central policy document on Tanzania, as will be shown further down. As can be drawn from the statistics of the DAC/OECD (2010), the allocation of foreign aid earmarked specifically for governance reforms in Tanzania oscillates around 4% (in 2007) of total foreign aid by DAC countries and multi-national organisations. Not a stupendous amount, but substantial when one takes, firstly, the growing trend in aid modalities towards budget support in to account, with sectoral or programmatic allocation waning in importance; and secondly, when putting the absolute figures in relation with the budget of Tanzania.

In this context, aid allocations tied to the measurement of institutional quality, i.e. governance and anti-corruption, play an important role. In the wake of the increasingly frequent and aid-allocation-defining quantitative definitions of corruption and governance, the past decade has also seen their numerical mapping. In Table 2, below, key indicators are compiled to provide an insight into the most important trends with regard development, governance and corruption in Tanzania, as produced by such aggregate measures. Where the data was available, Table 2 is split into the two years in which the case-studies were undertaken to allow for a very rough comparison between 2003 and 2009/10. The years have been chosen to facilitate a comparison between the two sets of research findings. However, as the available data does not always correspond to the years in question, figures from 2005 have also been included, as they a) usually draw on statistics of the year 2003 (this is also a statement on the time-lag and relative content of such indices and statistics), and b) to facilitate the use of the table as an illustration of trends rather than a set framework. Notable is perhaps also the fact that although I endeavoured to use the same sources for each figure for more transparent comparison, it proved surprisingly difficult to find the same information in reports of different years. The 'messiness' of Table 2 hence also allows some inference with regard to the representation of a clear, unambiguous representation through such neat indices and figures—a neatness that immediately crumbles when seeking to compare even same data over time with some level of precision.

Table 2: Development and Governance Indicators for Tanzania

DEVELOPMENT INDICATORS				
Index/Year	Sources from	Sources from	Latest Sources	
	2003	2005	2009	2010
Population	Approx. 34.5 million <sup>13</sup>	Approx. 35.9 million <sup>14</sup>	—	Approx. 42 million <sup>15</sup>
GNI p/c (USD)	270 <sup>16</sup>	290 <sup>17</sup>	—	440 <sup>18</sup>
GDP p/c % growth	2.3% <sup>19</sup>	3.5% <sup>21</sup>	—	4.4% <sup>23</sup>
Annual real GDP growth	4.3 <sup>20</sup>	5.1 <sup>22</sup>		6.8 <sup>24</sup>
ODA (USD p/c)	31 <sup>25</sup>	35 <sup>28</sup>	68 <sup>29</sup>	n/a
Aid dependency as % of GNI	2003: n/a 2000: 11.6% of GNI <sup>26</sup> 2001: 13.3% of GNI <sup>27</sup>		2007: 17.4% of GNI <sup>30</sup> 10.2% of GDP <sup>31</sup>	

<sup>13</sup> World Development Report 2003 (World Bank 2003: 235), giving the figures for 2001.

<sup>14</sup> World Development Report 2005 (World Bank 2005: 257), giving the figures for 2003.

<sup>15</sup> World Development Report 2010 (World Bank 2010: 379), giving the figures for 2008.

<sup>16</sup> World Development Report 2003 (World Bank 2003: 235), giving the figures for 2001 (Data refer to mainland Tanzania only).

<sup>17</sup> World Development Report 2005 (World Bank 2005: 257), giving the figures for 2003 (data refers to mainland Tanzania only).

<sup>18</sup> World Development Report 2010 (World Bank 2010: 379), giving the figures for 2008 (data refers to mainland Tanzania only).

<sup>19</sup> World Development Report 2003 (World Bank 2003: 235), giving the figures for 2000–2001.

<sup>20</sup> African Economic Outlook 2002/2003: 379 (“Statistical Annex”), giving the average over 1995–2001.

<sup>21</sup> World Development Report 2005 (World Bank 2005: 257), giving the figures for 2002–2003.

<sup>22</sup> African Economic Outlook 2004/2005: 499 (“Statistical Annex”), giving the average over 1996–2003.

<sup>23</sup> World Development Report 2010 (World Bank 2010: 379), giving the figures for 2007–2008.

<sup>24</sup> African Economic Outlook 2009: 151 (“Statistical Annex”). Available under: <http://www.oecd.org/dataoecd/10/1/42724007.pdf> (last accessed 21 April 2010), giving the average over 2002–2008.

<sup>25</sup> World Development Report 2003 (World Bank 2003: 241), giving the figures for 2000.

<sup>26</sup> World Development Indicators 2009: 378, figures for 2000.

<sup>27</sup> World Development Report 2004 (World Bank 2004: 261), giving the figures for 2001.

<sup>28</sup> World Development Report 2005 (World Bank 2005: 262), giving the figures for 2002.

<sup>29</sup> World Development Report 2010 (World Bank 2010: 387), giving the figures for 2007.

<sup>30</sup> World Development Indicators 2009 (World Bank 2009: 378), giving the figures for 2007.

<sup>31</sup> In 2007/08 approx. 44% of realised expenditure was ODA (see African Economic Outlook (AEO 2009—Tanzania, section ‘Fiscal Policy’). This figure includes loans, grants and proceeds from debt relief. According to the AEO, the government of Tanzania has targeted a reduction of donor dependence to 34% in its 2008/09. For the country statistics see AEO under “country statistics”.



Table 2 (*cont.*)

DEVELOPMENT INDICATORS				
Index/Year	Sources from	Sources from	Latest Sources	
	2003	2005	2009	2010
HDI <sup>32</sup>	Low Human Development (Rank 160 out of 175; Score 0.400) <sup>33</sup>	Low Human Development (Rank 164 out of 177; Score 0.418) <sup>34</sup>	Medium Human Development (Rank 151 out of 182; Score 0.530) <sup>35</sup>	n/a
GOVERNANCE INDICATORS				
World Governance Index	See chart below			
African Governance Index <sup>36</sup>	2003: Rank 20 out of 53 (Score: 52.42) <sup>37</sup>		Rank 12 out of 53 (Score: 59.24) <sup>38</sup>	
Freedom House <sup>39</sup>	2003: Partly Free		2009: Partly Free	
Global Integrity Index	2003: n/a 2006: Overall Score 59 ("Very Weak") <sup>40</sup>		n/a 2007: Overall Score 60 ("Weak") <sup>41</sup>	
Corruption Perceptions Index (CPI) <sup>42</sup>	2003: Rank 92 out of 133 (Score: 2.5) <sup>43</sup>		2009: 126 out of 180 (Score: 2.6) <sup>44</sup>	

(Source: Compiled by the author)

<sup>32</sup> [http://hdrstats.undp.org/2008/countries/country\\_fact\\_sheets/cty\\_fs\\_TZA.html](http://hdrstats.undp.org/2008/countries/country_fact_sheets/cty_fs_TZA.html) (last accessed 21 April 2010).

<sup>33</sup> Human Development Report 2003 (UNDP 2003: 240), giving the figures for 2001.

<sup>34</sup> Human Development Report 2005 (UNDP 2005: 222), giving the figures for 2003.

<sup>35</sup> Human Development Report 2009 (UNDP 2009: 173), giving the figures for 2007.

<sup>36</sup> See further down in this section for an elaboration on the Mo Ibrahim Index of African Governance.

<sup>37</sup> 2009 Ibrahim Index of African Governance, year 2003. Full dataset including figures from 2000 to 2007 available under <http://www.moibrahimfoundation.org/en/section/the-ibrahim-index/scores-and-ranking> (last accessed 21 April 2010).

<sup>38</sup> 2009 Ibrahim Index of African Governance for Tanzania, giving the figures for 2007 (see [http://www.moibrahimfoundation.org/en/media/get/20091004\\_tanzania.pdf](http://www.moibrahimfoundation.org/en/media/get/20091004_tanzania.pdf), last accessed 21 April 2010). Full dataset including figures from 2000 to 2007 available under <http://www.moibrahimfoundation.org/en/section/the-ibrahim-index/scores-and-ranking> (last accessed 21 April 2010).

<sup>39</sup> For full rankings see "Freedom in the World Historical Rankings" under <http://www.freedomhouse.org/template.cfm?page=5> (last accessed 21 April 2010).

<sup>40</sup> Tanzania Integrity Scorecard for 2006 available under <http://www.globalintegrity.org/reports/2006/tanzania/scorecard.cfm> (last accessed 21 April 2010).

<sup>41</sup> Tanzania Integrity Scorecard for 2007 available under <http://report.globalintegrity.org/Tanzania/2007/scorecard> (last accessed 21 April 2010).

<sup>42</sup> The CPI is measured on a scale of 0–10, with 10 = not corrupt, 0 = highly corrupt.

<sup>43</sup> Corruption Perception Index 2003, giving the figures for 2003.

<sup>44</sup> Corruption Perception Index 2009, giving the figures for 2009.

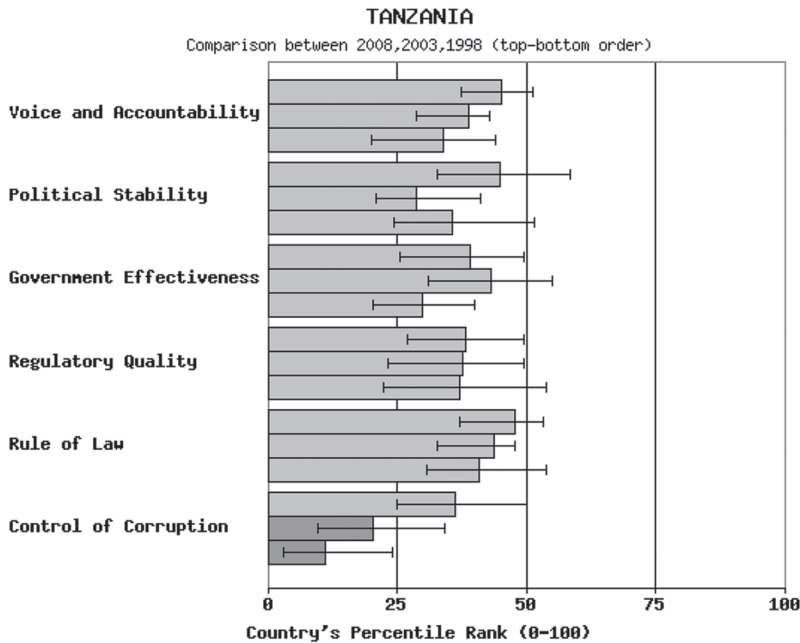
The ratings, numbers and indices listed in Table 2 not only situate development, governance and corruption in Tanzania, they are of key importance for defining the image of Tanzania in developmental terms. For all their strengths and weaknesses,<sup>45</sup> the rankings state the slow but steady progress of Tanzania's developmental and governance performance in the past decade. This is particularly apparent in the annual real growth rates and in the leap from the HDI category 'Low Human Development' to 'Medium Human Development', representing improvements in the measured social and economic dimensions. But in spite of observable improvements, the indicators outline a profile of low social and economic development, weak public institutions, with concomitant weak accountability institutions and high levels of corruption. Drawing from these rankings, Tanzania can be described as a 'typical' but hopeful African country, which, yes, is characterised by underdevelopment and corruption, but gradually making its way up the rankings.

However, one critique of such indices is that they are all on a highly aggregate level, severely curtailing their significance with regard to national and local contexts. In other words, the overall rankings of the aggregate and composite indicators have little explanatory power with regard to the quality and changes in specific sectors of a nation.<sup>46</sup> This becomes particularly apparent when one takes the effort to break the scorings down, that make more differentiated statements on key governance dimensions. The following chart of the World Governance Index (Figure 4, below) disaggregates the score according to year and dimension. The chart shows quite clearly the improvement as well as the uneven dynamics of Tanzania's 'performance' (in the survey's terminology) over the past decade; i.e. the dynamics of social and political change over time.

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<sup>45</sup> Apart from the inherent methodological problems of aggregate indices, see Heller (2009) for an overview and critical assessment of corruption indices, see UNDP (2008) for an overview over governance indices, see Arndt/Oman (2006) for a critical assessment of governance indices.

<sup>46</sup> A more nuanced approach to quantitative analysis of corruption has been pioneered by no-one less than Daniel Kaufmann, the pioneering former head of the World Bank Institute and leading governance analyst. He was formative in establishing the recently developed Actionable Governance Indicators Portal, which "has been developed in response to the increasing demand for governance indicators that could help design specific reforms and monitor their impacts. The portal consolidates information on actionable governance indicators, provides a one-stop-shop platform to navigate these indicators and their documents and offers customized tools for data management, analysis and display" (see <https://www.agidata.org/main/AboutAGI.ashx>; last accessed 27 October 2009).



Source: Kaufmann D., A. Kraay, and M. Mastruzzi 2009: Governance Matters VIII: Governance Indicators for 1996-2008  
 Note: The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The WGI do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. The WGI are not used by the World Bank Group to allocate resources.

Figure 4: World Governance Index (Tanzania) 1998-2008

The World Governance Indicator quite explicitly seeks to articulate differences over time within countries, not merely between countries, in an effort to provide a more nuanced representation of governance. According to this representation, the quality of governance, as measured in the six dimensions, has all in all improved over the past seven years. Notably, the dimension with the greatest improvement is control of corruption—a dimension that the case-studies in the following chapters will be dwelling on in a more emic approach. This also fits in with the increased attention that donors have been paying to the control of corruption, funding and implementing sweeping institutional, legal and regulatory reforms.

There is a general trend observable of global indices to incline towards greater disaggregation and supplementary qualitative framing. One important source of governance assessments is the detailed information

contained in the Integrity Indicators Scorecard of the Global Integrity Index (2008). The Global Integrity Index measures and ranks countries worldwide in a neat digit.<sup>47</sup> However, it is flanked by the Reporters' Notebook (see further down), which provides an in-depth commentary on relevant political, economic and social processes, and by the Integrity Indicators Scorecard, which allow assessments of individual categories and sub-categories of the Global Integrity Index.<sup>48</sup> Table 3, below, shows the latest scores and rankings of the Scorecard on Tanzania.

As Table 3 indicates, in the ranking of the Global Integrity Scorecard the anti-corruption efforts of Tanzania actually fare very badly, contrary to the relative progress highlighted in the World Governance Indicators. In this sense, the statements on governance and corruption by such global indices do now provide a far more diverse map of corruption and

Table 3: Tanzania Integrity Index Scorecard 2007<sup>49</sup>

DIMENSION	SCORE	RANKING
Oversight and Regulation (Cat. V)		
National Ombudsman	71	Moderate
Supreme Audit Institution	68	Weak
Taxes and Customs	86	Strong
State-Owned Enterprises	67	Weak
Anti-corruption and Rule of Law (Cat. VI)		
Anti-Corruption Law	100	Very strong
Anti-Corruption Agency	59	Very weak
Rule of Law	59	Very weak
Law Enforcement	46	Very weak
Score Anti-Corruption and Rule of Law	66	Weak

(Source: Global Integrity)<sup>50</sup>

<sup>47</sup> See Table 2 'Development and Governance Indicators in Tanzania', above.

<sup>48</sup> There are six categories of Integrity Indicators in all, namely (i) Civil Society, Public Information and Media, (ii) Elections, (iii) Government Accountability, (iv) Administration and Public Service, (v) Oversight and Regulation, and (vi) Anti-corruption and Rule of Law.

<sup>49</sup> At the time of writing (March 2010) there were no more recent scorecards of Tanzania available. For the Scorecard and further information see <http://report.globalintegrity.org/Tanzania/2007/scorecard> (last accessed 25 March 2010).

<sup>50</sup> See under <http://report.globalintegrity.org/Tanzania/2007/scorecard> (last accessed 25 March 2010).

governance-dimensions, which also allow for statements over time. Articulated in brute numbers, the ranking of countries is seemingly unambiguous. Dipping under the surface, it is possible to draw a multifaceted range of articulations and statements from these rankings, with which new discourses are shored up and established ones legitimised.

The same pattern is recognisable on a regional level, embodied by the much-noted introduction of the Mo Ibrahim African Governance Index, a new governance index, funded by an African entrepreneur (and, in addition, is coupled to a 'Leadership Prize'), and designed with all the authority of the Harvard Kennedy School of Government. Notable is here not only the African origins (which in addition); notable is the omission of anti-corruption as a proxy for the quality and the outcome of governance processes. The Ibrahim Index assesses governance as captured in the dimensions *Safety and Rule of Law*; *Participation and Human Rights*; *Sustainable Economic Opportunity*; and *Human Development*.<sup>51</sup> Again, this index is characterised by sophisticated data and graphical breakdowns, allowing for comparisons over time, between regions or within categories. Here, Tanzania also demonstrates a notable improvement, inching its way up the scores in the past few years. Table 4 depicts the relative progress of Tanzania in the past decade.

Table 4: Mo Ibrahim Index of African Governance: Figures for Tanzania (2000–2007)

TANZANIA	2000	2001	2002	2003	2004	2005	2006	2007
Ranking	14	17	18	20	17	15	15	12
Score	53.5	53.15	53.06	52.42	53.76	55.89	57.03	59.24

(Source: Table compiled by author; data drawn from the Mo Ibrahim Index of African Governance)<sup>52</sup>

<sup>51</sup> The Ibrahim Index assesses governance against 84 criteria, making it the most comprehensive collection of qualitative and quantitative data that measures governance in Africa. The criteria are divided into four main categories and 13 sub-categories. The indicators that make up the sub-categories are based either on official data or expert assessment (see the website under <http://www.moibrahimfoundation.org/en/section/the-ibrahim-index>; last accessed 25 March 2010). In 2009, 53 African countries were included in the survey.

<sup>52</sup> All information available under <http://www.moibrahimfoundation.org/en/section/the-ibrahim-index> (last accessed 25 March 2010).

Summing up the aggregate surveys on development and governance, it can be observed that a certain sophistication of the measurement of governance is taking place. Whereas the first governance indices were relatively crude and standardised, with the explicit aim to quantify ‘governance’ as neatly as possible, currently governance indicators are being elaborated or designed to allow more profiled and nuanced markers—albeit numerically reduced. Viewed through this discourse, Tanzania emerges as a country characterised by a rather poor governance performance in world-wide comparison, ranking in the bottom quarter of both development as well as governance indicators. However, the assessments over time all show a steady improvement of Tanzania’s governance performance. It is not my purpose to deconstruct the ‘truth’ of this performance. What I do want to profile, however, that judged by these surveys, the institutional and regulatory framework of Tanzania has undergone quite significant changes over the past decade. Contrary to the Africa pessimism, positive (in terms of the measured dimensions) change has been documented in Tanzania in the past decade.

Still, in spite of the more differentiated and longitudinal surveys available today, the scores represent either global or continental topographies of governance and corruption that are necessarily standardised. This leads to highly condensed, categorical statements, i.e. either as a naked rank or score, or as in bland and non-descript qualifications such as ‘weak’ or ‘partly free’. However, there is a rich body of articulations that make dispersed as well discursively more formed statements on contexts of corruption in Tanzania. Although these statements cannot necessarily be directly related to the indices, following often completely different rationales and intentions, the following section seeks to profile this contextual landscape in sharper relief, by assembling country-specific statements and articulations on governance and corruption in Tanzania.

### 3. *Qualified Views of Corruption in Tanzania*

Only in the past decade have more measurement tools and data on corruption been available—a new field of empirical data that can also be seen from the relatively recent introduction of most of the indicators above. The same can be said of country-specific surveys and assessments, which in general do not aim to rank and compare, but to provide a more qualitative assessment of corruption in a given country. A distinction can be made between surveys and reports that are mandated by the government

and form part of a national anti-corruption strategy, and surveys and reports that are mandated and/or are carried out by national or international non-governmental organisations. In this section, the most important elements and statements of these qualitative surveys and reports will be listed schematically, in a chronological order—which should also make the quickened frequency and types of such surveys visible. Also, where present, statements on corruption in the construction industry and public procurement will be emphasised, as this is the area in which the case-studies undertaken in the following two chapters are situated.

### 3.1. *The Warioba Report (1996)*

Tanzania is in fact an interesting example, for as early as 1996 the government under President Benjamin Mkapa established a commission endowed with investigative powers to report on corruption in Tanzania (The United Republic of Tanzania 1996a). The report, popularly known as the Warioba Report, named after the renowned chair of the Presidential Commission, came up with detailed and damning findings on types and extent of corruption in Tanzania. Essentially, they distinguished between corruption due to poverty and low incomes (The United Republic of Tanzania 1996a: 4), and corruption by persons in authority. It is worth quoting the passage on this type of corruption in original:

The second problem which is more serious is that even if the people know their rights and therefore refuse to pay for them by exposing the corrupt elements instead, they appear to have despaired because *the leaders in whom they had placed trust and who they expected to be their refuge, have themselves become engulfed by corruption*. The Tanzania public has been reluctant to expose those who solicit and receive bribes because of a lack of clean and responsible leadership in the government organs concerned like the police, judiciary, the Anti-Corruption Bureau and the Department of National Security. *Thus the greatest task before the Government itself, the Parastatals and indeed the political parties, is to clean up the leadership currently in power. After that it will be necessary to take steps to develop a cadre of leadership which is genuinely committed to fighting the scourge of corruption at all levels by taking action against all who are exposed. By so doing, we shall have restored public confidence in the state apparatus and therefore speed the eradication of corruption in the country* (The Government of Tanzania 1996a: 15; emphases in original).

The report was at the time and has been since widely acclaimed for its astute and impartial assessment of corruption in Tanzania. The report went very far, to the extent of incriminating and naming particular senior

public officials. However, as Chapter 3, below, will discuss in more detail, essentially there was political inertia after the initial stir of the publication. In any case the Warioba Report is still widely cited and known, providing a very detailed description of types and extent of corrupt practices within public agencies.

### 3.2. *State of Corruption in Tanzania Annual Report (2001)*

With the technical and financial support of the UNDP, it was decided that the Tanzanian National Anti-Corruption Strategy and Action Plan (NACSAP) of 1999 (see section further down) should be systematically monitored and evaluated by a system of Annual Reports. In March 2001 the Prevention of Corruption Bureau<sup>53</sup> invited proposals from independent institutions and in late 2002 the first *State of Corruption in Tanzania Annual Report 2001*, was published, prepared by a consortium between the Economic and Social Research Foundation (ESRF)<sup>54</sup> and an anti-corruption organisation called Front Against Corrupt Elements in Tanzania (FACEIT).<sup>55</sup> The data and information collected and analysed in the report is intended as a prime policy tool in the fight against corruption. Hence, its TORs include the following specific objectives:

- to provide an information base for future anti-corruption policies
- to monitor and assess the state of corruption in Tanzania after adoption of NACSAP and sector-specific action plans in Ministries and key departments (MDAs)
- to review and collect information on the implementation of sector specific action plans (ESRF/FACEIT 2001: 6)

Not endowed with the same investigative powers as the Warioba Commission, the report necessarily relies more on a multi-pronged methodology of desk-research, individual and focus group interviews as well as workshops with key professionals to capture the dynamics of corruption. Using the recommendations of the Warioba-Report and NACSAP as a baseline, the report compares the measures taken with the actual results in the prime sectors. The sectors analysed are the institutional framework

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<sup>53</sup> For an overview over the mandate of PCB see Chapter 3 (Section 3.2) and Chapter 4 (Section 3.4), below.

<sup>54</sup> Acronym for Economic and Social Research Foundation.

<sup>55</sup> Acronym for Front Against Corrupt Elements in Tanzania, an organisation which in 2003 was in fact the only vocal interest group against corruption in Tanzania. This had changed completely in 2010, with organisations such as ForDIA taking on advocacy activities in a very professional manner.



(Chapters II–IV), the Sector Ministries (Chapter V), the Local Government Authorities (Chapter VI), the Financial Sector (Chapter VII), Public Procurement (Chapter VIII), and lastly, the Mass media (Chapter IX). The focus group discussions were held with Lawyers, Auditors and representatives of the construction industry. Although the quality of the report and in particular the survey methodology is rather uneven, it documents both systemic and incidental cases of corruption.

In all areas, corruption remains a serious problem, with the surveyed citizens, respondents and focus groups reporting relatively frequent experiences with corruption, as well as providing detailed information on prevalent corrupt practices and regulatory problems (due to both over-regulation as well as under-regulation). The two areas in which corruption are reported to be most expansive is the Local Government Authorities<sup>56</sup> and Public Procurement, and even more so in the interface of the two. The report states with unusual candour that

[p]rocurement of goods and services (supplies of materials and works contracts [sic] particularly in roads contracts) is one area where corruption is rampant. Councillors flout tender regulations in selecting contractors for roads works. This has often led to inflated costs, poor works quality and delayed completion [...]. These practices are perceived as grand and systemic corruption in the local authorities (ESRF/FACEIT 2001: 84).

On a national level similar practices are documented across public authorities, ranging from Lands to Communication, where both incidental as well as routine practices of corrupt collusion, embezzlement, extortion or just plain bribery are reported. According to the Annual Report on the State of Corruption 2001, most of these practices have not changed greatly since the publication of the Warioba report, in spite of governmental commitments to implement its recommendations. A further problem, again already observed and condemned by the Warioba report, is a legalised form of political corruption, which is known as ‘takrima’ (Swahili for gift or favour). The law on ‘takrima’, introduced in 2000, allows parliamentary candidates during elections to give certain benefits (‘takrima’) to voters as an inducement to gain their votes, evidently a practice that borders on bribery.<sup>57</sup>

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<sup>56</sup> See also the Report on Corruption in Local Government Authorities (2005) further down.

<sup>57</sup> This law was outlawed in a High Court ruling in 2006, after legal rights organisations had challenged its legality in a law-suit (see under <http://news.bbc.co.uk/2/hi/africa/4941672.stm>; last accessed 25 March 2010).

In large parts, the tone of the report is very conciliatory, in spite of some interesting, specific and significant findings. These are mainly hidden in the individual chapters and the Appendices on the Focus Group Discussions. The conclusions of the report are particularly weak, summing up some 200 pages in a mere two pages, much of which is devoted to describing reforms undertaken, rather than an analysis of the problems. It does stress, however, the importance of political will. More specifically, it states that the “findings of this report reveal that there is still a lot to be done by the Government to demonstrate a clear political commitment in the war against corruption” (ESRF/FACEIT 2001: 160). Perhaps more graphically, a summary statement from the Auditors Workshop that forms part of this report underlines this point:

It was lamented that though the President [Mr Benjamin Mkapa] has good intentions concerning the fight against corruption, over the years, things are turning out to be worse and worse. Leaders do not lead the way and have been one of the reasons for the worsening situation. Takrima was felt to be anathema to this fight. The meeting stressed the need to be serious and sincere at all levels of leadership, otherwise things will remain the same.<sup>58</sup>

Although the report was announced as an annual publication, for the next six years no further annual report was commissioned, mainly due to the lack of funding forthcoming by donors.<sup>59</sup> The non-materialisation of an annual report, however, also shows a lack of commitment on the side of the government in these years. Only with the implementation of NACSAP II and funding from Danida was the project ‘annual report’ and improvement of official data on corruption for planning purposes tackled again. In September 2009, the second Annual State of Corruption and Governance Report 2009 was presented to the public (see Section 3.9, below).

### 3.3. *National Strategy for Growth and the Reduction of Poverty (2005–2010) (MKUKUTA)*<sup>60</sup>

Articulations on corruption, however, are not only limited to corruption-specific reports. Corruption in Tanzania is routinely articulated in

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<sup>58</sup> Summary Records from the Auditors Workshop, held on 1 November in Dar Es Salaam, Annex V ‘Minutes of Constructors Workshop’ of the Annual Report of the State of Corruption in Tanzania, (ESRF/FACEIT 2001: 22).

<sup>59</sup> This is not least due to the disenchantment of donors on the quality of the Report (personal communication with multi-lateral donors in February and March 2003).

<sup>60</sup> The Strategy is far better known under its Swahili acronym MKUKUTA, which stands for ‘Mkakati wa Kukuza Uchumi na Kupunguza Umaskini Tanzania’.

conjunction with and in reference to national development, economic growth and in particular poverty-reduction, as the next section illustrates. These are particularly dominant in development policies published by the government. The most important of these is MKUKUTA, a largely donor-financed national framework guiding social and economic policies for poverty reduction. To substantiate and anchor developmental priorities in society, development needs were assessed in nation-wide stakeholder's consultations. In this context, corruption was shown to be a concern of citizens. In a survey conducted by the National Bureau of Statistics, the respondents showed

great anxiety on issues of governance and corruption. These were stated as red tape, harassment by tax collectors and town/city officials, corruption, violent crime, un-enforceable contracts, weak courts, band norms or customs, perverse external influence on values, 'unfulfilled promises' made by their leaders or representatives, nepotism, favouritism in giving micro-credit service [...]. Some expressed doubts whether their problems or grievances were ever forwarded to higher authorities for action (MKUKUTA 2005: 21).

Interesting here is the range of practices and issues identified as being relevant to governance and corruption, from distorted value-structures to bureaucratic discretion. It is also quite revealing with regard to the lack of trust citizens seem to have in formal accountability structures.

Further key policy documents, all relating to MKUKUTA, are much in the same vein as some of the operational statements encountered in the discourse of good governance. For instance, in one of the annual assessment documents, the so-called cluster-strategies of the chapter on governance and accountability give an idea just how, firstly, linkages between key development terms (poverty-reduction, corruption, equity, etc.) are constructed, and, secondly, just what an enormous field of intervention is being (re-)produced by such policy documents:

The cluster has seven goals, namely:

- i. Ensure that structure and systems of governance as well as the rule of law are democratic, participatory, representative, accountable and inclusive;
- ii. Equitable allocation of public resources with corruption is effectively addressed;
- iii. Effective public service framework is in place to provide foundation for service delivery that support poverty reduction;
- iv. Rights of the poor and vulnerable groups are protected and promoted in the justice system;
- v. Reduction of political and social exclusion and intolerance;

- vi. Improvement of personal and material securities, reduced crime, eliminate sexual abuse and domestic violence; and lastly to
- vii. Promote and enhance national cultural identities” (IMF 2008: 55).

### 3.4. *Corruption in Local Authorities in Tanzania (2005)*

Beyond surveys on a national level, it was recognised quite early on that corruption in local government authorities (LGAs) is a pertinent problem not captured by national legislation. Also, there was still very little empirical information available on corrupt practices in LGAs. A comprehensive survey mandated by the PCB and the UNDP and undertaken by an eminent professor seeks to address this lacuna, and comes to following conclusion:

On the whole corruption [...] remain[s] a daunting challenge not only for LGAs but for the whole country. [...] Rigid, bureaucratic, unknown procedures and unresponsive bureaucrats make people believe they would not get the service they deserve without ‘oiling the system’ or ‘wearing long shirt sleeves’, i.e. bribing the official. [...] Inadequate poor service delivery, poor working conditions and unattractive working conditions, including lack of working equipment create a conducive environment and temptation for engaging in corrupt practices. However, it is equally true that contradictory and incongruent policy and political statements between the politicians and the LGA technocrats on the one hand and these and the citizens on the other hand fuel perceptions on corruption. [...] The laid down laws, rules and regulations are in place and some are available at LGA offices but are hardly known to LGA officials and citizens which makes compliance ineffective. It seems that the political side of LGAs [elected representatives] is less involved in anti-corruption strategy than the technical side hence making the fight against corruption less effective (Ngware 2005: 111; emphases in original).

The main statements of the report, hence, do not necessarily affirm the view that corruption in Tanzania is diminishing in day-to-day interactions with public officials. Rather, it depicts a landscape in which corrupt practices are systemically produced through uneven institutionalisation of anti-corruption and other governance reforms on the one hand, and entrenched attitudes towards corruption that are reinforced by disempowerment and poverty. However, as the quotes show, the report makes an explicit distinction between the technocratic level and the political level of anti-corruption efforts, indicating that reforms on the technocratic level are technically in place and probably sufficient, but the political will is still very uneven in making these reforms ‘live’ and effective—political will, as the report discusses and substantiates in some detail, that is not

merely a result of individual politician's integrity, but of "a deeper culture of popular participation in civic affairs which is only just emerging in Tanzania" (Ngware 2005: 24).

### 3.5. *Afrobarometer: Perceptions and Experiences of Corruption in Tanzania (2005)*

This survey is an interesting exercise in mapping the experiences and perceptions of Tanzanians on corruption in their country, and it comes up with a number of interesting findings. These are especially interesting as they allow a comparison between the first survey in 2003 and this second survey (2006). I only want to highlight two remarkable findings here: firstly, the survey indicates a trend, namely that between 2003–2005 personal experiences with corruption *as well* as perceptions of corruption among public officials have actually declined.<sup>61</sup> The former is depicted in Figure 5, below, which leads the authors of the survey to conclude that government efforts to curb corruption are showing some success.

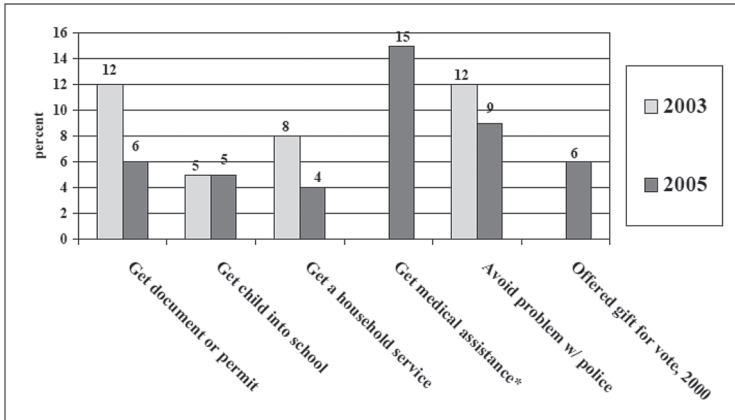
According to the Afrobarometer, the perceived degree of corruption associated with public officials has also declined, although it remains on a high level. So,

in 2003, 80% thought that 'some', 'most', 'all' police were involved in corrupt practices, but in 2005 this has dropped to 72%. Likewise, in 2003 52% thought that/some/most/all 'elected officials' engaged in corruption, but in 2005 a much lower 38% think MPs are corrupt, and 44% say the same for elected local government councilors [sic] (Afrobarometer 2006: 4).

Although this finding is based on interactions with only three public services, it would confirm the improvement of Tanzania's ranking on the CPI and on the various governance indices. However, as Figure 6, below,

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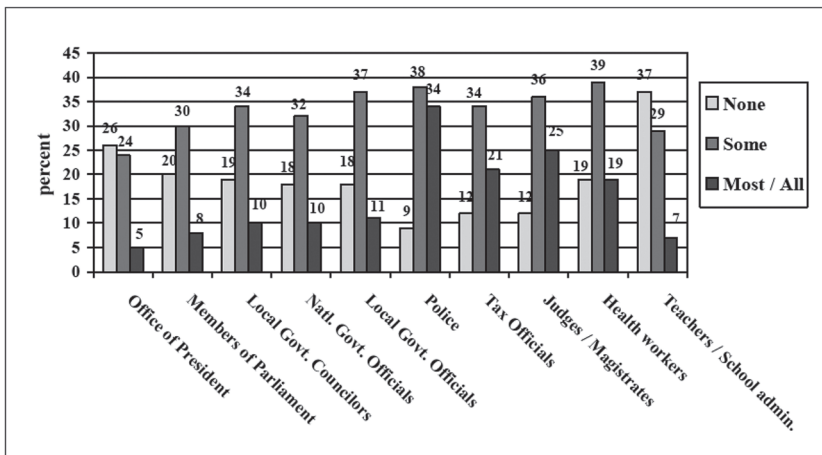
<sup>61</sup> See Afrobarometer 2006: 5, Figure 4; out of six common interactions with authorities surveyed, three show a reduction (obtaining a permit; obtaining a household service; interaction with police), one remains the same (access to education), and two cannot be compared as they were not included in the 2003 survey (access to health care (see below) and voting). The prevalence of corruption in the police service as well as in the judiciary are shored up by the findings of the Eastern Africa Bribery Index (EABI) 2009 (see section further down): the Tanzanian Police Force (EABI score 62,56) and the Judiciary/Courts (EABI score 61,48) rank highest on the EABI score, ahead of Local Authorities (rank 5) and health care (rank 8). For the full ranking see Eastern African Bribery Index Report 2009: 34 (Table 30 'Tanzania Aggregate Index'). One interesting finding of the Afrobarometer Corruption Survey is that it seems that Tanzanians are most frequently pressured into corruption by health workers (See Afrobarometer 2006: 5,6 (Figure 4 and Figure 5); unfortunately, healthcare was only included in the survey of 2005, hence not allowing a comparison to the situation in 2003).



*"In the past year, how often (if ever), have you had to pay a bribe, give a gift, or do a favour to government officials in order to: a) Get a document or permit; b) Get a child into school; c) Get a household service (like piped water, electricity or a phone); d) Get medicine or medical attention from a health worker; e) Avoid a problem with the police (like passing a checkpoint or avoiding a fine or arrest)? And during the 2002 election, how often (if ever) did a candidate or someone from a political party offer you something, like food or a gift, in return for your vote?" (% yes, i.e., "once or twice," "a few times," or "often")*  
 \*Question not asked in 2003.

(Source: Afrobarometer 2006: 6, Figure 4)

Figure 5: Personal Experience of Corruption 2003–2005



(Source: Afrobarometer 2006: 4, Figure 3)

Figure 6: Extent of Perceived Corruption Amongst Public Officials

shows, the level of perceived corruption among public officials is still on a relatively high level.

Secondly, addressing a commonly held myth (and one that was discussed under the ‘moral economy of corruption’ in Chapter 1, above), the surveys find that ordinary citizens’ understanding of what constitutes an act of corruption does not differ to the understanding that citizens hold of corruption internationally: “Clearly, Tanzanians for the most part share international perceptions of how public officials are supposed to behave in executing their responsibilities. Traditional cultural practices, whether of gift giving or other varieties, do not, in the eyes of the Tanzanian public, entitle government officials to take advantage of them” (Afrobarometer 2006: 6). This is significant in that it counters statements made for instance by parts of the academic discourse, who seek to emphasise the ‘local’ or ‘socio-cultural’ understanding and practice of corruption. It also makes a clear statement on the type of expectations that Tanzanians have of public institutions, namely the impartial provision of public goods.

### 3.6. *Global Integrity Report: Tanzania—Reporter’s Notebook (2007)*

As noted above, part of the Global Integrity Report is a so-called reporter’s notebook, where a key informant, such as a journalist, an activist or a researcher, describes in an anecdotal fashion symptomatic incidences illustrating the mechanisms of accountability and integrity in a given country. The reporter for Tanzania in 2007 dwells at length on the large-scale corruption scandals that have emerged especially in the wake of privatisation schemes, and links them to the destitution and lack of access to basic resources such as clean water, sanitation or electricity for the large parts of the population, which also pays extortionate rates for unreliable or unprovided services. And yet, according to the reporter:

The power sector drama is just the tip of the iceberg of corruption in Tanzania. [...] A lack of checks and balances in the system is partly to blame. Abuse of power continues to thwart efforts to promote sound governance, while Parliament has proven nearly useless in its oversight role and as a check on executive power. Democratic governance is elusive as powerful and self-interested economic actors gain control over the executive branch and wield its powers to their own advantage. Annual auditing of public funds by the Controller and Auditor General, capacity building for the PCCB, awareness campaigns on corruption, donor-supported governance initiatives as well as the formation of the sector Parliamentary Committee are not effective enough. This is partly due to state capture, a process in which powerful elites from the private sector buy off politicians and bureaucrats to twist

laws, budgets, projects, policies and regulatory environments in their own interest. The majority of parliamentarians are little more than rubber-stamp legislators, who approve defective plans from the executive branch with little due diligence or scrutiny. Political patronage dilutes governance-building initiatives. Thanks to political stability, there have been no riots to date. But unless a comprehensive effort is made across all branches of government to promote sound governance and integrity in government, Tanzania's infrastructure and resource challenges will be here to stay.<sup>62</sup>

These strong statements paint a grim picture of the decision-making process in Tanzania, which, according to this perspective, is characterised by patronage, abuse of power and impunity. Juxtaposing this conclusion with the some of the findings of the Afrobarometer, there may be need to make a distinction between the decrease in petty corruption, i.e. the corrupt practices citizens encounter in day-to-day interactions with public authorities, and increase grand corruption, which involves senior politicians and public officials and large sums of money.

### 3.7. *Pilot Review Tanzania, UNCAC (2008)*

Tanzania was one of the first countries to sign and ratify the United Nations Convention Against Corruption. In the wake of UNCAC, a monitoring process has been piloted, with Tanzania acting as pilot review country. Some of the issues addressed above are included in this monitoring process, namely the question of implementation of the “impressive anti-corruption laws” (UNCAC 2008: 3) of Tanzania. Other issues reflect the concerns stated in the Global Integrity Reporters Notebook, for instance with regard to the prosecution of grand as well as petty corruption cases as well as with regard to attention to a sharper separation of powers (see UNCAC 2008: 3–4). In the executive summary, the report also underlines the need for stricter implementation and oversight of procurement laws, a finding that will be taken up in the following chapters. The report states:

Capacity in public procurement, both at implementing and oversight level, is a problem that needs to be addressed. Increased compliance with procurement laws will reduce corruption risks in an area which constitute 70% of public expenditure (UNCAC 2008: 4).

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<sup>62</sup> See Sebastian Sanga (Tanzania: Reporter's Notebook, Global Integrity Report, Assessment 2007) under <http://report.globalintegrity.org/Tanzania/2007/notebook> (last accessed 5 March 2010).



The statement underlines the fact already read in between the lines of the Global Integrity Index, namely the there is palpable discrepancy between tightened institutional framework, designed with international guidance, and the actual practices that are predominant, here in the construction sector.

### 3.8. *Eastern African Bribe Index Report (2009)*

The mapping of corruption has been fine-tuned in a recent large comparative survey of Eastern Africa (Kenya, Tanzania and Uganda), which takes a more focused look at perceptions of and experiences with bribery. Notably, the term ‘corruption’ has been narrowed down to ‘bribery’ to avoid problems of divergent meanings of corruption. The following excerpt of the Eastern African Bribe Index (EABI) gives a clear assessment of types and extent of bribe-paying in Tanzania:

The respondents reported having paid bribes for five reasons as follows;

1. To access or speed up services;
2. To avoid the consequences of failing to comply with a certain regulation or to speed up a process e.g. business licensing;
3. During interaction with law enforcement agencies;
4. For employment related services like recruitment, promotion or transfer;
5. For business purposes like acquisition of tenders.

Even though 55% of the bribery incidences in Tanzania by respondents were for services, bribes paid for services constitute only 13% of the total value of bribes paid. 41% of the total value of bribes paid was for employment related issues. This underpins the premium attached to job seeking. While the survey indicates that only 4% of the bribery situations and total value of bribes were for business related purposes, this does not accurately reflect the level of integrity in public procurement but rather that the household survey targeted ordinary Tanzanians who may not have regular business interactions with public institutions (Transparency International Kenya et al. 2009: 31–32).

The results from this survey provide a far more nuanced profile of ‘corruption’ in Tanzania. There does not seem to be pervasive patronage or clientelism, except, arguably, with regard to job seeking. With over half of the respondents encountering bribery demands with services, petty corruption is very frequent (‘petty’ as the value of the corrupt transaction is relatively low, as Table 5, below, shows). For our purposes, the statement on integrity of public procurement above will be of particular relevance, as the case-studies will be looking into professional associations whose members depend on public procurement in the construction industry.

Table 5: Analysis of Bribery in Tanzania by Purpose

Number of Transactions (Percent of Total)	
Services	55%
Regulatory Compliance	6%
Law enforcement	23%
Employment	12%
Business	4%
Value (Percent of Total)	
Services	13%
Regulatory Compliance	13%
Law enforcement	29%
Employment	41%
Business	4%
Average Size of Bribe (Tsh)	
Services	42348
Regulatory Compliance	40261
Law enforcement	91721
Employment	129365
Business	13167

(Source: Transparency International Kenya et al. 2009: 32, Figure 26)

In regional comparison, the survey demonstrates that Tanzania fares by far the best out of the three countries: “The overall level of corruption as reflected by the proportion of East Africans from whom a bribe was solicited or expected during service interaction stood at 34.6% for Uganda, 17% for Tanzania and 45% in Kenya” (EABI 2009: 10; emphasis added). This puts corruption into a regional perspective, although, as relevant statements by respondents for instance from MKUKUTA or the Afrobarometer show, citizens in Tanzania do not find this to be an acceptable level of corruption.

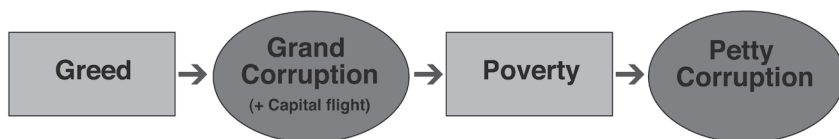
### 3.9. National Governance and Corruption Survey (NGCS) (2009)

In November 2009, the first baseline survey aimed at gauging good governance and corruption situation in the country was presented (but not yet available to the public). Although, as mentioned under the section on the ‘First Annual Report on Corruption’ of 2001, that was originally intended to be the first baseline survey of a series of annual reports, the quality of the first report was criticised. The NGCS is designed as the “first

ever composite baseline survey of governance and corruption in Tanzania” (PCCB 2009:xi), designed as a basis for policy reform. The survey, which is far more systematic and comprehensive in its methodology than the First Annual Report on Corruption in Tanzania of 2001, covers households, public officials and enterprises.

The key findings underscore some of the results of the EABI and other corruption surveys. Corruption is consistently ranked as a serious problem by respondents of all three sectors, with the private sector reporting the obligation to pay bribes more frequently than households and public officials. Interestingly the “leading cause of corruption is attributed to greed. This is followed, for households and public officials by moral indecency and poor law enforcement; and for company executives by the lack of control and accountability of public officials, and moral decay” (PCCB 2009: xiii).<sup>63</sup> Again this is an unambiguous statement against justifying corruption in terms economic hardship or culturally hybrid values. Like the previous surveys, it also gives some indication about the expectations that Tanzanians generally have of the state and government, namely integrity and accountability. Interestingly, the survey makes an explicit, unambiguous correlation between greed, grand corruption and poverty, as Figure 7, below, shows.

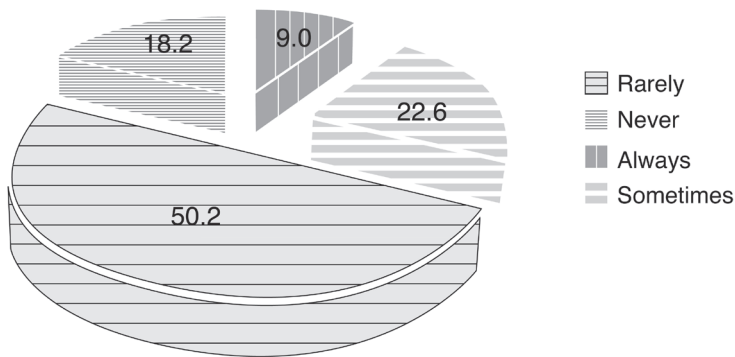
The survey finds that in the majority of cases (83%) it is government officials who initiate corruption, as opposed to 11.8% of citizens. The figures shift in the case of responses from enterprises, with 64.9% of government officials initiating corruption and 18.2% of business people (and 16.9% being tacit understanding or facilitated by brokers) (PCCB 2009: 13).



(Source: PCCB 2009: 12)

Figure 7: Causal Chain of Types of Corruption According to the NGCS

<sup>63</sup> This response is quite overwhelming, with 96.2% of households, 96.6% of public officials, and 95.5% of company executives attributing the main cause of corruption to greed and selfishness (PCCB 2009: 11–12) (although one could arguably make a difference between greed and selfishness).



(Source: PCCB 2009: 19)

Figure 8: “Percentage distribution enterprise [sic] reporting frequency of government procurement tenders being awarded in a clear and efficient manner”

A section of particular importance for the case-studies is on “quality and efficiency of public service delivery” (PCCB 2009: 18–21), as it also measures corruption in public procurement. As can be seen from Figure 8 (above) on government procurement tenders, a majority of respondents from enterprises dealing with public procurement reported corruption. In particular, they specified that

public tendering processes are beset with several malpractices, which are done frequently, notably:

- bid rigging (reported as being frequent by 83.3 percent of respondents);
- qualified bidder being disqualified at pre-qualification stage (76.7 percent);
- adjustment of specification in the interest of a favoured company (68.9 percent);
- leakage of client’s budget at tender stage (67.5 percent); and
- modification of contract terms during implementation stage, i.e. after award of tender (67.6 percent)

Enterprises further reported that having ‘connections’ and making of an ‘unofficial payment’ are important factors to win a government contract, according to 68 percent and 63.7 percent of respondents, respectively, and that, on average, public procurement contracts involve unofficial payments amounting to 10.4 percent of the contract value. Regional comparisons reflect significant differences in the quantum of bribes paid, which is higher than the national average in Mara region (25 percent of contract value), Dar es Salaam (14 percent) and Lindi region (12 percent); while in Tanga,

Ruvuma, Iringa, Tabora, Rukwa and Kigoma regions the bribe paid is three percent of the contract value or lower" (PCCB 2009: 19–20).

The survey results indicate the pervasiveness as well as the diversity of corrupt practices in construction and public procurement. The height of the corrupt 'cut' out of government contracts leads the report to conclude in its Executive Summary that "[p]ublic procurement and contracting sectors are prone to grand corruption" (PCCB 2009: xvi).

Summing up, the findings of the report are very comprehensive and methodologically sound. Similar to the first Annual Report on Corruption of 2001, however, the conclusions of the report are rather thin, in spite of much data on which to substantiate these reforms. The conclusions stress mainly that diagnostic capacity need to be strengthened. Perhaps, however, the stated purpose of the report being to act as a baseline does not lend itself to politically outspoken statements and specific policy recommendations.

#### 4. *An Overview over Corruption in Tanzania*

The longitudinal topography of corruption in Tanzania outlines a rather rugged landscape, perhaps not surprisingly given the diversity of survey tools. A rattle-bag of components is produced in these surveys and reports, some of which link up to regularised patterns, others making far more dispersed and marginal statements. On the one hand, corruption is viewed and experienced as a pertinent problem encountered routinely in daily interactions with public officials and public services. However, there are quite an amount of dispersed statements documenting a (in places significant) decrease of experiences and perceptions of corruption, for instance in the widely disseminated Afrobarometer survey (2006) or in the regional comparison made by the EABI. Clearly carved out is that the extent of bribery and corruption varies significantly between services, with decreases witnessed in all areas. The represented improvement over time underlines the positive trend of the aggregate governance and corruption indices. Hence, it is perhaps surprising that these positive statements are not emphasised far more, illuminating the improvements and achievements in the state of governance and corruption in Tanzania.<sup>64</sup>

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<sup>64</sup> This is not intended as a flippant remark. Evidently, looking just at the break-down of frequency and value of corrupt transactions provided by the EABI (see Table 5 'Analysis of Bribery in Tanzania', above), shows that corruption is still extensive.

For on the other hand, and far more audibly, the surveys nearly all articulate a cheerless image of Tanzania, evoking old and emerging practices of corruption threatening the state of the nation. Particularly problematic areas emphasised in the surveys and reports are the police, public procurement and local governmental authorities. In addition, in more recent reports the institutionalisation of grand corruption is depicted as a serious and potentially uncontrollable problem. Although the statements in more descriptive reports are most colourful, such as for instance in Global Integrity's Reporter's Notebook, equally trenchant is the latest National Survey on Governance and Corruption (NSGC 2009), which draws a direct correlation between grand corruption, poverty, and petty corruption (see Figure 7 'Causal Chain of Corruption', above). Contrary to the topography of corruption in Tanzania as viewed from a bird's eye view, this perspective infers that grand corruption is a regularised feature of Tanzania's economic and political order.

A further statement made across reports is that there is a more or less glaring discrepancy between the achievements in terms of institutional reform and institutionalised practices. The reasons are only dwelled on in the more qualitative reports, which represent the mind-sets of public officials as an obstructing factor, as well as problems arising out of the implementation, coherence and communication of such reforms. Some diagnose a systemic problem, in which reforms do not 'bite' as intended, but merely mould themselves around entrenched mechanisms of corrupt practices. This is one reason why the importance of public sensitisation and awareness raising is emphasised in many different settings. However, the question remains how the topography of corruption can be modified and reorganised to make more space for non-corrupt, rule-based practices.

This brings us squarely to the question of social agency. The surveys themselves say very little on such agency, reproducing with more or less analysis the findings of the questionnaires, although there may be speculative statements on the extent of (dis)empowerment of citizens in or between the lines.<sup>65</sup> The reports are more explicit in this regard, most notably the Warioba Report that condemns the blatant abuse of the rule

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<sup>65</sup> For instance, the Afrobarometer (2006) comments a significant difference between those who reported to have been asked for bribes in medical clinics (26%), and those who say they actually paid a bribe (15%) in the following words: "The difference suggests that Tanzanians are also feeling increasingly empowered to resist such demands" (Afrobarometer 2006: 6).

of law infringing on citizens rights. But also, albeit couched in more developmental speak, MKUKUTA, which addresses the negative correlation between corruption and poverty, and corruption and democratisation. Due to the nature of most of the reports and surveys, however, they generally provide either scientifically grounded accounts of citizens' perceptions of their (social, economic, political) room to manoeuvre, for instance as measured in relation to the frequency and value of bribes for service delivery or obstructions by public authorities. Or then they seek to provide interventionist policy analyses, in the sense of prescriptive reforms and recommendations, for instance with regard to civic participation.<sup>66</sup>

What the reports and surveys inherently do not capture (and, fairly, do not seek to capture), are the political and economic spaces that citizens *do* create; the spaces that are not only created in spite of high levels of corruption, but spaces that are created *because* of corruption. This is a theoretical and empirical lacuna which I hope to illuminate in more detail. To avoid a fundamental misunderstanding: corruption in this sense does not mean an instrumentalisation of corrupt practices, as for instance concepts of neo-patrimonialism or instrumentalisation of disorder signify. What I intend to explore in the the two following case-studies is the ways in which the discourse(s) of corruption are appropriated and filled with particular meanings of social agents, and thus serve to advance their own agendas of political and economic and social demands and interests. More specifically, based on the thoughts sketched out in Chapter 2 (above), I seek to understand more fully the ways in which collective interests are articulated, using corruption and the fight against corruption as an empty signifier to carry their own agenda into a wider public space and connect up to further discourses. Potentially, as is my hypothesis, thus creating hegemonic representations of a specifically democratic, emancipatory nature.

One set of questions arising is to which extent this process actually collapses or, rather, modifies their particular identities, requiring an empirical response. Another set of questions relates to whether and how the hegemonic representations of corruption achieve a universalising effect that

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<sup>66</sup> Note for instance Recommendation IV (out of five) of the NSGC: "The government needs to *strengthen collaboration with all stakeholders* involved in fighting corruption. The main organs in the civil society and private sector that are active in combating corruption include the media, faith-based organizations, NGOs and professional associations. Effective strategies of engaging these organs should be worked out. If real change is to occur, anti-corruption efforts must go beyond state interventions: other non-state actors must be actively mobilised" (NSGC 2009: 44; emphasis in original).

realise the possibility of democratic society. In the previous two chapters, I have already outlined the concrete historical conditions and contours under which the hegemonic representations of corruption as articulated by the scholarly and development community has emerged. What I seek to do is to identify particular representations of corruption by social agents and explore their universalising potential—with the risk that they may remain pure particularities, and be absorbed by the dominant system. Translated into empirical terms, how do social groups employ ‘corruption’ as an empty signifier? What claims and struggles are articulated in the discourse of corruption? And what hegemonising processes are initiated to achieve a universalising effect? These are the questions I shall turn to in the following two chapters (Chapters 3 and 4), exploring realities of professional associations in the construction sector of Tanzania.



## CHAPTER THREE

### DEMOCRATIC SPACES IN THE MAKING? PROFESSIONAL ASSOCIATIONS AND CORRUPTION IN 2003

*A member of the Institution shall at all times put the interests of the community and public above those of the individual.*

*A member of the Institution shall act so as to uphold and enhance the honour, dignity, integrity, standing and reputation of the profession.*

*A member of the Institution shall not indulge in any corrupt practices.<sup>1</sup>*

1. *Background: From the 'Politics of Integrity' (Julius Nyerere 1962–1985) to the 'Politics of Shamelessness' (Ali Hassan Mwinyi 1985–1995)*

Until the 1980s, Tanzania was renowned to be a country with a remarkable sense of public ethics.<sup>2</sup> Under the charismatic founding father of Tanzania, Julius Nyerere, integrity was held to be a core virtue of society, and consequently corruption was harshly condemned, particularly when practised by holders of political or public officials. Nyerere held very strong convictions on the corrupting influence of wealth on political office, to the extent that an explicit choice had to be made between economic wealth and political power.<sup>3</sup> “I believe myself that corruption in a country should be treated almost in the same way as treason. If people feel that justice can be bought, what hope are we leaving with the people?”<sup>4</sup> However, the nationalisation of the economy under the flag of

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<sup>1</sup> See the Constitution of the Institution of Engineers Tanzania (IET 2001: 15, Sections 8.02–8.04), one of the key professional associations of engineers.

<sup>2</sup> The facts in this section, when not quoted otherwise, are drawn from following documents: Fischer 2006, Bigsten/Danielson 2001, World Bank 2000b, as well as drawing on the sources of the field research in January and February 2003.

<sup>3</sup> In 1967, Tanzania (already *de facto* a one-party-state) became a Socialist state under the Arusha Declaration, which decreed the nationalisation of the private economy and the media. Subsequently over 400 parastatals were created; supplemented by the Leadership Code of 1972, public officials and politicians were prohibited to own shares in private enterprises or undertake commercial activities of their own (for accounts from different perspectives see, most notably, Iliffe 1979 and Hyden 1980).

<sup>4</sup> Nyerere on May 17, 1962 at the 35th Session of the Legislature, cited in Bakari 1996: 55.

African socialism and self-reliance<sup>5</sup> provided a multitude of opportunities for corruption. In particular the discretionary and monopolistic powers of the national party TANU and its successor CCM,<sup>6</sup> the parastatal enterprises and the public officials within the administration lead to text-book rent-seeking and extortionary behaviour, exacerbated by very low salary levels and harsh economic conditions. These practices were endemic, but kept in check by the personal integrity and frugality of the President and his charismatic authority, so that neither he himself nor his government were tainted by a corrupt image—unlike the conventional wisdom on strong African leaders and one-party-states. Whilst the ever growing and unwieldy public sector certainly did create opportunities for corrupt enrichment and extortion, the political leaders were extolled. This may be partly an example of how leadership can make a positive impact on political culture.<sup>7</sup> However, it cannot be denied that the check on corruption was also a product of a starved economy; the opportunities for discretionary practices by public officials were abundant, but the means and the spoils were very limited.<sup>8</sup>

However, Nyerere's increasingly authoritarian rule and what turned out to be disastrous economic policies came to a head with macro-economic bankruptcy looming in the 1980s. Nyerere himself laid the groundwork for a line of escape by negotiating controlled liberalisation strategies with the IMF and the World Bank in the mid-eighties; he also prepared his exit from political centre-stage by appointing his successor. In 1983, the revered and respected Julius Nyerere handed over the presidency to Ali Hassan Mwinyi. Under the second president of the Republic of Tanzania, the whole political and economic context changed dramatically. Liberalisation strategies had already seeped into the centrally planned economy under Nyerere, but the new government pursued the full introduction of the market economy. Moreover, the long-called for transition from a

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<sup>5</sup> See Hauck 2001: 201–10, Hyden 1980, or Jennings 2003 for detailed analyses of the post-Arusha period of Ujamaa.

<sup>6</sup> The acronyms stand for Tanganyika African National Union, which was later renamed to Chama Cha Mapinduzi (i.e. Revolutionary Party). Nyerere, the founding father and leader of TANU, remained party chairman of the CCM until 1990, seven years after leaving office.

<sup>7</sup> On this point, see Bratton/van der Walle 1997 on leadership and political systems in Africa; Gros 1998 on the impact of Nyerere's leadership on democratisation in Tanzania; and Rotberg 2009 on corruption and leadership in general.

<sup>8</sup> To my knowledge, there are no surveys on corruption available for this period; this observation is based on personal communication by interviewees and relevant information found in the literature (e.g. Gros 1998; Warioba Report 1996).

socialist country to a full multi-party democracy was also initiated with Nyerere's blessing, resulting in the amendment of the Constitution in 1992 and the first transition elections in 1995. In fact, corruption may have been the prime factor for swaying the immense—if unofficial—influence of Nyerere in support of multi-party democratisation, undoing his life-long endeavour for single party democracy. In an inquiry into the causes of Nyerere's change of heart, Gros comes to an interesting conclusion:

The ruling party had become too corrupt for Nyerere to morally justify its monopoly. Nyerere admitted as much when he remarked in February of 1995 that 'Tanzania stinks with corruption'.<sup>9</sup> [...] As long as the party was not subject to competition, acts of corruption could be expected to occur and go unpunished. What motivation did CCM officials have to clean up their acts, if they did not have to worry about losing power? For Nyerere, multipartyism became the disinfecting solution which would permit CCM to reconnect with the people (Gros 1998: 103).

Whatever Nyerere's personal reasons were, the radical and fundamental transformation of the institutional framework informing the political and economic order in Tanzania did not result in the generally aspired breakthrough in standards of living. On the contrary, it created huge institutional insecurity which provided many opportunities to those in power to interpret and shape the rules of the game according to their own private interest.<sup>10</sup>

In other words, it seemed as if after decades of politics of ascetism and economic hardship the flood-gates of wholesale, unsanctioned and even socially accepted enrichment had been thrown open. The privatisation of state-owned and parastatal enterprises regulated (in the loosest sense of the word) by inexperienced and untrained officials and inappropriate, dysfunctional or disbanded institutions—from the legal framework to the financial institutions—provided an open field for the systematic plundering of national resources as well as the unheard of amounts of incoming FDI. Land-grabbing, massive investment scams, exponentially growing kick-backs, commissions and outright bribes for the granting of contracts and licences, large-scale tax evasion right down to the self-serving interpretation of the law and the corruption of judges and lawyers

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<sup>9</sup> The Guardian, 11 February 1995, cit. in Gros 1998: footnote 24.

<sup>10</sup> This is what Cartier-Bresson 2004 terms 'new corruption' deriving from structural transformations and changed opportunities, as opposed to the (neo-)patrimonial, rent-seeking 'old corruption'.

became the order of the day.<sup>11</sup> By the end of Mwinyi's tenure, corruption had become a way of life, "so much that public officials are not ashamed to either demand or receive bribes. In fact, officials consider it right and the public consider it an obligation to offer bribes in order to be served" (The United Republic of Tanzania 1996b: 3), as a Former Foreign Minister described "this shameless proliferation of bribery and corruption" (The United Republic of Tanzania 1996b: 3).

## 2. *Benjamin Mkapa (1995–2005)—'Zero-Tolerance of Corruption'*

When Benjamin Mkapa was elected president in Tanzania's first multi-party elections in 1995, he found himself leading a country which within a mere decade had undergone a complete metamorphosis, both in terms of political ideology as well as institutional structure. The problems generated by the rapid structural transformations were considerable. For instance, the World Bank concluded in its surprisingly candid Country Assistance Evaluation of the year 2000 that

the review of economic developments in Tanzania through 1995 and the efficacy of the Bank's assistance efforts suggests a decidedly mixed outcome on many counts. The development issues facing the country by 1996 were many and severe, ranging from low growth and macro-instability, to pervasive poverty, a poor enabling environment for private enterprise, inadequate domestic ownership and weak donor coordination (World Bank 2000c: 8).

Faced with these severe developmental challenges in a context where corruption had become the norm, not the exception, Mkapa turned the fight against corruption into his ticket for government. Just before his election, he published his political priorities in a pamphlet with the title 'Building a Vision'. Mkapa's very first sentence addresses corruption,<sup>12</sup> and he elaborates his view of the problem in a section wholly dedicated to corruption:

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<sup>11</sup> See the Warioba Report 1996 for detailed evidence.

<sup>12</sup> The first question and first sentence of Mkapa's answer on the first page of the document is as follows:

Q: You have been elected Tanzania's third post independence President. What were the main issues and concerns that were raised in (a) rural areas and (b) urban areas, during the campaign?

A: Corruption was a big issue and I addressed it before it was even raised (Mkapa 1995: 1).

Q [David Martin]: The foreign media, indeed your local media, have said that corruption was the main issue of the election which was about electing a 'Mr Clean'. Was this true and what exactly do people mean when they talk about corruption in Tanzania?

A [Benjamin Mkapa]: Corruption featured immensely. I raised the issue at all my meetings. There is a widespread feeling among the population, as well as in the donor community, that it's a serious disease in our society, it's an impediment to justice and fairness, it has reached the point where it is a serious impediment to development.

How is corruption seen here? With the general population, it's a fact that there is a feeling you cannot get anything done without 'a consideration' to the person who is obliged by law, or whom you have asked to carry out their duties. Without a 'consideration' you won't get anything done. I get complaints that policemen can ask for anything from anybody, sometimes even to let you pass some place. That you can't get medical attention without passing something to the nurse or doctor, even, sometimes, the supervisor. You can't get your file in a government ministry if you are trying to get your land registered or whatever. There is a file opened there. Suddenly it disappears and cannot be found again until something has passed on to the registry clerk. You see this is the feeling, this is the perception of corruption in our situation.

But on a larger scale, in terms of Government contracts, tenders, licensing and so on, there is a feeling that favours are granted, proper criteria are put aside and so on. And this is a really serious disease in our society (Mkapa 1995: 5–6).<sup>13</sup>

In other words, Mkapa showed vocal commitment to eradicating corruption, which began with his political campaign and, after his election, extended to the support of extensive governance policies. He appointed a Presidential Commission on Corruption in 1996 to investigate the state of corruption in Tanzania, and the findings were published in what became

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<sup>13</sup> However, in the document Mkapa elaborates no concrete steps to prevent corruption in future, apart from renewing the value system and increasing the remuneration package of the civil service (see Mkapa 1995: 6), and set an example by declaring his assets after being sworn in (Mkapa 1995: 8), a promise he kept. However, given the fact that at the time of writing (2009) Mkapa is himself suspected to have illegally enriched himself through the purchase of a mining company at grossly underpriced value (see further down), the following statement rings either deeply cynical or prescient: "Corruption now at the political level is perceived as the use of public office for self-enrichment. You know, I get into a party as a simple person, I become a minister, I retire or am sacked at the end of four years. And suddenly I have become the owner of a large enterprise which could not possibly have been earned by the remuneration which was given to me by virtue of my ministerial office. And the only explanation then is that you used the ministerial authority to influence matters in return for the wealth that you have accumulated" (Mkapa 1995: 6).

to be known as the Warioba Report.<sup>14</sup> The report was extremely thorough and forthright in its disclosures, and in its trenchant critique of the state of the nation. The key statement of the report was that “[c]orruption is rampant in all sectors of the economy, public services and politics of the country” (The United Republic of Tanzania 1996a: 476); a claim it substantiated in extensive public hearings. The conclusion drawn on the extent of corruption was that petty corruption is pervasive in most public services and affects the population most directly, with systematic grand corruption identified especially in procurement, the allocation of permits and large public contracts, in particular construction.<sup>15</sup> In analysing the causes of such widespread corruption, the Warioba Report refused to succumb to the temptation of justifying it in general terms of a ‘poor and underdeveloped’ country. Instead, the report bluntly addresses the issue of responsibility: “It has become evident that the greatest source of corruption in the country is not the poor economy and low salaries; although these too have played some part. The greatest source is the laxity of leadership in overseeing the implementation of established norms” (The United Republic of Tanzania 1996a: 9).<sup>16</sup> According to the report, hence, the problem of fighting corruption in Tanzania was not a question of *legislation* or *capacity*; the central problem, according to the Commission, was the *unwillingness* of the government to ‘walk the talk’, to follow up official policy priorities with implementation and enforcement.

Given the growing sense of disgust with corrupt behaviour and the acutely felt problems that such wasted and embezzled resources meant for the population, the report would have provided the President volatile fuel for instigating blazing reforms of the political order. According to the general perception gleaned from the interviews as well as from the tone of editorials and columns in the national press, the President lacked the “moral courage” (as a former high ranking public official stated in an interview) to capitalise on this unique chance; the named and shamed officials were not prosecuted (apart from one Minister), and the implementation

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<sup>14</sup> See The United Republic of Tanzania 1996a, b. Stephen Riley dryly comments this “remarkable set of events” by pointing out that “very few African governments investigate themselves, although they are very willing to investigate their political opponents” (Riley 1998: 144).

<sup>15</sup> According to principle-agent informed economic theories and derived theories of rent-seeking, these sectors classically feature the greatest vulnerability to corruption as a result of the discretion, monopoly and size of potential profits. See Klitgaard 1988, Moodie-Stuart 1997, or Khan 2000 for extensive analyses.

<sup>16</sup> See also Muganda 1997 or Chachage 1996 for an appraisal of the Warioba Report.

of the very concrete recommendations got bogged down in bureaucratic manoeuvres. In other words, the report—with three of the most incriminating pages missing—was *de facto* shelved.<sup>17</sup>

Still, under President Mkapa, there was a comprehensive range of governance and corruption policies designed and implemented, embedded in a National Framework on Good Governance. They include a National Anti-corruption Strategy and Anti-corruption Plan (NACSAP), the reinforcement of the Prevention of Corruption Bureau, the establishment of the Good Governance Coordination Unit, and legal reforms such as the Public Leadership Code of Ethics (2001) and the Law on Combating Corruption (2003, amended 2007).<sup>18</sup> In the following section, an overview shall be provided over the most important of existing and newly established governance policies in Tanzania in the year 2003.

### 3. *Regulatory Framework and Anti-Corruption Institutions*

#### 3.1. *Prevention of Corruption Act (PPA)*

The PCA dates back to the Prevention of Corruption Act, No 16 in 1971. This Act was amended in 2002 to bring it in line with international standards. However, it was criticised for being flawed as a result of a very limited definition of corrupt practices and inconsistent provisions (see the following chapter for a more comprehensive discussion).

#### 3.2. *Prevention of Corruption Bureau (PCB)*

The PCB<sup>19</sup> dates back to 1974, when an Anti-corruption Squad was established under Act No 2. In 1991, the Squad was restructured and renamed the Prevention of Corruption Bureau (PCB), established under the President's Office. Appointments are made by the President. The tasks of the PCB are to investigate, educate and advise the government on cases of corruption. Prosecutions of public officials need the prior consent of the Director of Public Prosecutions. The PCB has a head office in Dar es Salaam and 43 district offices. Between 2000 and mid-2004, the PCB investigated 9507

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<sup>17</sup> See Fischer 2006 for detailed evidence.

<sup>18</sup> For a detailed discussion on the history and design of Tanzania's anti-corruption policies see Hussman/Mmuya 2007.

<sup>19</sup> The information in this section is based on the website of the PCB, on the Business Anti-corruption Portal, and on Doig et al. 2005.

cases (out of 10'319 received), of which 357 were prosecuted, resulting in 48 convictions. Challenges of the PCB are lack of resources and perceived lack of independence from the President's Office. In spite of these challenges, it is the leading anti-corruption institution in Tanzania.

### 3.3. *Commission for Human Rights and Good Governance (CHRGG) (2001)*

The CHRGG was established in 2001. It acts as an Ombudsman office to investigate complaints of administrative justice, in particular relating to human rights abuse and abuse of power. It can make recommendations to the government. However, in practice the CHRGG has very little public visibility.

### 3.4. *The Good Governance Coordination Unit (GGCU) (2001)*

The GGCU<sup>20</sup> is located in the President's Office, and formally mandated to monitor, coordinate, evaluate and report on the implementation of the NACSAP across all MDAs. The President also appointed a Minister of State (Minister of Good Governance) to supervise good governance issues. Like the CHRGG, the GGCU is severely understaffed, and acts in strong cooperation with the PCB.<sup>21</sup>

### 3.5. *The Public Service Ethics Secretariat*

The Public Leadership Code of Ethics Act of 1995 requires public leaders to declare and register their assets in the relevant register managed and overseen by the Public Service Ethics Secretariat. However, the annual reports of asset declarations are only accessible under very restrained conditions. In practice, few Government officials do declare their assets,<sup>22</sup> although in 1996 President Mkapa lead by example by publicly declaring his assets.

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<sup>20</sup> See the official website <http://www.chragg.go.tz/>.

<sup>21</sup> According to the Country Procurement Assessment Tanzania (World Bank 2003a: 79, para. 181), the GGCU issued a report in 2002, which includes a series of indicators for monitoring public procurement (developed jointly with the World Bank). However, no further information could be found and, as far as could be assessed, these indicators were not yet operational.

<sup>22</sup> See for instance the "Government officials flout Ethics law as corruption becomes rife and hefty" on the Tanzania Corruption Tracker Website (see [http://www.corruption-tracker.or.tz/index.php?option=com\\_content&task=view&id=47&Itemid=29](http://www.corruption-tracker.or.tz/index.php?option=com_content&task=view&id=47&Itemid=29); last accessed 2 March 2010).



### 3.6. *National Anti-Corruption Strategy and Action Plan (NACSAP)*

Based on the ‘zero-tolerance-principle’ towards corruption, the government of Tanzania developed a comprehensive National Anti-Corruption Strategy and Action Plan (NACSAP) in 1999, implemented from 2001–2006. NACSAP’s objective is to address and streamline key anti-corruption reforms in the public sector, drawing on sector strategies put together by government institutions. The Strategy, a slim booklet of 29 pages, analyses and prioritises areas of action, identifies supporting processes, and finally draws up a detailed implementation plan. The following excerpt charts the comprehensive targets set by NACSAP:

This strategy, therefore, outlines short term and long term national objectives. It addresses prevention, enforcement, public awareness and institution building [...].

Specifically, this strategy will lead to the achievement of the following:

- Increasing respect for the Rule of Law, enhancement of good governance and promotion of ethical leadership within its ranks and agencies.
- Strengthening the judicial system so that justice is neither sold nor bought.
- Having Protection Programmes for co-operative witnesses and whistleblowers.
- Transparency in government and tendering and procurement contracts.
- An effective and friendly immigration agency, ports, customs and excise services.
- A Government that has zero-tolerance for corruption.
- Building, promoting and safe-guarding a culture of self-reliance and collective responsibility in the fight against corruption.
- Reinforcing the policy and sharpening the legal framework that will prevent corruption.
- Strengthening the law enforcement agencies, namely, the Prevention of Corruption Bureau, the Police, the Ethics Secretariat and the Permanent Commission of Enquiry.
- Promoting the interface between Civil Society and the Government in a partnership to fight corruption.
- Inculcating in society the belief that transparency, integrity and accountability are virtues of good government and necessary bulwarks against corruption.<sup>23</sup>

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<sup>23</sup> The United Republic of Tanzania 1999: 6–7.

These objectives reflect the recognition that the control of corruption is more than just a question of the right legal framework, law enforcement or public institutions. It recognises that especially in a under-resourced country, undergoing the rapid and fundamental structural changes witnessed by Tanzania in the past decade, anti-corruption efforts require a many-layered approach. Operationally, therefore, the reforms are targeted in seven, mutually enhancing priority areas:

- rule of law and legal framework
- financial discipline and management
- procurement
- public education, awareness and sensitization of their rights
- public service reform
- whistle blowers and witness protection
- media<sup>24</sup>

The implementation of NACSAP is primarily the responsibility of the national Ministries, Departments and Agencies (MDAs) themselves. They were required to report their progress through quarterly self-assessment reports to the President, via the GGCU.<sup>25</sup> *De facto* the PCB manages the implementation of NACSAP, although *de iure* the GGCU is responsible for the coordination and monitoring of NACSAP's implementation.

However, as mentioned above, the GGCU is severely constrained by its narrow mandate, limited to the collection and publication of the self-assessments, as well as its lack of staff and leadership. The reporting system suffers from further weaknesses. In particular, it is limited to reporting corruption cases, but not on reforms in management systems or procedures. Also, external assessments are not included, for instance by citizens and 'users'.<sup>26</sup> Apart from monitoring weaknesses, a key problem of NACSAP was its confinement to central government institutions, excluding highly corruption-prone areas such as Local Government Authorities. Also, the role of civil society and the private sector in supporting the government in its anti-corruption efforts was underdefined. Lastly, and not surprisingly, the implementation of NACSAP suffered from a severe lack of human resources, both on the coordination and supervision level, as well as within the Ministries, Departments and Agencies themselves.

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<sup>24</sup> The United Republic of Tanzania 1999: 10.

<sup>25</sup> See [www.repoa.or.tz/tgn/tgn.php](http://www.repoa.or.tz/tgn/tgn.php) for information on the quarterly self-assessment reports; for a synthesis of reforms see The United Republic of Tanzania 2006: 1–26.

<sup>26</sup> For a detailed assessment of the implementation of NACSAP see Hussman/Mmuya 2007: 187–190.

### 3.7. *Governance Reforms under Mkapa: An Assessment*

In sum, it can be seen that extensive governance reforms were undertaken under the auspices of NACSAP, in particular legislative reforms, such as the Public Procurement Act or the amendment of the Prevention of Corruption Act. No doubt that NACSAP also served to create a greater public awareness and underline the political priority of anti-corruption reforms. However, the much-heralded fight against corruption has not lead to significant results. One factor impeding its implementation that cannot be stressed enough, namely that the objectives, ambitious under any circumstance, were sought in a context of financially, technically and organisationally under-resourced institutions; also, the oversight and regulatory institutions tasked with institutionalising the reforms are completely new or fundamentally restructured. In other words, key institutions were themselves undergoing major reforms while at the same time required to perform sophisticated roles and functions.<sup>27</sup>

A second key factor are the multiple articulations of political will in the public sphere, manifested in a plethora of manifestos and policies, but at the same time conspicuous in its absence with regard to concrete measures. Interestingly, within NACSAP the importance of political will to achieve the challenging objectives is spelled out explicitly.<sup>28</sup> The imploration of political will as a sort of a *deus ex machina* is telling, if evidently neither horizontal accountability institutions nor social and political actors are in a position to keep the government's performance in line with its promises and policies.

This takes us to the third factor. Given the far-reaching social, political and economic implications of NACSAP, it is surprising to note that the anti-corruption policies have been nearly entirely state and donor driven, with hardly any pressure coming from civil society. Although it may be assumed that citizens bear the double brunt of corruption, by paying for public services and suffering from wasted public resources at the same time, a fatalistic or even accepting attitude towards corruption seems

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<sup>27</sup> The overburdening of underresourced institutions and agencies was witnessed in various public agencies during the research for this case-study on the construction industry. For an astute analysis highlighting precisely this aspect in Tanzania's public sector reform see Therkildsen 2000.

<sup>28</sup> "Political Will refers to demonstrated intent of political actors such as is the case here in Tanzania to attack perceived causes and effects of corruption at a systemic level. This corruption refers to an environment that involves the bureaucratic elite, politicians, businessmen and workers in embezzling public money at a large scale through various means" (The United Republic of Tanzania 1999: 9).

to prevail. This apathy is partly a function of the virtual absence of civil society organisations that are not in some way tied to the state. Tellingly, for instance, in 2003 the Tanzanian chapter of Transparency International was all but dysfunctional. The only civil society organisation explicitly addressing corruption was FACEIT, which co-authored the Annual Report on Corruption in Tanzania 2001. Other organisations addressing corruption only did so through their own focal activities, such as education or human rights.<sup>29</sup>

The absence of strong civil society organisations is generally acknowledged.<sup>30</sup> In the case of corruption, civic apathy also seems to be a result of a general disenchantment and loss of confidence with the present government's anti-corruption policies. For although the fight against corruption still ranks high on the government's rhetorical agenda, the political will to effectively sanction illegal, corrupt practices committed by public officials and effectively implement and institutionalise reforms was not evident. The stir and sense of a new start caused by the Warioba Commission's Report was not grasped, and the moment of setting examples instigating the necessary fundamental change passed without effect.<sup>31</sup> Although corruption and the problems it causes were openly talked about, corrupt

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<sup>29</sup> Examples of two of the most profiled NGOs would be HakiElimu with regard to education (see under <https://www.hakielimu.org>), or the Human Rights Commission (HRC) with regard to human rights.

<sup>30</sup> Consider this excerpt from a Tanzania self-assessment report for Nepad's African Peer Review Mechanism (APRM), authored by an official of the Tanzanian Trade Union Council (TUCTA), under the section 'Governance': "The political and economic transition to a culture of decentralized multiparty democracy, after 30 years of highly centralized one party socialist system is in early stage [sic] [...]. Although there exist a large number of union cooperatives, women and youth organizations, ethnic self-help associations and religious organizations, civil society organizations are not geared to an advocacy role nor is it structured to manage funds or implement large scale programmes. NGOs are weak in terms of legal, financial and human resources and many are directly dependent on international support. Democratization has lead to stronger human rights issues and Tanzania has ratified most important conventions and rules of human rights, however, traditional and national laws combined with local customs and practices still restrict the rights of vulnerable groups in society [...] corruption is widespread phenomenon [sic] in Tanzania hampering development in all segments of society" (Kaaya, undated, but no earlier than 2003: 3).

<sup>31</sup> The importance of political opportunities and timing is illustrated by many cases, most notably in Hong Kong. The power of public support to instigate radical change can be witnessed in Kenya after the January 2003 elections. Against all odds, a new government was elected, petty corruption disappeared nearly overnight, and grand corruption is being tackled head-on. The questions, as ever, is how long such enthusiasm and concerted action can last, once every-day problems have set in, political priorities shift, and the accused individuals and threatened actors have had time to organise themselves.

practices remained deeply entrenched in political and administrative processes. Even the central institution devised to tackle corruption, the Prevention of Corruption Bureau, can boast of no significant record of success. Located within the President's office and with only limited powers to prosecute, the current set-up of the PCB was evidently not conducive to generating results that would bolster the public's confidence in its independence and effectiveness.

Just how implicated the higher echelons of government and public administration was, is illustrated by following assessment of the *Business Times* of Tanzania:

It is no secret that senior officials who are at the receiving end of graft reports from the public are also invariably on the receiving end of bribes, either through their junior officers, or directly from bribe givers. No wonder no serious action is ever taken against the juniors by the seniors.

The level to which corruption has come in Tanzania requires that the scourge must be tackled from top-down, and not the other way round. If heads of departments and other government institutions want it with a will today—and are unstintingly given the moral and actual support by those above them right up to the highest levels—then corruption would be effectively cut in half tomorrow.<sup>32</sup>

Although the President himself at the time was untarnished by accusations of corrupt behaviour, most of his colleagues in the ruling party CCM were tainted. These rumours erupted in a political scandal in February 2003 when former MP Dr Hassy Kitine raised strong allegations against most government leaders. The evidence suggested that there was more than a hint of truth to his allegations. The president himself was smooth in his reactions to a matter that conceivably could have given him the opportunity to cleanse his cabinet. His response was to withhold bold judgement and demand more evidence:

President Mkapa, who is also the CCM national chairman, said he would personally like to see corruption suspects being prosecuted for the crime and that once their offences are proved beyond reasonable doubt they should be punished without leniency.

'But how can we do so if we don't have the evidence? Ours is a country that adheres to the rule of law,' he said, adding that all suspects should remain innocent unless they are proved to be guilty.<sup>33</sup>

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<sup>32</sup> "Tackle graft head-on, not via fattened remunerative sops" in *Business Times*, Friday, 7 February 2003, p. 2.

<sup>33</sup> "Mkapa wants proof on graft" in *Daily News*, Monday, 3 February 2003, p. 1.

The continual reference to the rule of law by politicians and others in the public discourse on corruption was very notable. This image was reflected and articulated in multifaceted ways and places, in spite of a deep understanding by citizens of the actual practices that were institutionalised within the justice system,<sup>34</sup> and despite relatively overt official practices running counter to the core principles of the rule of law. For example, the elections in October 2000 were seriously flawed in Zanzibar, and the subsequent riots were violently quashed by the government, resulting in several deaths, an un-apologetic government and international outcry.<sup>35</sup> According to many interviewees, a less overt practice of the ruling party CCM was to maintain an increasingly firm grip over all key positions in the public sector. This power was used to control the access to political and economic resources, thereby wielding the potential careers and prospects of individuals as a very effective tool in the fight to toe the government's line. Members of opposition parties were systematically barred from any kind of true political power, and vocal dissident voices are quashed by such effective means as regular harassments by the Tax Revenue Authorities, the prevention of re-appointments in public institutions, or the *de facto* exclusion from public tenders.

Although the political climate in Tanzania was not overtly repressive, the reforms aimed at democratisation did not achieve their substantive objective. *De jure*, in 2003 Tanzania was not a one-party state anymore, but *de facto* it remained authoritarian, although the nature of authoritarianism had changed.<sup>36</sup> Whereas in Nyerere's era it was ideologically and institutionally underpinned, the shifts in the political and economic landscape led to a situation where democratisation and liberalisation were implemented on the surface. However, underneath this formally liberalised surface, the grip of the party was as firmly entrenched as ever. Political monopolisation and public offices as means to certain wealth were a strong deterrent to a genuine democratisation of state and society. This political system was firmly embedded in a culture of ingrained dominance

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<sup>34</sup> See the findings from the Lawyers Workshop in the State of Corruption Report in Tanzania 2001 (ESRF/FACEIT 2001). This impression was also consistently confirmed in the interviews with all lawyers, engineers, constructors, architects, researchers and journalists.

<sup>35</sup> See Amnesty International 2000. "Tanzania—A Human Rights Brief for Election Observers. October 2000". AI Index AFR 56/13 /00; or the U.S. State Department's "Country Report on Human Rights Practices: Tanzania 2000", Bureau of Democracy, Human Rights, and Labor (23 February 2001), available under <http://www.state.gov/g/drl/rls/hrrpt/2000/af/839.htm> (last accessed 28 October 2009).

<sup>36</sup> For a detailed analysis confirming this assessment see Skinlo 2007 (especially Chapter 5).

of the state over society, and the ideology of unity. It was evident that true public debates between opposing views and interests or between differing factions were very rare and viewed with suspicion. Disputes or challenges between the public, the private sector and/or (more rarely) civil society were routinely addressed by a system of social compacts, a mechanism of gathering all parties together, be it in form of a roundtable, workshop, or the establishment of a commission. Although this political culture explicitly and implicitly referred to the ideology of consensual, integrated politics of African Socialism, it was more likely a rhetorical device to prevent truly competitive politics. Many of these social compacts acted in an advisory function to the government, but were not endowed with any actual decision-making power. Although the political and economic arenas had opened up, concomitantly the establishment—as crystallised by the members of the ruling party (CCM)—had appropriated these new and lucrative spaces and effectively entrenched their control.

Questioned on the impact of the pluralisation of political institutions in an interview,<sup>37</sup> an advocate harshly condemned the ‘sham democratisation’ that was taking place:

Multi-partyism has actually stifled democracy. The CCM is in control of key positions, and the MPs are nominated by the party, so party discipline is high. The opposition is too weak. Now it is actually risky to support the opposition. Now all professionals and intelligentsia are sucked up by the CCM and the government. Even internal criticism is stifled. Everybody’s on the bandwagon, toeing the line.

This systematic appropriation of institutional reforms in the interest of the ruling elite was underlined by a culture of top-down consultation and dialogue with stakeholders. Stemming from the socialist order and enforced by donor-driven demands of popular participation, the Tanzanian government nurtured political debates not as oppositional and fractional conflicts, but in the form of round table discussions and social compacts. This participatory smokescreen simultaneously defuses any critique of authoritarianism. Elaborating her perspective on the current politics and political decision-making processes in Tanzania, a social scientist exclaimed:

Now the new politics are incorporated into the state agenda. Interests can only be defended within the state, there are no other spaces apart from government. Because in reality the government stands for the private sector and civil society. Conflicts are solved ‘amicably’—how can that be true?

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<sup>37</sup> If not referenced otherwise, all the direct quotes in this chapter stem from interviews conducted in January and February 2003 in Dar es Salaam, Tanzania.

In other words, a sense of democratic deliberation was invoked in name only, whereas these forums or social compacts actually served to white-wash the consolidation of authoritarian decision-making processes.

The key features of the political and administrative system framing politics and anti-corruption reforms, i.e. rhetorics rather than deeds, and increasingly authoritarian ruling party, and culture of appropriation through 'consultative' rather than true deliberative processes also framed the agency of professional associations in the construction industry. In the following sections the case-study zooms into the impact of governance policies on professional associations. Setting the stage, first the main actors, agencies and policies will be briefly introduced, before a qualitative analysis of professional associations and political spaces will be undertaken.

#### 4. *Governance Policies in the Construction Industry*

This section is intended to provide an overview over the actors, the policies and the dynamics of governance policies in the construction industry in 2003. Invariably, the reality of a sector or policy is far more messy and intractable than a static and reductionist snapshot, especially in a context of rapidly changing regulatory framework. Still, this is an attempt to render a more tactile and plastic sense of the institutional topography framing corruption and anti-corruption in the construction industry at the time.

##### 4.1. *Actors and Agencies*

*Ministry of Works (MoW)*: The main state actor in the construction industry was the Ministry of Works, which was responsible for planning and procurement related to the construction and maintenance of the national road network and public buildings. So-called Executive Agencies had been established only very recently, with the objective to increase efficiency and effectiveness in the delivery of the MoW's services. These Agencies, such as buildings (Tanzania Building Agency, est. 2002) or roads (Tanroads, est. 2001) were responsible for managing the planning, construction and/or maintenance of certain public services. They were public entities affiliated to the MoW, but autonomous with regard to funding and planning strategies, thereby considerably reducing the scope for discretion and increasing financial accountability.



*Central Tender Board (CTB)*: The Central Tender Board, based in the Ministry of Finance, was responsible for the regulation of public procurement practice and for the approval and issue of the tenders. It administered procurement of USD 3 million or higher and reviewed procurement between USD 1 million and USD 3 million. Regional tender boards were responsible for tenders of less than USD 1 million. Problematic was its dual mandate of regulation as well as issuing public tenders, which gave rise to a risk of conflict of interest. However, according to the CPAR (World Bank 2003a), the CTB was generally thought to be relatively corruption-free.

*National Construction Council (NCC)*: The most long-standing and probably most important body of the industry is the National Construction Council (NCC). The NCC was established in 1981 with the task of supporting the development of the local construction industry, whose “*performance was poor*” (according to their website).<sup>38</sup> In the eighties, given the socialist policies and nationalised economy of Tanzania, the NCC had hardly any private enterprises and no organised representatives of the private sector as counterparts. It was part of the NCC’s mission to initiate the founding of private associations. Although it was formally located within the MoW, it was in fact the principal interface between the private and the public sector as a result of its comprehensive coordinating function and policy work. The NCC’s main fields of activity were the following: planning, co-ordination and formulation of strategic interventions; technical advisory services, such as project auditing, general consulting, as well as the publication of arbitration rules and institutionalising dispute settlements; development support services, such as specific training programmes, or spearheading the establishment of a construction industry trust fund; productivity and quality management with the industry; information support system ranging from business publications to statistical data. The range of activities reflects the importance of the NCC for the construction industry. Their approach focused on professional, technical and financial capacity-building. The NCC regarded controlling corruption as one of the key measures to support the construction industry.<sup>39</sup>

*Regulatory Boards*: The liberalisation of the Tanzanian economy in the eighties called for the establishment of regulatory institutions. But only in 1997 the Architects and Quantitative Surveyors Registration Board

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<sup>38</sup> See under <http://www.ncc.or.tz/index.html> (last accessed 21 October 2009).

<sup>39</sup> Listed as point 5 (out of five) of the NCC’s objectives. For a detailed profile of the NCC and further information see under [www.twiga.com/ncc](http://www.twiga.com/ncc).

(AQSRB), the Contractors Registration Board (CRB) and the Engineers Registration Board (ERB)<sup>40</sup> were established to register, regulate and support professionals in the construction industry. These bodies define and ensure professional standards and qualifications for each profession through mandatory registration. Furthermore, they act as counterparts for individual enterprises and professional associations to address challenges and problems in the industry. The registration boards incorporate codes of conduct and anti-corruption clauses in their registration process.

*Professional Associations:* Professional associations in the construction industry could be divided into two categories: 'first-generation' associations that represent the established professions of engineers, architects, and quantity surveyors, and 'second-generation' associations that represent contractors. The very first association was the Institution of Engineers (IET) (1972), founded on the initiative of Tanzania engineers that had graduated in Nairobi, for at that time Tanzania did not yet offer an own engineering degree. The IET was modelled on the Kenyan Institution of Engineers. Only in 1975 was the first domestic course in Engineering offered at the University of Dar es Salaam. A sign of the gradual opening towards a more liberalised economy, the mid-eighties saw a concentrated effort in establishing organised professional efforts. The governmental forerunner was the establishment of the NCC (see above), under whose wings several key professional associations were founded in a short period of time, such as the Association of Consulting Engineers Tanzania (ACET) (1985), the Architects Association Tanzania (AAT) (1985) or the Tanzanian Institute of Quantitative Surveyors (TIQS) (1985). Apart from their commitment to set professional standards and improve the policy framework in the construction industry, these associations had been engaged in regional and international apex organisations right from the beginning. Together with the IET, they were the main formally organised representatives of professional interests of these 'established' professions in the construction industry.<sup>41</sup>

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<sup>40</sup> For further information see <http://www.erb.go.tz/>.

<sup>41</sup> The 2003 website of the NCC lists a total of eight professional associations (see <http://www.intafrica.com/ncc/services.html>; last accessed 25 March 2010), of which six have been included in this case-study. This case-study includes one that is not listed (CATA), as it had only just been established in 2003. The associations not included in this case-study, but mentioned on the website, are the Association of Electrical Contractors Tanzania (AECT), the Association of Valuers and Estate Agents (TIVEA), and the Association of Quantity Surveyors (TIQS). The former two were never mentioned in any of the discussions as relevant actors, and didn't appear in any of the policy-making forums and, as will be seen in the case-study of 2009, were disbanded; the latter was not included for lack of contacts.

Only in the late nineties and early years of the new Millennium did the formerly unregulated and unorganised contractors begin to form as corporations. This was a direct result of the increased liberalisation of the economy and the new demands and competitive pressures exerted on informal professions. In 1997, the Tanzanian Civil Engineering Contractors Association (TACECA) was established; as the name indicates, it is the body incorporating only Civil Engineers. Six years later, in 2003, the Contractors Association of Tanzania (CATA) was founded with the explicit aim to represent all contractors, not merely a specialised sub-section.

#### 4.2. *Governance Policies*

*Construction Industry Policy (CIP)*: Reflecting the novelty of the regulation of the construction industry, it may not be surprising that until very recently, Tanzania's construction industry did not have an overall national policy-framework. This gap was closed by the Construction Industry Policy that was adopted in February 2003.<sup>42</sup> The prime objective of the CIP is to support and facilitate the capacity and effectiveness of the local construction industry by clearly identifying priority objectives and policy directions.

Overall, the policy sought to achieve two objectives:

1. "Implement policies that are deliberately designed to develop and sustain the local construction industry [...]"
2. [Attain] "a comprehensive policy to ensure compliance with the national social and economic development objectives and goals" (The United Republic of Tanzania 2003: 7).

In other words, not only is the importance of construction industry as an integral part of social and economic development recognised, but also the need to actively coordinate and support the local industry:

The goal of the construction industry policy is to develop an internationally competitive industry that will be able to undertake most of the construction projects in Tanzania and export its services and products and ensure value for money to industry clients as well as environmental responsibility in the implementation of construction projects (The United Republic of Tanzania 2003: 3).

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<sup>42</sup> In fact, one of the very first copies of the officially printed version of the CIP, still in an unpolished A4-format, was handed to the author by the director of the NCC in February 2003.

The key targets of the Tanzanian construction industry policy constituted enhancing local capacity, skills and know-how; supporting financial, technical and human resources, and generally increasing the competitiveness of the local construction industry. For our purposes most interesting was the explicit prioritisation of anti-corruption efforts. “Ridding the construction industry of corruption” is listed as one of the ten major challenges (The United Republic of Tanzania 2003: 7), an explicit confirmation that corrupt practices in construction were pervasive. The measures formulated to fight corruption were cross-cutting. It was hoped that by improving the capacity of both the local construction enterprises as well as the public sector, the necessary conditions should be generated for the efficient, transparent and effective implementation and management of construction projects, and thereby the prevention corrupt practices through more accountable mechanisms (The United Republic of Tanzania 2003: 8–11).

*Public Procurement Act (PPA)*: Procurement was identified as one of the seven priority areas in the NACSAP, aiming for: “Strict adherence to and transparent administration of tendering and procurement procedures” (NACSAP 1999: 10). The most important measure to achieve this was the passing of the New Procurement Act and Financial Management in 2001. This was a major step for the construction industry, for the former state of weak, inexistent and even contradictory laws and regulations were fuelling discretion, poor quality work, legal insecurity and manifold corruption. Under pressure from the donor community, the government of Tanzania ploddingly initiated the draft process. The process involved professional associations and selected experts who were invited to voice their opinion. However, the actual drafting and writing of the legislation was entirely in the hands of the government and Ministries. Although civil society actors were routinely consulted, the interviews with participants and representatives of professional associations revealed that hardly any of their suggestions were included in the final draft approved by Parliament. “Why call me to participate? What’s the point?” was the bitter exclamation of a chairman of a first-generation association who had invested considerable (unpaid) time and effort in combing through the drafts, commenting the provisions and justifying amendments. This is one example of the image of a social compact that the government seeks to portray a decision-making process that involves all stakeholders in seemingly participatory and non-contentious way. In practice, however, the outcome was the glossing over adversarial opinions and interests and the pretence of democratic participation in policy-making by non-state actors, whilst in fact securing the decision-making power of the government.

The main body of the PPA was derived from international best practices. As the first legislation consolidating and regulating public procurement practices on a national level, it represented an important contribution to sound governance in the construction industry. However, there were some blatant weaknesses. For instance, several key areas are excluded from the scope of the PPA, areas known to be most vulnerable to abuse and embezzlement of public funds. For instance, the act was not applicable to procurement involving military equipment, defence forces, or arms and ammunition (Section 2); equally it does not apply to local government authorities (Section 14), which are renowned for their discretionary use of political power.<sup>43</sup> Not surprisingly, the State of Corruption in Tanzania Report 2002 concluded that these exclusions “give an impression that the Government is not prepared to expose all corrupt practices, and that it may even overlook certain cases of corruption if it considers them politically sensitive” (ESRF/FACEIT 2002: 119).

The professionals’ assessment of the PPA varied significantly, depending on their professional standing. Some labelled it “a disaster”, because it systematically discriminates instead of protects local consultants. Nearly all pointed out that the pre-qualifications of large tenders were nearly impossible for local contractors to meet, even for the bigger companies, such as the provisions with regard to credit-lines, turn-over, equipment and experience. Others criticise the bureaucratic attitude and slow procedures of the implementing authorities. At the same time, it was contended that “they will learn”. And one respondent, a senior engineer, took the sedate and opaque view by commenting that “it’s good to have it in place, it makes people feel comfortable”.

## 5. *Corruption and Professional Associations in the Tanzanian Construction Industry*

### 5.1. *Impact and Extent of Corruption*

The configuration of the construction industry in Tanzania can only be understood against its historical backdrop. As little as twenty years ago virtually no private sector construction industry beyond very small-scale, informal activities existed. Only in the early eighties the support and

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<sup>43</sup> See for instance ESRF/FACEIT 2003: 83–88; for a detailed case-study see Fjeldstad/Semboja 2000 or Fjeldstad 2002.

development of a local construction industry became part of the political agenda. The state as the main economic player was also the dominant stakeholder in all larger building-projects; the public sector planned, funded and undertook the projects, mostly by mandating foreign consulting and construction firms to undertake more complex work. Until then no local construction companies and only a handful of Tanzanian engineers or architects had existed. The local construction industry, therefore, has to be conceived in terms of a comparatively young and nascent sector, which was still in the process of asserting itself in the national economic and political environment.<sup>44</sup> It is important to bear in mind that the recent history of a state-run economy and little more than a decade of privatisation shaped the institutional framework of the construction industry, in which the public sector plays the central role, and which is characterised serious national development and capacity problems.

Generally it can be observed that public works and construction is one of the most corruption prone sectors worldwide, both in terms of spread and height of bribery, leading the ranks even before Arms and Defence.<sup>45</sup> The same holds true for Tanzania. For instance, the Warioba Commission devoted about 10% of its report just to corruption in the road construction sector (Warioba Report 1996). The State of Corruption Report 2001 estimates that about 25–30% of the government's procurement budget in Tanzania was lost due to corruption, bribery and fraud.<sup>46</sup> The impact of this figure can be gleaned from the fact that the procurement of goods, services and works accounts for more than half of the government's entire expenditure budget (Annual Report on the State of Corruption in Tanzania 2001: 125).<sup>47</sup> As Judge Warioba pointed out at a Workshop on Corruption

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<sup>44</sup> This is underlined by the fact that only in February 2003 the Construction Industry Policy was formally initiated.

<sup>45</sup> When it comes to grand corruption, the rule of thumb postulates that the higher the public expenditure, the higher the corruption (Moody-Stuart 1997). This was confirmed in the first business sector survey of Transparency International, the Bribe Payers Index (BPI), where public works contracts and construction ranked first (i.e. with the highest corruption propensity), ahead of arms and defence industry and power. See survey results under Bribe Payers Index at [www.transparency.org](http://www.transparency.org).

<sup>46</sup> This figure is quoted again and again, even on governmental websites. However, it is not necessarily based on sound methodologies, indicating the need for a more solid data base (see for instance HOAP Group (undated), under [www.tzdpg.or.tz/uploads/media/Procurement\\_Report\\_Final.pdf](http://www.tzdpg.or.tz/uploads/media/Procurement_Report_Final.pdf); last accessed 25 March 2010), or the CPAR (World Bank 2003a: 67, para. 152).

<sup>47</sup> For instance, the Warioba Report analysed 24 completed road projects between 1990–1995 and found that cost increases reached 59% of the original contracts. Although these increases may also have other causes, such as changed ToRs or unpredicted

Prevention in the Construction Industry in April 2001, the pattern of corruption in the construction industry indicated systematic and deliberate facilitation of corruption on the higher level, and the general acceptance of corrupt practices on all levels (The United Republic of Tanzania 2001: 4), a view underlined by other speakers in the course of the Workshop.

All of the interviewees of this case-study, both in the private and in the public sector, confirmed that in spite of the institutional and legislative reforms corruption in the construction industry is still rampant. Some of the interviewees contended that the PPA itself was not adequate to provide a sound framework for public procurement; others acknowledged that the framework, whilst not perfect, was a significant improvement to the previous situation; others again, whilst not happy with the present situation, pointed out that the institutional changes and reforms were still very new, and would become more effective with a time lag. Everyone, however, underscored that corruption was still an integral part of public procurement. Given the newness of the PPA, this could also be a function of time within which a sound legislative framework facilitates the gradual institutionalisation of a culture of propriety. The interviewed representatives of professional associations, however, were very guarded in their optimism. The distrust of and dependence on public officials, the evidently deeply engrained abuse of public power, and the sense of impunity by public officials in tendering of public procurement still was very dominant. This view is confirmed by the World Bank's Country Procurement Assessment Report (CPAR) (World Bank 2003a), which identified "malpractices in the selection of consultants, appointment of suppliers, pre-qualification of contractors, tender evaluation, contract award, issuing variation orders, evaluation of claims, dissemination of information, certifying and making payments" (World Bank 2003a: 67, para. 150). Although the mentioned 'malpractices' need not automatically imply corruption, the information given by the interviewees indicate that corrupt practices do indeed feature in virtually every step of the procurement process.

One consulting engineer stated that corruption in the construction industry had reached "saturation point": hardly a step in the tender could be undertaken without involving some corrupt practice, and hardly a party of the construction project is untainted by corruption. As one architect exclaimed exasperated, "it is impossible to resist the client's

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complications, the systematic expansion of the initial quotes points to embezzlement and misappropriation.

corruption”, meaning that the pressure from public officials on professionals to ‘deliver’ a cut from the project was as good as impossible to evade, given the fact that current and future income depends largely on being ‘cooperative’ with public sector officials. Saliiently, this only seemed to apply to parastatal or government projects; all interviewees stated that corruption was inexistent when dealing with private clients. However, given the small volume of private clients and the overall dominance of construction in the public sector, at the time this was a merely academic point from the perspective of professionals. However, it did raise an interesting question when related to the ongoing process of deregulation and privatisation of formerly public services. The anecdotal evidence available seems to suggest that the abolishment of the parastatals did indeed lead to a substantial decrease in corruption and concomitant increase in efficiency and quality.<sup>48</sup>

Articulations on corruption by the professionals were imbued with a sense of loss of professionalism and integrity, outlined with various degrees of agitation. This loss was emphasised with references to its damaging effect on the public interest in terms of wasted or misappropriated public resources, with project costs systematically inflated or else the quality of work and inputs undercut. Project designs based on maximising corrupt profits evidently have serious repercussions on the quality of public construction: the structure of public buildings may not be adequately calculated, thus constituting a serious hazard to public security; the thickness of tarmac coverage on roads may only be a lower quality or only a percentage of the stipulated thickness; the materials utilised for public buildings are of poor quality; the fixtures and fittings do not adhere to required standards, or the quality of the cement suffers, etc. Examples abound of failures of public service, including negligent or even deliberate endangering of public safety—a problem particularly salient when it comes to the construction of public buildings, such as hospitals or schools, or key infrastructure, such as bridges. The deterioration of infrastructure such as roads due to technical ‘short cuts’ as a result of corruption have a more creeping but not less costly effect.<sup>49</sup>

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<sup>48</sup> Although this observance is encouraging, the fact that parastatals were quagmires of inefficiency, discretion and embezzlement shows that even a slight increase in transparency and accountability would have a noticeable impact. Also, the concomitant privatisation of key companies produced many opportunities for corruption (for evidence see Chachage 1996, Temu/Due 2000, or Fischer 2006).

<sup>49</sup> The information in this section is based on the interviews with professionals and experts. It is consistent with findings from more general studies on corruption in the



According to some interviewees, the nineties also saw a plethora of “bogus contractors” [sic], whose only purpose was to access lucrative public tenders, mostly in collusion with public officials. Although this practice had been curtailed by the privatisation and deregulation of parastatals as well as the more stringent regulatory framework, the public procurement process was still rife with abuse and manipulation, if possibly in more subtle forms. As the literature on corruption in public procurement shows and the professionals confirmed, corrupt practices in construction are notoriously difficult to monitor, especially given the kind of complex and technical calculations involved in construction projects.<sup>50</sup> These include project costs that are inflated by unnecessary or overpriced expenditures, or ballooning of the quantity and measurements of certain inputs. Several informants assured me that cases of even grossly inflated project costs were not isolated incidents: according to most interviewed professionals, there is virtually no road construction in Tanzania which was not systematically overpriced. The same applied to building projects of parastatals and state institutions.<sup>51</sup> These problems were exacerbated by the fact that although the procurement procedures have been standardised under the PPA, at least on a national level, there was still no proper technical auditing or monitoring of final project costs, which made the ‘adjustment’ of projects costs a sitting duck.<sup>52</sup>

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construction industry, such as Kenny 2007, Ware et al. 2007, or Goldie-Scot 2008. Further examples of corrupt practices were given by the professionals in abundance. For instance, before the Public Procurement Act was passed, collusion between public officials and bogus ‘brief-case’ professionals were apparently the rule, with all the ensuing severe problems of quality and security of work. Now it seems that the Public Procurement Act has indeed weeded out sham professionals, but not the pressure to corrupt: if you as an architect or constructor or quantity surveyor have to bribe, you cut corners somewhere else (see also below).

<sup>50</sup> Just to illustrate the extent of these cost inflations, an architect described one current case of a big project commissioned by a parastatal, saliently with an explicitly social objective, where the overall costs were swollen from the necessary USD 5–10 million to a sum nearer USD 60 million. Looking at the scandals that have been uncovered since 2003 (for instance the Twin Tower case of the Bank of Tanzania involving corruptly inflated construction costs of USD 352 million which, according to experts, are about double the figure they would cost in London or Tokyo; see <http://www.bongotz.com/news.html>; last accessed 20 April 2010), the figures given by the architect seem very plausible.

<sup>51</sup> At this point of the research, the impact of the legislative and regulatory reforms, for instance the newly established Tanzania Building Agency, could not yet be assessed, as they were still very new.

<sup>52</sup> The problems relating to inadequate or in-existent auditing of project costs diagnosed by the interviewees were confirmed *ex post* by the Implementation Plan of the CIP. Under objective 8.2.8. ‘Promoting the Prevention of Corruption in the Industry’ a policy direction is listed as follows: “Instituting mandatory technical auditing of all major

There are, however, further, less explored effects of the practical effects of corruption on the discursive space of professionals that emerged clearly from the interviews. These have only indirect implications for public welfare, but direct impacts on the sense of professional integrity and identity on the one hand and the economic conditions of professionals on the other.

5.2. *'We survive through corruption, and we perish through corruption': Perspectives of Professional Associations*

Although there was no consent emerging from the interviews with regard to the extent of the effects of the governance reforms is debated, they had led to some degree of improved quality of tendering and public procurement. "You can't just buy work anymore", an engineer assured me, "you get more value for money".<sup>53</sup> At first sight, this could imply a strengthened governance framework for professionals working in the construction industry, and hence greater protection and predictability of their economic spaces. However, at second sight the situation looked far more sketchy.

The public sector was the biggest client of the construction industry, both in terms of the absolute numbers of tenders as well as of relative financial volume. Professionals had no sustainable economic alternative than gaining access to and being awarded publicly financed projects. Architects, engineers or contractors were all "hungry for jobs", as several interviewees confirmed in the very same words. According to the interviewees, public officials from the lowest to the highest level were keenly aware of the discretionary power they wielded. "The tender officers take all bribes [from all the parties submitting the tender, LK] and award the tender to the highest bidder", an architect complained. The bribes were evidently demanded on every echelon of the civil service, from the small public official, who will only hand out the tender documents against an additional fee, to the Minister, who has a certain standard of living to maintain. The bribes or percentages were usually either common knowledge, or directly disclosed to the parties in question. In other words, in some cases the level of corrupt 'commission' seem to be predictable, and other cases the amount was up to the discretion of the involved public officials.

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public-financed projects and any other projects where there shall be suspicion of malpractice" (MID 2006: 56).

<sup>53</sup> Although he also pointed out that in spite of the reforms of the PPA, there is no monitoring of the final project costs, which is an open invitation to inflate project costs—not for the tender, where cost-effectiveness is stipulated as a key criterion, but after the tender has been awarded.

Such endemic corrupt practices, i.e. a situation in which personal enrichment through public resources in or beyond the grey zone between legality and illegality is the norm, not the exception, is not necessarily problematic. A 'corrupt' practice is a social practice like any other, framed by own, particular logics. These need not necessarily constrain the articulatory space of professionals, on the contrary. As the literature review on corruption shows, such practices conceivably can and do open up spaces of political, economic and social agency. Applied to the situation that the professionals in the construction industry found themselves in, one could argue that as long as they can materialise their professional activities through the acquisition of tenders and projects there is no apparent reason why they should oppose such practices. This is what one constructor meant when he remarked, "corruption is a higher way of competition". Detached from a moral judgement, in an essentially capitalist rationale, corruption is just part and parcel of doing business, just like 'ordinary' costing, at which some entrepreneurs are more skilful and successful than others.

Dwelling for a moment on this line of thought, the responses to the interviews indicated that undoubtedly some entrepreneurs gain from these corrupt networks and transactions. However, it was equally clear that even established professionals were struggling under the financial burden and the level of obstruction put forward by corrupt public officials. "The majority of companies suffer financial losses through corruption, they have nothing to gain from bribing", an established engineer underlined. The main problem facing professionals was that corruption cuts directly into their already meagre profit margin and threatens their economic survival. Put dramatically, it was a matter of survival. The dilemma was summed up in the words of an experienced and successful constructor and consultant: "We survive through corruption, and we perish through corruption". With every corrupt transaction professionals undertake they were actually undermining their own livelihood—not to mention their professional standards. In this way professionals in the construction industry were continually caught between a rock and a hard place, forced to weigh the financial cost of a bribe against the opportunity costs of an unawarded tender. According to an architect, the bottom line was very simple: "uncooperative" [sic] professionals are not awarded tenders; "our survival is at stake, which the clients abuse".<sup>54</sup> Although all professional associations and their members were pressing for the respect

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<sup>54</sup> For a more general discussion of this dilemma see Koechlin 2007.

and acknowledgement of professional standards, the individual entrepreneurs felt trapped in an economic bind. The situation was rendered more impossible by the fact that bribes or other corrupt deals did not necessarily increase the chances of being awarded the tender. Looked at this way, corruption is indeed a higher form of competition, but with a darker twist: corruption does not facilitate business transaction, on the contrary. Paradoxically, it actually increases the unpredictability of doing business rather than decreasing it.

There was an additional powerful economic factor squeezing the profit margins of the professionals, and that was the increase of competition. Whereas up to the late eighties and early nineties there had been only very few, small local companies and some big foreign companies, in the late nineties there was a massive increase of registered local engineers and constructors as well a substantial growth of foreign companies, especially from the East.<sup>55</sup> The foreign companies are mostly involved in specific donor-funded projects from their home countries (which was standard-practice and constitutes a serious problem in itself),<sup>56</sup> but increasingly they were taking part in the official tenders of all sizes at highly competitive rates. One consulting engineer estimated that just due to the influx of Chinese contractors the prices in construction had gone down by about one third. So although the situation for local contractors had improved in one regard, as the budget allocation to public procurement in construction had been significantly increased in the last decade, with a concomitant increase in tenders and projects and hence job opportunities, the growth of the local competition as well as greater foreign competition stepped up the pressure on professionals.

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<sup>55</sup> According to estimates from the ERB, foreign companies only constitute about 3% of all companies and undertake about 80% of the work; which leaves the remaining 97%, all very small to at best medium sized companies to compete for the 20% of the work. Mostly, domestic companies work as sub-contractors to foreign companies.

<sup>56</sup> This is evidently a big problem for the local construction industry, namely that their marginalisation as to know-how and experience is in fact systematically entrenched by implicitly or explicitly excluding them from foreign funded projects. This has partly a functional explanation: most construction firms do not have the capacity or the expertise to do large-scale, technically demanding projects. But even here local participation, e.g. by breaking bids into smaller, more manageable projects, is “a very thorny issue”, as a chairman of a consultants’ association cryptically remarked. Donors seem to routinely favour their home industry, and the government seems to be still caught in a bias against the local industry—an aspect which would merit more systematic attention. The CIP addresses the problem by identifying “inappropriate contract packaging of works which favour foreign firms in donor-funded projects” and “[u]nfavourable donor conditionalities which tend to marginalize local construction enterprises” (MID 2003: 7).

Notably, governance reforms can also have unintended consequences. Paradoxically, in one way they rendered the professionals even more vulnerable. In spite of the flaws of the new procurement procedures it had become increasingly difficult for the professionals to randomly inflate project costs. To 'deliver' the demanded (often shameless) bribes to public officials, they now had to dip into their own pockets. In many cases they could simply not afford to do this.<sup>57</sup> The gist of the interviews, whether with tiny one-man-enterprises or with representatives of established, relatively large firms of twenty or more employees, was that the financial pressure exerted through corrupt demands of the civil servants was strangling. This additional financial pressure posed particularly serious problems for the micro- and small enterprises; they did not get the chance of accumulating any profit without it being pocketed by some official, and they were rendered even more vulnerable by the fact that their industry was characterised by the lack of supportive institutional mechanisms, such as financial credit facilities or other collaterals to draw upon, by unfavourable tax regimes, unfavourable working environment with regard to salaries, safety or health, and erratic work-opportunities.<sup>58</sup>

It comes as no surprise, then, that professional associations were key to problematizing corruption in the construction industry in public, by linking the problem of corruption to the problems of infrastructure development, public welfare and official government policies. In particular, it seems that one workshop constituted a crystallisation point, the Workshop on Corruption Prevention, organised under the auspices of the Ministry of Works in March 2001. The workshop brought together all the main stakeholders of the construction industry.<sup>59</sup> Professional associations evidently played a catalytic role in making this workshop happen. Several interviewees confirmed that was the first time the problem of corruption

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<sup>57</sup> The case of one contractor was reported where the official had demanded a bribe of USD 40,000 for the award of a particular project, although the bid of the entrepreneur in question had been the most competitive. Although the contractor was prepared to pay to get the award, he could only afford to offer USD 10,000. The result was that he was disqualified and the project was awarded to someone with greater financial liquidity than him. Even if he had been in a position to inflate the project costs to regain the costs of corruption, the lack of financial liquidity prevented him being awarded the contract in the first place.

<sup>58</sup> These problems were emphasised by the interviewees from both the private and the public sector, and they are explicitly acknowledged in the CIP (see CIP 2003: 6, section 3.3. 'Performance Constraints').

<sup>59</sup> See The United Republic of Tanzania 2001 for details on issues addressed and participants.

in the construction industry had been openly addressed by all stakeholders, and underlined the way in which professional associations had articulated corruption in the public sphere and sought to inscribe their own interests and demands in the official discourse.

### 5.3. *‘They are blind and deaf’: Perspectives on Public Officials*

The unanimous opinion of all respondents was that corruption in the construction industry is driven by the public sector. A representative of the Engineers Registration Board observed that “the problem is low prestige and low salaries of public officials. Both affects their integrity and their motivation. The combination of low living standards and a high status of wealthy people creates an environment that is conducive to demanding bribes”. Indeed, the wage levels in the public sector were significantly lower than in the private sector.<sup>60</sup> For a graduated engineer without much experience the ratio was estimated to be about 1: 4, with the discrepancy growing at every level.<sup>61</sup> Looking at the costs of living, civil servants were under real pressure to seek for additional income, legally or otherwise. Most professionals displayed an astute sense of the economic restraints facing small public officials—which is not to say that they didn’t suffer from the harassment and trouble caused by petty corruption. Still, there was palpable empathy for the pressure to be corrupt in the lower cadre, as a product of economic constraints. As an engineer replied, “the basic issue is subsistence”, i.e. the subsistence of the public officials, some of whose wage-levels barely met everyday needs. The understanding of this was echoed in many different statements.

This discerning attitude may also have stemmed from the fact that most engineers and contractors were themselves former civil servants, not surprising given that the formalised private sector was a relatively new phenomenon in Tanzania. In many cases, the interviewed professionals had been in the same departments or positions as the ones harassing them.

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<sup>60</sup> For the construction industry in Tanzania, see for instance the CPAR (World Bank 2003a: 67, para. 151).

<sup>61</sup> The figures quoted by different sources were the following: A graduated engineer without much experience would earn a monthly salary of about USD 100 in the Ministry of Works and about USD 400 in the private sector; an engineer with about 10–15 years experience the equivalent would be USD 150 in the Ministry and anything above USD 600 in the private sector. These figures are at best indicative; the Road Fund funds the salaries in the Ministry of Works, so engineers in the public sector probably earn more than their colleagues. This is also the reason why most public officials endorse in other commercial (not necessarily corrupt) activities during their work-time.

However, the extent of their understanding was strictly qualified to serious economic distress, which only accounts for some corrupt practices. The professionals seriously criticised the rigorous, unbending, and often unprofessional (in the sense of unskilled and disinterested) attitude of the public officials. A graphic depiction of this was given by two representatives from a contractor's association, who described how they would plead with their former colleagues from the public sector, who were obstructing their business to elicit a bribe, to be less technocratic and more responsive to the interests and needs of the professionals, reminding them that one day they too might want to run their own business and would then be faced with the same difficulties;<sup>62</sup> "but they are blind and deaf, they think they will remain in office indefinitely", the contractors concluded exasperated. The problem was official discretion, but it was coupled with a particular official attitude, an attitude showing scant regard for the different rationale governing the private sector, and disregarding the role of the administration as the warden of public interests. The normalised practices of the public officials seems to be informed by a mixture of self-serving and unprofessional attitude.

The general view taken of mid-to high-level public officials and the Ministers by the representatives of professional associations was far more uniform in its condemnation. "Greed!" was the unflinching and often bitter answer to the reasons fuelling high-level corruption. Their salaries, additional perks (such as cars, housing, staff, etc.) and privileged position were perceived to be more than sufficient; their corruptness as merely self-serving enrichment. In the opinion of the professionals, public officials were feathering their already soft nests at the expense of ordinary citizens and professionals struggling to make ends meet. In addition, public office in itself had become a socially legitimate avenue to gain wealth, irrespective of income levels. Corruption was now "a way of life", a "societal ill", because it was generally accepted attitude that public officials use their position to enrich themselves.<sup>63</sup> Wealth in itself has become such a social goal that the means of acquiring it are irrelevant. "Riches are respected no matter what. If you have a nice position and leave it poor you were stupid not to make use of it!" exclaimed a frustrated senior engineer. His

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<sup>62</sup> As far as could be ascertained, the fact that the officials in question were acting illegally was not part of their argument—a telling omission.

<sup>63</sup> The sentiments of the former Foreign Minister quoted above were confirmed (often verbatim) many times in the course of the interviews, by interviewees of all ages and backgrounds.

colleague put it more strongly: "If you are poor, you are stupid. If you are not corruptible, you are stupid!" Hence, the fact that personal, short-term motivations drive public officials to corruption overshadowed the problem of inadequate remuneration; the remedy of the latter would be rather straightforward, the remedy of the former rather more intricate.<sup>64</sup>

The interviewed public officials themselves obviously did not dwell on their own corruptibility. They underlined other factors that the professionals also prioritised, namely the inadequate technical training and professional exposure of entrepreneurs, still cumbersome procedures, the time-lag in implementing the rapidly changing rules, and of course the reforms that have been achieved in a relatively short time. Some did lament the insufficient support from the government in protecting and developing the local construction industry, and the slow and juddering pace of designing and implementing a construction industry policy. When asked directly about corruption, the answers were either a reference to the existing anti-corruption clauses, for instance of the registration boards, or a very opaque response about the difficulties and challenges of public procurement.

#### 5.4. *Professional Identities, Social Agents and Political Struggles*

Of course, professionals themselves were not immune to the prevailing primacy of profit-grabbing, be they engineers, architects or contractors. The interviewees themselves acknowledged this: "To grow you have to put everything back into your business, but this is not recognised here, there is a fast buck attitude". Cases of collusion and corrupt practices by entrepreneurs were mentioned throughout the interviews. But the interviewees from the private sector were all members or representatives of professional associations; they distinguished themselves within the community precisely through their engagement to improve and protect professional conduct, distinguished by integrity and quality. The overarching ideal articulated was that membership in a professional associations signifies the hallmark of professional quality, in the eyes of the professional community, in the eyes of the general public, and perhaps most importantly, in the eyes of the public sector and the government. Generally, the

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<sup>64</sup> In a critical analysis of the relationship between public officials pay and corruption in Tanzania, Mutahabe comes to the conclusion that "the link between pay and corruption is tenuous" (Mutahabe 2005: 1), confirming the doubts with regard to the degree of pay being a significant factor shaping the extent of corruption.



majority of the professionals interviewed were deeply unhappy about the way corruption affected the standards of their work and their reputation as a sector.

Professionals in the established professions, such as consulting engineers or architects had an acute and internalised sense of professional conduct, reflected in their self-perception, in their reasoning against corruption, and, on a more formalised level, in the constitutions of their associations.<sup>65</sup> The associations themselves were all established with the prime reason of increasing the quality of professional standards and lobbying to create a facilitative regulatory framework guaranteeing and supporting these standards.<sup>66</sup> Routinely, all constitutions feature tailored Codes of Conduct. For instance, the Code of Professional and Ethical Conduct forms an integral part of the constitution of ACET, and is derived from international best practices.<sup>67</sup> It includes provisions on professional integrity with regard to safe-guarding the public interest, in particular with regard to safety, health, property and welfare of the public (Art. I 1 and I 2); with regard to professional expertise and honesty (Art I 3 and I 4); an anti-bribery clause with regard to clients (Art I 5)<sup>68</sup> as well as suppliers (Art III 4);<sup>69</sup> and a provision regulating conflict of interests (Art II 4). The codes of professional conduct are in substance very similar to the rather slicker ones

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<sup>65</sup> For instance, ACET is an active member of the apex organisation FIDIC. With leading participation of ACET, FIDIC developed a cutting-edge code and manual of Business Integrity Management Systems in 2002.

<sup>66</sup> For a seminal historical contribution analysing the economic interests that drive the development of associations with their exclusionary professional standards and qualifications see Weber 1985: 203–209 in the chapter on “Gemeinschaftsformen und ökonomische Interessen”.

<sup>67</sup> In fact, Art I 7 of ACET’s constitution explicitly refers to the standards of professional conduct laid down by FIDIC (Association of Consulting Engineers Tanzania (ACET). Code of Professional and Ethical Conduct. In: ACET (1985). Constitution (fourth edition 2008). P. 35).

<sup>68</sup> “No Member shall offer, give, solicit or receive, either directly or indirectly, any political contribution in an amount intended to influence the award of a contract by public authority, or which may be reasonably construed by the public of having the effect or intent to influence the contract. He shall not offer any gift or other valuable consideration nor pay a commission or percentage in order to secure work” (Association of Consulting Engineers Tanzania (ACET). Code of Professional and Ethical Conduct, Article I 5. In: ACET (1985). Constitution (fourth edition 2008). P. 35).

<sup>69</sup> “No Member shall solicit or accept gratuities, directly or indirectly from contractors, manufacturers or suppliers, his agents or other parties dealing with his clients or employers in connection with work for which he is responsible” (Association of Consulting Engineers Tanzania (ACET). Code of Professional and Ethical Conduct, Article III 4. In: ACET (1985). Constitution (fourth edition 2008). P. 37).

stipulated in the Constitution of the Institute of Engineers (IET)<sup>70</sup> relating to: Conduct of members; Conduct of corporate members; Duty to uphold professional reputation; Duty not to indulge in corrupt practices;<sup>71</sup> Duty to serve the interest of the client; Malicious damage to professional reputation; Continuing professional development; Penalty for breach of conduct. Remarkable in both cases is the emphasis on professional reputation and the respect for professional conduct.

All associations have the authority to discipline or, in severe cases, exclude members in cases of professional misconduct.<sup>72</sup> However, at the time of the interviews, the associations were diffident in actually endorsing these measures. There was a tangible preference of all representatives to address cases of misconduct more informally, through peer pressure, rather than enact a formal disciplinary procedure. The reasons given were persuasive: the associations had relatively few members, drawn from a professional community that was very small and characterised by face-to-face interactions, not by impersonal procedures. Although formal disciplinary had been employed in cases of severe misconduct, in the first instance personal, direct interaction (albeit in the formal roles of Council member or chairman, and member of the association) fitted more closely to established practices and features of the community. In cases of corruption, a second layer seemed to be added: as corruption was an endemic element of virtually all transactions within the construction industry, professional associations were realistically not in a position to discipline their members. Such sanctions would have backfired on the associations themselves, as they risked either ridicule or disengagement. As associations they are committed to protect the interests of their members, and the interviews revealed a strong sense that the structural pressure to corrupt could not be resisted by disciplining individual members. In addition, in the view of the associations and professionals there were no credible accountability

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<sup>70</sup> See Section 8 'Professional Conduct', subsections 8.01–8.08. In: *The Institution of Engineers Tanzania (1975, revised 2007). The Constitution.* pp. 15–16.

<sup>71</sup> "A member of the Institution shall not indulge in any corrupt practices", in: *The Institution of Engineers Tanzania (1975, revised 2007). The Constitution, Section 8.04., p. 15.*

<sup>72</sup> See for instance the Constitution of the IET: "Any alleged breach of Sub-sections 8.01 to 8.07 which may be brought before the Council, properly vouched for and supported by sufficient evidence, shall be dealt with by the Council either by expulsion of the offender from the Institution under the procedure in Sub-section 7.03 as far as it applies, or in such a manner as the Council may think fit" (see Section 8.08 in: *The Institution of Engineers Tanzania (1975, revised 2007). The Constitution.* p. 16; or the *Disciplinary Proceedings stipulated in the Constitution of ACET (ACET (1985). Constitution (fourth edition 2008). Disciplinary Procedure.* pp. 39–41).

institutions that would reinforce such community-internal sanctions. “There is no trust”, sighed an exasperated engineer: existing institutions, such as the Public Procurement Appeals Commission, the Registration Boards, the PCB, or even the judiciary were not trusted sufficiently to act as safeguards of integrity. Not one of the interviewees, from the public or private sector, could give a straightforward, unambiguous response to examples of complaints processes that had been taken to one of the public accountability agencies. The one case of corruption mentioned that was taken up by the CRB with involved a foreign company, who subsequently withdrew their tender.

Still, what emerged from the interviews is that professional standards had definitely ‘hardened’ and improved in the past decade, due to (a) the self-regulatory initiatives and the advocacy efforts of the professional associations, (b) the institutional and regulatory reforms such as the establishment of registration boards, and (c) better availability of trainings and continual education. Professional associations played an important role in providing such trainings on behalf of or in cooperation with the public sector (and sometimes donors), drawing on their own expertise as well as the expertise provided through their affiliation with international associations. More tangibly, with the establishment of the registration boards professional standards were now formally acknowledged,—a hard-earned victory by professional associations.

At this point, a distinction needs to be drawn between professional identities of first generation associations on the one hand and professional identities of second generation associations on the other. As elaborated above, ‘established’ professions conveyed the impression of being comfortable and secure in their professional identity, drawing on and referring to established domestic, regional and international networks and standards. The situation with regard to contractors, however, was rather different. Local contractors only had a very recent history of professional identity, as was also reflected in the recent establishment of the only two contractors associations. It was a young profession, tainted by a low social status and with a reputation for badly executed work and unskilled and profit-grabbing contractors. Both contractors associations were established with the explicit intention to fight against such non-professionalism, i.e. to change the ‘bad attitudes’ and malpractices within the profession; to define and institutionalise professional standards; to improve their negative image in the public, and, lastly, to support a better industrial framework and working conditions of contractors.

Both in public and in the course of the interviews, the contractors were far more outspoken than the first-generation associations, articulating their interests in a significantly more confrontational way. For instance, when the Contractors Association of Tanzania (CATA) was formed in 2003, their chairperson, engineer Consulata Ngimbwa, explained in a newspaper interview that one of their key motivations is to enhance the public and government recognition of the profession. She goes on to underline the importance of the regulatory framework:

Half of the government budget goes to construction. But the public perceives local contractors as incompetent and dishonest. The few projects awarded to them have been unduly delayed, or executed shoddily and in some extreme cases, abandoned. The problem here is not incompetence but the environment under which they get these works, the rules are not good.<sup>73</sup>

The quote is very revealing, connecting the contractor's negative image with the structural problems of the country—with a terse reference to the paucity of work available to local contractors—and thus linking up the (official) rules framing contractors' work with their reputation. This statement can be interpreted as a very direct demand for a better legislative and regulatory framework. However, it also includes a thinly veiled reference to the common knowledge of public officials' corrupt behaviour.

All in all, both first and second generation professional associations in the construction industry of Tanzania were central to the development of a regulatory framework and professional standard-setting, and to the public articulation of the importance of professionalism with regard to public welfare and cost-effective use of public resources. Equally, they were seminal in pushing for governance reforms that improve the economic basis of their profession, including more predictable and coherent norms that protect professional qualifications and conduct. Bringing in professional expertise and international networks and exposure, they engaged in dialogue and coalitions with relevant actors of the public sector, seeking to influence and improve (if with uneven success) the design and implementation of governance reforms, and strengthening their own professional position. In 2003, the governance reforms were gradually being consolidated and merging into a recognisable, comprehensive regulatory body, with the key pillars being the registration boards, the CIP and the PPA.

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<sup>73</sup> See "Contractors' body to press for law review", Daily News, 24 February 2003, p. 5.

However, a perhaps perverse effect of the success of governance reforms—the establishment of a registration board—was already discernible, if only from the perspective of an established first-generation association, namely ACET. A long-standing, internationally renowned and distinguished member made the rather shocking comment that “the Engineers Registration Board destroyed ACET”. What he meant was that up to about the year 2000, membership in ACET, which is conditional on specific professional qualifications and standards, constituted a hallmark of excellence. Around the year 2000, the ERB took over the statutory registration of companies. The statutory requirements of the ERB obviously override the criteria stipulated by ACET, so membership in ACET constituted no real professional distinction anymore. In other words, official regulation, although welcome from a perspective of general and formalised rules, encroached on self-regulatory achievements. It also constituted greater state control over professionals—the power to register as well deregister them—that in the absence of the rule of law and independent and effective horizontal accountability bodies had ambivalent effects.<sup>74</sup> Furthermore, although this was not mentioned here, against the backdrop of the increasingly authoritarian tendencies and penchant for ‘social compacts’ within the administration, it is conceivable that the registration boards actually facilitated the governmental appropriation of autonomous representations and countervailing interests.<sup>75</sup>

The sudden irrelevance of a central function and constituting element of ACET was compounded by the development within the professional community itself. ACET represents the interests of consulting engineers. However, according to this respondent, the increasing technical focus of the engineers—itself also a feature of the increasing professionalization of the industry—lead to a situation in which most members of mid-level management of the companies lost interest in business development or

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<sup>74</sup> For an interdisciplinary analysis and case-studies on shifting boundaries of normative authority between public and non-state actors see the volume edited by Peters/Koechlin/Förster/Zinkernagel Fenner (eds.) 2009.

<sup>75</sup> According to the provisions of the ERB, the Minister of Works appoints the Board. The provisions specifically require that the two of its nine board member are not in the service of government; these two board members have to be nominated by ACET (one) and IET (one) (!) (see <http://www.erb.go.tz/composition.htm>; last accessed 25 March 2010). The statutory inclusion of professional associations in regulatory bodies can be an indication of their official recognition, but it can also be seen as a form of cooptation (for a discussion on risks and strengths of such multi-stakeholder fora see Koechlin/Calland 2009; for a critical view on governmental co-option strategies of civil society organisations by African governments see Bratton 1989).

industry politics. Although this could not be verified, it might also be an indication of short-termism of professionals. In any case, it manifested itself in a loss of membership. The decreasing membership led to a decrease in representativeness and voice of the associations. The problem of insufficient membership was mentioned by all representatives of all associations. Be it that the professionals “don’t recognise the benefits of collective action” (diagnosed by an architect) or that the professional associations “do not identify the burning issues” (diagnosed by a consulting engineer with regard to the established first-generation associations), the conclusion was clear: “They [i.e. professional associations] are weak”, as several informants across the professions observed. And in a full vicious circle, the decreasing membership threatened both the financial basis of the professional associations, which are dependent on voluntary work and membership fees, as well as weakened the voice of the professional associations vis-à-vis the public sector.

*6. Hegemonies and Fixations of Corruption:  
Some Preliminary Conclusions*

Summing up, the engagement of first as well as second generation professional associations was primarily aimed at creating a level playing field and defining professional standards. But although the associations were actively engaged in policy discourses, the collective and individual actors were seriously struggling with more basic issues, in particular structural problems, such as the dependence on the public sector and the crushing competition of foreign competitors and inaccessibility of resources (funds, equipment, collaterals, technology, experience). Hence, corruption was routinely and often vocally recognised to be a serious problem, but under the difficult economic and political circumstances which rendered the implementation and internalisation of professional standards near impossible, it was always set in the wider governance context of inadequate public institutions and industry policies. Professional associations observed that the prevention of corruption was in their own core interest, as they had a driving economic, political and professional need to increase the predictability and security of their situation. In addition, they had an ideological interest in articulating standards of professionalism and relating them to their particular profession, formalising distinctions between themselves from other groups within the same profession (e.g. civil contractors v electrical contractors) or within the same sector

(e.g. architects v engineers). These distinctions were pivotal to the construction of differential identities for official recognition and public acknowledgement. In this way, they appropriated and sought to shape the language of governance and anti-corruption reforms, articulating their own particular interests (such as salary scales, credit facilities, protection from foreign competition, etc.), and constructing linkages to their particular discourse to wider discourses, such as the rule of law, state effectiveness, public service and national development.

It can be concluded that 'corruption' thus works in a double bind:

On the one hand, corruption was indeed an empty signifier in the most political sense, framing the most significant nodal points through which linkages across the public-private divide and more generally across differential identities took place. 'Corruption', as could be observed, was filled with particular demands and claims, but as an overarching reference point provided the terrain of political struggles around contentious identities, interests, and representations. As perhaps was to be expected, the fissures and antagonisms of these differential articulations were far more subtle than just between public/private, or integrity/greed, or professional competence/incompetence. They ran between and across the spheres, they ran within professional communities, and they ran across social imaginaries.<sup>76</sup> They were not arbitrary, however. Corruption constituted a powerful signifier, publicly relating immediate needs, interests and constraints of professionals to a wider horizon. Thus, nascently and unevenly, professional associations successfully filled 'corruption' to signify not only professional standards, qualifications and expertise, but also to link it to discourses of governance and development. In this sense, professional associations opened up emancipatory spaces that enabled greater and more diverse forms of articulation.

On the other hand, corruption was also a medium *undermining* the discursive resources available to professional associations. Quotes in the sense of 'Corruption is a higher form of competition', or 'If you are poor, if you are not corruptible, you are stupid', point to a rather different significance of corruption. This discourse was less manifest in its articulations in the public sphere, but all the more dominant in economic transactions. From

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<sup>76</sup> To illustrate this point with an example, justifications for the importance of professional conduct and integrity was given by the respondents in reference to the requirements of the market economy (competitiveness) as well as in reference to the socialist values formulated under Julius Nyerere.

the reflections of the professional associations' realities, the dominance of this discourse was felt astutely. This discourse forged chains of equivalence around *non-legal*, rhizome nodal points, such as the general acceptance of enrichment through bureaucratic means (which does not equal the professionals' understanding of entrepreneurial and legally acquired profit), of personal contacts, of the (ab)use of power differentials—understood and known by everyone, but not articulated in the public realm.

But the perhaps most unexpected finding is that the governance reforms, for all intents and purposes strengthening the corruption discourse of the professional associations, were antagonistic in their effects. In line with the intended and formalised objectives, they reaffirmed demands for greater predictability, for rule-based processes, for safeguarding professional quality—largely echoing the articulations of the professionals grouped around and within 'corruption'. But at the same time the 'official' discourse on corruption deflated the professionals' discourse on corruption by hegemonising their representations and appropriating the nodal points—registration, accreditation, definition of norms and standards. This happened largely on a symbolic level; the practical effects—such as the transformation of 'official' identities, or the internalisation of formal norms—remained incremental. However, assessing the very diverse fixations of corruption in the construction industry of Tanzania, one component cannot be stressed enough: the demands, values and indeed interests were very young. They were in flux, within a rapidly changing frame of reference—economically, politically, socially—and the observed processes and actors emergent, fragile and unstable.

However, as a preliminary conclusion, the power relations were still characterised by significant differentials between (and in fact: within) the public sector and professional associations. Professional associations managed to successfully employ corruption as an empty signifier, connecting it up to wider corruption discourses of development agencies as well to governmental discourses. Generalising across the differences of successful professional articulations, the identities of the professional associations was strengthened through these successful partial fixations, separating, at least on a formal level, the 'professional' from the 'unprofessional'. The price is paradoxically a partial loss of identity, a collapse of a sense of purpose, which was hegemonised by governmental regulatory bodies.

Corruption as an empty signifier is thus a brittle bearer of professional articulations and interests. From the snap shot of this case-study, the future flow and patterning of the discourses cannot be predicted with more certainty than at the beginning of the study, albeit the struggles can be made



out in more detail. The findings do outline two main currents: In time, the hegemonic representations of professional associations around meanings of corruption may well link up to a critical mass of nodal points, feeding into swelling discourses on democracy, on economic development, and be transformed into public and secure spaces of economic, political and social agency. By the same token, professional identities, far from being profiled and differentiated and 'universalised', may well be hegemonised and smothered by other discourses on corruption, closing down the practical and symbolic spaces of professional associations to a narrow strip of technicalities.

## CHAPTER FOUR

### CLOSURES OF DEMOCRATIC SPACES? PROFESSIONAL ASSOCIATIONS AND CORRUPTION IN 2010

*Ridding a country of any kind of corruption, including corruption in procurement, is a long journey and 'A journey of a thousand miles begins with a single step' [Confucius]. Tanzania has not yet reached the end of this long journey, and this applies to many countries, but we have made not a single, but many steps into the journey and we wish the stakeholders to recognise and appreciate these efforts.<sup>1</sup>*

#### 1. Introduction

The intention of this chapter is to explore the patterning of discourses of corruption by professional associations over time. In one way, the conclusions of the case-study in 2003 are rather weak, deprived of grounds for a strong or predictive statement. Perhaps the ambiguous terrain mapped out in 2003 is also a function of the relative novelty of discourses and representations of corruption in the construction sector at the time, with nodal points still being sought and forged. In another way, the case-study is very revealing, crystallising the political struggles that seek to frame and fixate a certain order of things, universalise particular differences, and connect them up to other particular representations. The case-study also illustrated some of the modifications and transformations that professional identities have undergone in the course of hegemonising representations—both in terms of constructing professional identities as well as in terms of collapsing professional identities.

Now, seven years later, a second snap shot is taken, mirroring as far as possible the analysis of 2003, with the objective of capturing the practices and orders of discourses on corruption. In other words, the objective is not to 'validate' hypotheses carved out of the findings of the case-study of 2003. The objective is to provide a denser representation of the dynamics

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<sup>1</sup> This is a statement by the CEO of the Public Procurement Regulatory Authority in the PPRA's quarterly journal (see PPRA 2009: 4).

of social change, i.e. to understand practices, struggles and the trajectories of discursive representations of corruption over time.

A word on the extent to which the case-studies discussed in the previous and this chapter are mirrored. The qualitative methodological approach of both case-studies does not pave the way for an exact comparison that, in any case, might prevent the recognition of discursive dynamics. This second case-study is undertaken with a lens focused on the *politics* of corruption, rather than on *manifestations* of corruption, which was the original focus of the case-study of 2003. The structure of the study remains *grosso modo* the same, sketching out firstly the macro-context of politics and corruption reforms, secondly, the meso-level of (changes in) the institutional framework and key actors of the construction industry, and thirdly, the representations of corruption by professional associations of the construction industry. In a last step, the observed dynamics will be synthesised, analysing the hegemonic power of emancipatory discourses of corruption, and seeking to understand the specific processes of ordering differentials over time more clearly.

## 2. *Jakaya Kikwete—‘A dedicated spirit of government’?*<sup>2</sup>

At the end of the era Mkapa, Tanzania had a wide public awareness of corruption and a diverse set of governance and anti-corruption institutions. Under President Kikwete the fight against corruption did not receive quite the same prominence as it did under President Mkapa. At the beginning of his presidency in 2005, President Kikwete<sup>3</sup> did send a strong signal by (re-)appointing two respected persons as heads of key anti-corruption institutions, namely of the Prevention of Corruption Bureau (PCB) and the Auditor General. Also, the Prevention of Corruption Bureau was endowed with greater autonomy in 2007, granting it further investigative powers and upgrading to the Prevention and Combating of Corruption Bureau (PCCB). Further reforms include the amended anti-corruption bill, which was also passed in 2007, and the Enhanced National Anti-corruption Strategy (2006–2010) launched in the same year (see sections below).

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<sup>2</sup> This alludes to a response by one of the interviewed contractors (see below).

<sup>3</sup> President Jakaya Kikwete was elected in 2005, and at the time of writing his first term in office is coming to an end. Legislative as well as presidential elections are scheduled for 31 October 2010. For more information see the website of the International Foundation on Electoral Systems (IFES) under <http://www.electionguide.org/country.php?ID=211> (last accessed 8 May 2010).

At the same time, however, Tanzania had been shaken by a series of major corruption scandals that seemed to indicate that corruption was not receding. On the contrary, revelations of a system of grand corruption involving senior public officials, domestic private sector representatives and foreign companies in a context of relative impunity seemed to chase each other.<sup>4</sup> Although these cases date back to the era Mkapa, the jury is still out with regard to President Kikwete's dedication and seriousness about acting against corruption. Under his watch some massive corruption scandals have been exposed, involving key government institutions such as the Bank of Tanzania<sup>5</sup> and the sacking of the Central Bank Governor, or the resignation of his Prime Minister and two further Ministers due to their complicity in a huge corruption deal that has become known as the Richmond Scandal.<sup>6</sup> Unlike under Benjamin Mkapa, these cases have been dealt with through due process and debated in the public realm. But as an observer remarked in 2007, discussing Tanzania's grand corruption schemes: "Hopes that the new government would be able to curb corruption are evaporating as disputed projects continue to gain approval

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<sup>4</sup> For instance, the alleged corruption scandal involving USD 40 million in a government deal with British Aerospace for a radar system; the USD 47 million for the purchase of the presidential jet; the major corruption allegations with regard to the building of the USD 350 million Bank of Tanzania Twin Towers, which, according to experts, were double the costs of similar constructions in Tokyo or London; or the corruption scams under various privatisation schemes, most prominently the IPTL power supply contract involving the national power company Tanesco and several foreign companies (see, for instance, the article on "Governance and Corruption in Tanzania: 1995–2005" detailing corruption cases under <http://www.bongotz.com/news.html>, last accessed 20 April 2010; or the article on Tanzania Corruption Tracker "How corruption 'eats' Tanzanian taxpayers' hard earned revenue", under <http://www.corruptiontracker.or.tz/>, last accessed 20 April 2010; or Hussman/Mmuya 2007).

<sup>5</sup> The grand corruption cases of the era Mkapa include the Bank of Tanzania's External Payment Arrears Account (EPA) scandal; at the time of writing (2009), at least 13 individuals are in court over the 2005 scandal where the government paid USD 105.5 million to companies using flawed or nonexistent records from the central bank's External Payment Arrears Account. Also, the former president is himself implicated in a privatisation deal of a coal mine allegedly made corruptly and fraudulently (see, for instance, Tanzania Affairs, "Corruption-Crusade Continues", 28 September 2008, under <http://www.tzaffairs.org/2008/09/corruption-crusade-continues/>; last accessed 13 October 2009).

<sup>6</sup> They resigned after clear implications of their involvement in the Richmond scandal, a contract with a mirage company for emergency power supply that swallowed over USD 170 million from public funds. See, for instance, "Tanzania PM to resign over graft", BBC World News, 7 February 2008 under <http://news.bbc.co.uk/2/hi/africa/7232141.stm> (last accessed 14 September 2009); or Tanzania Affairs, "Corruption-Crusade Continues", 28 September 2008, under <http://www.tzaffairs.org/2008/09/corruption-crusade-continues/> (last accessed 13 October 2009).

from the executive.”<sup>7</sup> So in spite of the exemplary investigation into some cases, the extent of corruption in the public sector does not seem to have receded significantly. In fact, both the World Bank<sup>8</sup> and Norway<sup>9</sup> have recently sent some powerful signals, by threatening to reduce funds to Tanzania, justified on different accounts by corruption and lack of transparency and accountability.

Perhaps against this backdrop, ‘zero tolerance of corruption’ as a priority policy has not been wiped off the agenda. With the general elections coming up in 2010, at the time of writing President Kikwete has reactivated the national anti-corruption campaign. He began his campaign for a second term with a spectacular criticism of his own government officials. According to a leading national newspaper, speaking at the inauguration of the PCCB House in Dar es Salaam on September 10, 2009, the President

said that 30 per cent of the Government Budget was embezzled through big investment and contractual projects and in public procurement by civil servants. Of the Sh9 trillion 2009/2010 Budget, the theft of 30 per cent by government officials would amount to a whopping Sh3 trillion. This is almost equal to the 34 per cent that donors are expected to provide for development project.<sup>10</sup>

This may well be the beginning of a newly, invigorated anti-corruption stance of the government. On the other hand, there are indications that the ruling party, CCM, is only willing to have corruption cases addressed in which leading party members are not implicated. Nearly simultaneously with the President’s outspoken critique of corrupt public officials, the National Executive Committee (NEC), the governing body of the CCM, established a three-person-team, lead by former President Ali Hassan Mwinyi, to restore party unity and enforce party discipline at the August NEC-CCM convention—a unveiled paraphrase for curtailing

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<sup>7</sup> See Sebastian Sanga (Tanzania: Reporter’s Notebook, Global Integrity Report, Assessment 2007) under <http://report.globalintegrity.org/Tanzania/2007/notebook> (last accessed 5 March 2010).

<sup>8</sup> The latest Country Performance Rating of the World Bank shows poor performance of Tanzania on key lending criteria. According to newspaper articles, Tanzania stands to lose about USD 312 Million Dollars in soft loans in from 2010–2013 (see *The Citizen*, Friday 11 September, or *The Sunday Citizen*, Sunday 13 September 2009).

<sup>9</sup> Norway has been threatening to withhold funds due to entrenched corruption in natural resource management programmes funded by Norway. For a synopsis see <http://commons.globalintegrity.org/2009/04/headlines-in-tanzania-millions-go.html> (last accessed 14 September 2009); for the full report see Jansen 2009.

<sup>10</sup> See *The Sunday Citizen*, Sunday 12 September 2009, under <http://www.thecitizen.co.tz/newo.php?id=13771> (last accessed 13 September 2009).

critical voices within the party. The following account of the party convention makes the general atmosphere within the party very clear:

It is understood that during the highly-charged Dodoma meeting, more than 40 NEC members launched direct attacks on Sitta [the Speaker of the National Assembly] and other 'rebel' MPs for speaking out against high-level corruption in government.

They accused the Speaker of 'embarrassing' the government by allowing MPs during the recent parliamentary budget session to openly criticize senior public leaders, both past and present, and there were several calls for Sitta's immediate expulsion from the party and replacement as House Speaker.

An official CCM statement issued after the meeting said merely that all ruling party cadres—particularly MPs—had been banned forth with from speaking out on widespread corruption and abuse of office allegations against ex-president Mkapa. Nothing else was said."<sup>11</sup>

In other words, the signs of increasing party monopoly and especially of top-down control of party discipline that was already observed under Mkapa seems to be in the process of being formally consolidated.<sup>12</sup> The question where that leaves the political exposure of corruption and unethical behaviour of senior officials is open. Obviously, the internal debates within the CCM are being shut down, perhaps because leading members voice their opposing views. In marked contrast to 2003, however, the opposition party, Chadema, has gained considerable traction. It has grown in size and media presence, and its leaders, prominent members of the public, do not seem to be afraid (anymore) of addressing contentious issues and challenging government accountability. Although the proof will be in the 2010 elections, Chadema seems to provide a viable alternative for disaffected CCM MPs and voters.

It seems that in the past seven years two trends can be observed in Tanzania: on the one hand, large-scale corruption cases that occurred in the early to mid-2000s have been exposed; their occurrence can be explained simply through the increase in available funds (FDI and foreign aid), the institutional voids and loopholes during the rapid reform process, and not

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<sup>11</sup> The CCM-NEC session was recounted in *This Day*, one of the most outspoken and courageous English newspapers in Tanzania, on Friday, 18. September, in its frontline story "Msekwa gives his version of events" (pp. 1–2) (Mr Msekwa is the CCM vice-chairman). The excerpt is taken from page 2.

<sup>12</sup> The enforced party discipline makes the unspoken rules evident. Also, this increased tendency towards authoritarianism has been noted in several academic contributions. See, for instance, Skinlo 2007 or Hyden/Mmuya 2008.

least through the consolidation of political and economic power of the CCM, which was the ruling party during Julius Nyerere's socialist era, and has been in power since the first multi-party elections in 1986. On the other hand, the fact that these cases have found their way into the public realm and the justice sector is also significant. The same period has seen a remarkable change in the legal and institutional framework designed to prevent and sanction corruption. The reforms will be discussed below; suffice to note at this point that although their performance and implementation is uneven, the opening of political spaces and the hardening of legal practices, as evidenced in the prosecution of high-level corruption cases, may point towards a process in which *time* plays a greater role than it is usually accorded. Just how this process is to be assessed is open. Two quotes from two very knowledgeable Tanzanians, both prominent corruption experts in their own right, illustrate the discrepancy. When I asked them (separately) about the meaning of these grand corruption cases, the opinion of one was that it pointed towards an increased criminalisation of the state, to a tightening of the political elite and a handful of (mostly Indian) financial 'advisors' that were still protected in a tightly-knit web of impunity. The other person's opinion was more sanguine: "It was a window which is being shut now".

I shall now outline the institutional reforms aimed at shutting this window, undertaken in the period between 2003 and early 2010. This section provides an overview over national governance reforms, with the section following it zooming in on reforms in the construction sector. Both outline the institutional and policy framework of the realities of the professional associations that will be explored in the last sections of this chapter.

### 3. *Governance and Anti-Corruption Reforms in the Regulatory Framework*

#### 3.1. *National Strategy for Growth and the Reduction of Poverty 2005–2010 (MKUKUTA)*<sup>13</sup>

The MKUKUTA is the national framework guiding social and economic policies for poverty reduction. 'Governance and accountability' constitutes

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<sup>13</sup> MKUKUTA stands for 'Mkakati wa Kukuza Uchumi na Kupunguza Umaskini Tanzania', the commonly used Swahili acronym of the National Strategy for Growth and Poverty Reduction.

one of three clusters of poverty reduction, indeed, according to the MKUKUTA, it “provides the bedrock [...] for broad-based growth and improvement of quality life and social well-being to take place [...]. Human rights, a functioning and fair justice system and the war against corruption are key elements of this cluster” (MKUKUTA 2005: 31). The box below details its strategic objectives:

Box 1. MKUKUTA Cluster III—Goals and Targets for Governance and Accountability

- Structures and systems of governance as well as the rule of law are democratic, participatory, representative, accountable and inclusive.
- Ensure representative, inclusive (poor and vulnerable groups) and accountable governance institutions at all levels.
- Equitable allocation of public resources with corruption effectively addressed.
- Public resources are allocated, accessible and used in an equitable, accountable and transparent manner.
- Institute effective regulations and mechanisms regarding petty and grand corruption.
- Effective public service framework in place to provide foundation for service delivery improvements and poverty reduction.
- Administrative systems of public institutions are managed transparently and in the best interests of the people they serve.

(Source: MKUKUTA 2005: 50)

Tanzania’s poverty reduction objectives are supported by international donors through budget support and country assistance programmes.<sup>14</sup> Recently, a supplemental credit of USD 171 million has been pledged by the World Bank, specifically to help implement the MKUKUTA. According

<sup>14</sup> An edition of ‘Development and Cooperation’ dedicated to Tanzania in 2009 circumscribes the role of foreign aid and poverty reduction in the following way: “From 2005 to 2010, the government of Tanzania is implementing a strategy called MKUKUTA to combat poverty and boost growth. The strategy includes crucial institutional reforms such as political devolution and anti-corruption measures. [R]oughly a third of state activities and expenditures are financed with funding from donors at present”. The article goes on to describe the budget-support provided to Tanzania, which is only one of many forms of foreign aid: “In the current financial year (2008/09), 14 donors are contributing a total of \$ 750 million to Tanzania’s national budget. This amount makes up 12% of the budget and a full third of all donor spending. The UK and the World Bank are the main budget-support donors, each contributing around 25%. Germany’s share is below two per cent” (Spitzer/Fleuth-Leferink 2009, available online under <http://www.inwent.org/ez/articles/092482/index.en.shtml>; last accessed 25 March 2010).



to an online article on the TanzaniaInvest website, in this context the World Bank country director emphasised again the “added urgency to Tanzania’s efforts to improve the business environment and strengthen governance, in particular the fight against corruption”.<sup>15</sup> The MKUKUTA is also explicitly referred to as a frame of reference in the new national anti-corruption strategy (NACSAP II) (see below), along with other major reform programmes of the justice system and public administration.

### 3.2. *The Enhanced National Anti-Corruption Strategy 2006–2011 (NACSAP II)*

In the MKUKUTA, the enforcement of NACSAP is mentioned as one specific priority (MKUKUTA 2005: 51). NACSAP II (2006–2010) is the second phase of NACSAP I. It represents a continued official recognition of the importance anti-corruption efforts and a reaffirmation of the government’s zero-tolerance of corruption:

Corruption in public life undermines good governance and economic growth, distorts national development, and retards the general welfare of the citizens, particularly the poor and vulnerable in society. Considering these ill effects, the Government of Tanzania will maintain a zero tolerance for all acts of corruption, petty or grand, in the use of state resources, create public awareness, and engage all stakeholders in preventing and combating the vice (PCCB 2008: 1).

At the same time, it seeks to address and overcome some of the weaknesses experienced in the implementation of NACSAP I: “Considering that preventing and combating corruption is necessarily a long and tedious undertaking that requires patience, regular reviews, and innovations, the Government has decided to introduce a more robust and comprehensive NACSAP II” (PCCB 2008: 6). The new strategy emphasises the importance of ‘partnership’, aiming to strengthen strategic collaborations between governmental authorities, and broaden societal engagement against corruption by reaching out to the private sector and civil society.

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<sup>15</sup> See “World Bank funds Tanzania’s MKUKUTA strategy” of Monday 11 January 2010; under <http://www.tanzaniainvest.com/tanzania-economy/news/35-news/374-world-bank-funds-tanzania-mkukuta-national-growth-strategy> (last accessed 25 March 2010).

## Box 2. Goals of NACSAP II

1. Combat corruption in a more scientific way and by addressing its root causes;
2. Strengthen anti-corruption mechanisms at all the MDAs;
3. Introduce systems of integrity, accountability and transparency in Local Government Administrations (LGAs);
4. Mainstream and empower the Private sector into anticorruption;
5. Mainstream and empower CSOs and other non-state actors into the anti-corruption process;
6. Raise public awareness of anticorruption;
7. Build synergy between NACSAP and Legislative and Judicial Integrity Programs;
8. Enhance the capacity of PCCB, GGCU and Director of Public Prosecution to deal with corruption, manage and implement NACSAP.

(Source: PCCB 2008: 8–17)

Particularly relevant for the construction industry are the education of MDA staff on the PPA and the monitoring of its application and compliance (under Goal 2); the introduction of Council Integrity Committees on a Local Governance level, and capacity-building of Council Tender Boards (under Goal 3); and the identification of potential business and corporate association, consult with and build their capacity for anticorruption initiatives, as well as create public-private partnerships including central government and LGAs (under Goal 4).

The implementation of NACSAP II is envisaged along two main mechanisms. Firstly, on the level of Ministries, Departments and Agencies (MDA) it details that all anti-corruption efforts need to be an integral part of the relevant strategic plans and the expenditure frameworks for a more coherent and budgeted implementation. Secondly, the establishment of national and sectoral consultation mechanisms is planned, involving, on various levels, representatives from the Government, civil society, the private sector as well as development partners. Perhaps most emphasised throughout the document is the need for coalition-building, dialogue and consultation processes, with the establishment of a National Anti-corruption Forum as its pinnacle.

### 3.3. *Prevention of Corruption and Combating of Corruption Act (PCCA)*

In 2007, the Prevention and Combating of Corruption Act (No. 11) (PCCA) was enacted. The new act incorporates relevant provisions of the United Nations Convention against Corruption and the African Union

Convention Against Corruption. As a major improvement, the range of corruption offences has been broadened significantly, and under section 5 of the PCCA gives the PCCB (see below) a broader mandate and greater operational independence. In addition, the coordination between anti-corruption agencies has been strengthened.

#### 3.4. *Prevention and Combating of Corruption Bureau (PCCB)*

In 2007, in the wake of the revision of the legislative framework, the Prevention of Corruption Bureau (PCB) was renamed Prevention and Combating of Corruption Bureau (PCCB), established as an independent public body and endowed with a broader mandate. Based on the amendment of the PCA, the PCCB's scope of operation now includes more than twenty offences, and the officers of the PCCB have been given special powers, including certain powers of investigation (but not prosecutorial powers, which is under the mandate of the DPP).<sup>16</sup> According to their website,<sup>17</sup> the high level goals derived from their mandate are the following:

- Enlisting and fostering public support in fighting corruption.
- Examining systems and procedures of government and public bodies to identify corrupt practices or potential.
- Providing impartial and independent advice to organisations and individuals (public and private) on preventing corruption, or reducing its likelihood.
- Advising on implementation of revised systems and procedures in government and public bodies where corruption or its potential, has been identified.
- Investigating individual, organisation (public or private) or companies suspected of being involved in corruption.
- Prosecuting where appropriate, individual organisations or companies for offences under the prevention of corruption act and others.
- Creating an enabling environment in which objectives are achieved [sic]

The PCCB is organised in four departments covering prevention, public awareness, investigation and prosecution of offenders. At the time of writing, the PCCB is established in 21 regional offices, covering all of mainland Tanzania (interestingly, Zanzibar is exempt from its mandate). It has also

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<sup>16</sup> For an overview over the history, mandate and strategic priorities of the PCCB see PCCB (2007).

<sup>17</sup> [http://www.pccb.go.tz/index.php?option=com\\_content&view=article&id=19&Itemid=22](http://www.pccb.go.tz/index.php?option=com_content&view=article&id=19&Itemid=22) (last accessed 22 February 2010).

established a hotline, available under the telephone number 113, where offenses relating to corruption can be reported.

### 3.5. *Public Ethics Secretariat*

In 2005, the list of public leaders required to declare their assets was expanded. Also, the legal framework and organisational capacities of the Ethics Secretariat has been strengthened and expanded.

### 3.6. *Good Governance Coordination Unit (GGCU)*

Recognising the weaknesses of the GGCU, the government decided to increase the capacity of the GGCU in order to improve the coordination of NACSAP II. The so-called Integrity Committees, established in all MDA's as focal points of anti-corruption efforts, will prepare the quarterly reports that are submitted to the GGCU as a key component of monitoring the implementation of NACSAP II.

## 4. *Governance Reforms in the Construction Industry*

### 4.1. *Public Procurement Act (PPA)*

The enactment of the Public Procurement Act No. 3 in 2001 was repealed and replaced by the Public Procurement Act No. 21 of 2004, addressing many of the flaws of its predecessor. Key reforms include the application of the Act by local government bodies; the devolution of tendering responsibility to Ministries, Departments and Agencies; and the creation of two new agencies, the Public Procurement Regulatory Authority and the Public Procurement Appeals Authority (see below). Section 72 contains an anti-bribery clause which defines a corrupt practice as "offering, giving, receiving, or soliciting of anything of value to influence the action of a public official in the procurement practice or contract execution" (PPA 2004, Section 72).

### 4.2. *Public Procurement Regulatory Authority (PPRA)*

Established in 2004 under the revised Public Procurement Act, the mandate of the PPRA is to support a transparent, accountable and value-for-money culture of public procurement. It replaces the regulatory function of the former Central Tender Board. Contractors must register to be eligible for participation in public procurement, and a list of registered

contractors is distributed to all Tender Boards. They also act as an information gateway, with tender notices and procurement legislation and policies found on their website. The PPRA is endowed with provisions to blacklist companies.

Underlying their priority of supporting a transparent and due procurement process, across the top of the PPRA's home page runs a banner saying: "Our motto is promoting value for money procurement to the public. Corrupt free procurement [sic] delivers value for money procurement to the public. Let's join hands to build a corrupt free public procurement regime. Together it can be done."<sup>18</sup>

The emphasis on increasing sound public management of public procurement through an improvement of accountability and transparency is being prioritised by the PPRA. For this purpose, it has identified all relevant stakeholders and their role in the public procurement process, in which professional associations feature quite prominently (see Appendix 5 'PPRA Stakeholder Mapping', below). In 2009, an Anti-Corruption Strategy in Public Procurement (ACSPP) was developed as a contribution to NACSAP II, specifying challenges and interventions at the levels of a) prevention, b) detection, c) investigation, and d), enforcement. As part of this strategy, the PPRA developed a 'red flag checklist' covering all phases of the procurement process, which it intends to apply to all financial audits as from F/Y 2009/10. Here, the PPRA is intensifying its collaboration with the PCCB in detecting and investigating corruption in public procurement.<sup>19</sup> In the interviews, the integrity and competence of the director of the PPRA was emphasised. However, as the following sections will show, the PPRA does not seem to be accorded much weight in terms of institutionalising rule-based practices.

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<sup>18</sup> See [www.ppra.go.tz](http://www.ppra.go.tz) (accessed on 22 September 2009). See also the supplement of the Tanzania Procurement Journal whose editorial is dedicated to the topic of ethics and fair dealing in public procurement. The editorial column emphasises the importance for and indeed legal obligation of public officials as well as business people to adhere to highest ethical standards, but states: "Unfortunately, in this country certain practices exist and have been taken as a norm in public procurement." The column concludes with the plea: "Let us not view it [i.e. public procurement] as something which can enrich us quickly but as something which is necessary to bring development to the people through the provision of quality goods and services, in a timely manner and at prices which offer value for money to the Public" (Tanzania Procurement Journal (Vol. II, No. 12, Supplement No. 2, 14 July 2009; delivered free weekly with the Daily News; p. 1).

<sup>19</sup> See the October–December 2009 edition of the Tanzania Procurement Journal, edited by the PPRA, dedicated to anti-corruption strategy in public procurement.

#### 4.3. *Public Procurement Appeals Authority (PPAA)*

The Public Procurement Appeals Authority was also established under the revised PPA in 2004<sup>20</sup> with the aim of providing an independent mechanism through which bidders can submit complaints arising from the Public Procurement process out of court. On their website, they justify their establishment prominently with the prevention of wasted and misappropriated public funds—on their website “About Public Procurement Appeals Authority”, the first of only three paragraphs is the following:

More than 70% of the Government Budget is expended in Procurement related activities every year. The Controller and Auditor General’s Report that 30% of the losses report each year in the Government are losses identified with Public Procurement [sic]<sup>21</sup>

In other words, here too anti-corruption is prioritised as a prime objective of an improved procurement system. In practice, again, it does not seem to carry much weight, according to the impression gained in the interviews.

#### 4.4. *Implementation Action Programme for the Construction Industry Policy*

In 2006, the Ministry of Infrastructure Development launched the CIP’s Implementation Action Programme (IAP). The IAP is led by a Steering Committee chaired by the Permanent Secretary of the Ministry of Infrastructure Development, with the NCC acting as Secretariat. The 14 members are *ex officio* representatives of, amongst others, the Prime Minister’s Office (Regional Administration and Local Government), the Tanzania National Roads Authority, all registration boards of the construction industry (i.e. ERB, CRB, and AQSRB), as well as the ACET, TACECA, and AAT (MID 2006: 7).<sup>22</sup>

The IAP identifies twelve objectives of the CIP that require additional legal backing. In fact, the IAP reads like a wish-list of professionals and experts, addressing the need for promoting technological development, or the introduction of credit bonds, training funds and further financial tools

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<sup>20</sup> See Part VII of the PPA.

<sup>21</sup> See under [http://www.ppaa.go.tz/index.php?option=com\\_content&task=view&id=17&Itemid=29](http://www.ppaa.go.tz/index.php?option=com_content&task=view&id=17&Itemid=29) (last accessed 22 October 2009).

<sup>22</sup> See MID 2006.

to strengthen and protect the domestic construction industry. Relevant provisions for preventing corruption and strengthening professional standards are incorporated throughout the Action Programme. One explicit objective is ‘Promoting the Prevention of Corruption in the Industry’.<sup>23</sup> For instance, the IAP underscores the seemingly obvious enforcement of the amended Public Procurement Act to “[e]nsure transparency and accountability in procurement, design and contract administration” (MID 2006: 18, repeated on MID 2006: 22). Another example concerns the registration boards as well as professional associations, who are tasked to “[e]stablish and enforce ethical codes of conduct for the registered professionals” (MID 2006: 35). In addition, very much in the spirit of the professional associations, the CIP foresees a “[r]eview [of] enabling Acts for Regulatory Bodies to delegate some of regulatory functions to the Associations” (MID 2006: 42), with the policy objective to “[e]volve self-regulatory mechanism [sic] for their members as a way of ensuring delivery of quality service, competitive performance and prevention of corruption” (MID 2006: 42). In other words, the official discourse on the implementation of the construction industry sees a defined role for professional associations in a wide range of areas, from ethics, training and capacity-building to awareness-raising.

However, according to all interviewees with professional associations as well as authorities, the CIP has not even begun to be implemented. It is the epitome of a paper tiger. The main problem diagnosed was a lack of anyone in the driver seat; some interviewees emphasised the absence of political will—in the emphatic words of a representative of a contractor’s association, “what we are missing here is a dedicated spirit of the government”.<sup>24</sup> Others pointed out the organisational reforms in the MOW absorbing all space for strategic thinking, and others again to the relative weakness of the NCC, who has a real sense of ownership with regard to the CIP, but “has not got enough muscle” in relation to other government authorities, such as the regulatory bodies. In other words, in spite of providing a serious process and detailed operational framework allocating clear responsibilities to all major stakeholders, including professional

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<sup>23</sup> See MID 2006: 56, No. 8.2.8. in the Annex of the IAP.

<sup>24</sup> If not referenced, all the direct quotes in this chapter stem from interviews conducted in January 2010 with representatives of the construction sector in Dar es Salaam, Tanzania.

associations, the CIP never took off—and will, certainly in this version, never take off.

#### 4.5. *Extent of Corruption in 2010*

Across the board, and without an exception, all the interviewees, whether from the public or private sector, confirmed that the level and exigencies of corruption in the construction sector had not abated. On the contrary, people were under the impression that it had increased.<sup>25</sup> All the interviewees asked about the level of corruption in comparison to 2003 responded without hesitation that it was more pervasive and involved higher amounts of money.<sup>26</sup> Mainly this seems to be due to the influx of more and bigger finances. As a well-established consulting engineer remarked: “Corruption is not going down, it is rising. I mean, in 2003 a project of USD 20 million was an exception, now it’s absolutely normal”. Surprising, still, given the far more advanced regulatory and legislative framework, i.e. the greater independence and stronger mandate of the PCCB, the reforms of the PPA, the greater degree of institutionalisation of the regulation boards, and the establishment and operationalisation of the PPRA and the PPAA. In fact, when asked outright about the governance reforms in the construction industry, no interviewee said that the situation had improved since 2003. At best, some observed the situation had remained the same, in spite of the ‘frills’ of new institutions and amended laws. *Verbatim*, a civil engineer observed: “Corruption is not going down. These guys are not presenting

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<sup>25</sup> This perception of an increase of corruption in the construction sector contradicts the score of for instance the CPI that identifies a slight decrease of (albeit: overall) corruption in Tanzania in the same period (see Chapter 5, above). This perception is confirmed by the findings of the PPRA’s survey of Tanzania’s procurement system, which is based on survey methodology developed by the OECD, and which compares specific dimensions the procurement system with OECD baselines from earlier surveys (PPRA 2007: 75–80).

<sup>26</sup> The interviewees were referring to corrupt practices framing the project cycle of ordinary tenders issued by the public sector. However, two interviewees also pointed out that 2010 is an election year, and hence the tussle about and the ‘politicisation’ of tenders and their allocation as part of political campaigns was already palpable, with the concomitant increase in corruption. One well-connected engineer made an interesting point about the struggles within the system: “Many people do not know this, but there is corruption within the political system. Ministers are lobbying MPs to rubberstamp their projects. Parliamentary committees have become very powerful for this reason”. Tying this observation into the analysis on politics and political order in Africa discussed in Chapter 1, above, this kind of corruption is neither neo-patrimonial nor ‘disorderly’, but very much like the political corruption found in American or European politics (for examples and analyses see, for instance, Transparency International 2004).



the right ways to fight corruption. The tools are there. If government is serious, then things should happen”.

There was a definite sense of powerlessness pervading the comments on the extent of corruption. In distinction to 2003, where articulations of corruption were shaped by outrage and at the same time a sense of agency and promise, the interviewees now shrugged their shoulders—not without indignation, but coupled with resignation: “Corruption is a problem, but what can you do about it?” asked a consulting engineer, *nota bene* of an association which had been at the forefront of defining best business practices in 2003. This is a sentiment echoed by many others in a state of more or less agitation. After describing the infinite and often highly perfidious ways that tenders were manipulated by public officials, a successful and engaged quantity surveyor summed up the situation in the following way: “The enemy is very smart, I don’t know whether it is possible to do anything”. As a result his strategy was to try and stay clear from public tenders, and stick to projects in the private sector. “I would prefer to have a handful of small or middle-sized private projects than one or two big public projects. They are a waste of time and money”. This strategy was enthused by most other interviewees, who confirmed that corruption in the private sector was minimal, and, another distinction to public sector projects, the efficiency of the project management itself was far greater: “They want value for money”. Only: not many professionals are in a position to make acquisitions and secure projects in the private sector, either for lack of capacity and experience, and/or because major investment projects are only available in Dar es Salaam and one or two other cities. In the regions and rural areas, public investments still constitute the overwhelming majority of projects, from roads, waterworks, irrigations schemes, infrastructure, power supply, etc. In other words, this strategy of ‘exiting’ the public sector, a real alternative in comparison to 2003, when there were hardly any private projects available to local companies, is limited to the select few. And for the public sector there still seems to be one truth: “Everyone is corrupt, even every service in rural areas”, according to a contractor.

So, just comparing corruption in the construction industry between 2003 and 2010, the one major space easing the pressure to (be) corrupt noted by the majority of respondents is not the firmer normative framework, the greater legal coherence, the institutional filling of regulatory voids, or even the professionalization of the industry—no, it is the increase of private investment in construction. A conclusion reflecting rather poorly on the implementation and internalisation of governance reforms.

I shall discuss how this situation frames the room to manoeuvre of professional associations.

5. *Professional Associations and Corruption in the Construction Industry*

In spite of the openness of the findings of the case-study of 2003, I had formed at the back of my head the hypothesis that given the structural reforms, the improved legal framework of public procurement and more coherent regulation of professionals, professional associations would become more asserted, stronger and more assured in their professional standing within the construction industry and policy making processes. In other words, in an admittedly highly optimistic Weberian reading, I assumed that articulations of corruption referring to particular normative frameworks, professional ethics as well as professional industrial policies would, firstly, lead to a profiling and 'hardening' of their professional identity, and secondly, to an at least partial hegemonisation of governance discourses by the associations, manifested in more resources and a stronger voice. This, in my opinion rather neat hypothesis begun to crumble with the very first interviews—and, a bit like all the kings men and all the kings horses attempting to put Humpty Dumpty together again, I have not been able to reassemble it since. Yes, the discursive terrain that presented itself in 2003 was, in 2010, transformed through the remarkably extensive regulatory reforms described above. Yet it seems that this formally restructured construction industry (one could also say: the dislocations in the discursive landscape) has not expanded the hegemonic power of professional associations, although their representations of corruption were, as the case-study of 2003 indicated, doubtlessly formative to the ways these reforms were articulated and formalised. However, instead of this process leading to an increase in the democratic space of professional associations, quite the contrary seems to have happened. Firstly, corruption seems to have all but disappeared as an empty signifier—not, as was indicated above and will be shown through the eyes of professionals, because of a lack of nodal points that 'corruption' could connect to, but because the hegemonic representations of official regulatory institutions (especially the regulation boards) has proved to be more dominant, 'smothering' and appropriating the emancipatory corruption discourse of professional associations. This holds not only true for the corruption discourse; it seems that in general the articulatory and practical spaces of professional associations has been filled with official articulations, thus

closing down on differential, democratic spaces. This argument will be substantiated below in the sections talking through the different dimensions affecting the identity, resources and boundaries of the professional associations.

*Professional Associations:* In 2009, three professional associations had disappeared from the NCC's list of professional members,<sup>27</sup> and two more had been added, including CATA.<sup>28</sup> Given the small number of professional associations and the size of the private sector in construction, this is quite a remarkable fluctuation. Interestingly, in 2009 the contractors working in the informal sector formed a professional association (Tanzanian Association of Informal Constructors (TAICO)), with the support of the National Construction Council and the UNDP.<sup>29</sup> According to two interviewees, in 2008 the establishment of an apex organisation for all professional associations was induced. However, its establishment has not progressed since.

*Membership:* All the associations are still struggling with a lack of interest and lack of members. This has two main repercussions: the first is a financial problem, as the associations are largely membership-financed. The second, linked to the first, is the problem of lack of membership. The associations all struggle with relatively weak membership numbers and the concomitant lack of representativeness—an issue unchanged since 2003. “You need a strong voice, the voice comes from the members. You cannot speak with a strong voice if you have less than 50% of professionals as members”, said the executive secretary of a formerly influential engineers' association. As an example, according to the executive secretary, ACET had an estimated average of less than four new members in the

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<sup>27</sup> These were the Tanzanian Association of Contractors (TACA) (which according to informants was never operational), the Association of Electrical Contractors Tanzania (AECT), and the Association of Valuers and Estate Agents (TIVEA), none of which were included in the study of 2003.

<sup>28</sup> The other association is the Tanzanian Institution of Arbitrators (TIArb), which was also not included in the case-study of 2003.

<sup>29</sup> The informal sector was not included in this case-study, and this point shall not be elaborated any further. However, from the interview with the responsible desk officer and from the documentation provided by her, there are some interesting observations that can be made. The prime objective of TAICO is to improve the exploitative work-conditions and wages of the informal workers. This incongruous hybrid type of association between the formal and informal seems to be an indication of a) the increasing importance of formal recognition to have access to more and better paid jobs, b) the increasing importance of speaking with a collective voice to influence the sectoral framework, and c) the increasing confidence about and engagement to demand basic rights. Tellingly, TAICO's constitution does not include any provisions on professional codes of conduct (see TAICO 2009).

past years, and in 2008 no new member at all. In 2009, however, according to the executive secretary the 'value added' provided by the directory they had recently published (see under 'activities' below) attracted seven firms and 12 individual members, which constitutes a remarkable success. Still, the issue is both a problem of numbers and of weight. On the one hand, the associations are struggling with attracting sufficient members in absolute terms; but equally weakening is the fact that the associations are not necessarily attracting the important players, i.e. the bigger firms or the experienced and established professionals. The latter seems a particular problem for 'established' professions, i.e. the engineers and the architects.

All the associations included in this study had a membership of under 50%, although exact numbers were hard to get, also because the distinction was made between 'active' members—i.e. members who paid their membership fees—and other members. Examples are ACET, which has about 90 members out of an estimated 200 registered consulting engineers; TACECA, which has an estimated membership of approx. 300 out of a total of more than 1000 registered civil contractors; CATA with an estimated membership of approx. 500 (of which about 350 'active' members) out of a total of about 4000 contractors; the AAT has approx. 80 members (out of approx. 250 registered architects). The TIQS seems to have the best ratio, namely 80 individual members out of a small community of about 150 registered quantity surveyors. However, of the 80 members only about 40 are actually registered quantity surveyors, the other members are only graduate members. The problem of lack of members as well as lack of commitment by the members in paying their fees was emphasised throughout the interviews, particularly in the small associations.

The reasons for this scant interest given were mainly lack of a sense of community within the professions themselves, even within the more established professions. "They do not see the need for us", was diagnosed self-critically, or, with a more cutting assessment of the absence of cohesiveness of the professional community: "They are not interested in the future of the profession"—be it because many professionals are content with the existing situation and opportunities, be it because they are not sufficiently aware of the work of the associations, or be it because they quite literally do not subscribe to the objectives of the association. Many are members (in fact, the ERB stipulates membership in a professional association as a condition for registration, be that a national, regional or international association), but do not pay membership fees or take part in the annual meetings or other events. Other reasons given were not just

lack of interest, but also lack of time: “people are willing, but they are too tied up with their own business”, was observed by interviewees of several professions, i.e. everyone is so busy that they cannot or do not want to make time for additional (especially voluntary) engagements.

An additional point not raised in the interviews of 2003 was now addressed quite emphatically. The registration boards are mainly financed by the professionals themselves, their fees being statutory for registration. The sentiments within the professional community with regard to the associations seems to be that “they pay fees to CRB, why should they pay us too?”. This is especially pertinent as the registration boards have taken on many functions that the professional associations formerly filled, most notably professional standard setting. There was a distinct sense conveyed by most of the associations themselves that, indeed, they were not offering any ‘value added’ to the community, because they are too small, too poor, and too weak to influence official policies. But in particular, it was emphasised that they were weak in terms of status as well as resources vis-à-vis the ever stronger registration boards.

*Staffing:* The associations vary in terms of staff available to them. In comparison to 2003, there is a small professionalization to be witnessed, with more associations endowed with permanent staff. However, the staff numbers are still very small; for instance, ACET has a staff of four (with a paid executive secretary only since 2005); IET has a similar set-up. TACECA’s staff is down from four full-time positions in 2009 (including an advocacy position) to two in 2010 (the Executive Secretary and the Office Manager), although they have been successful in attracting funding. But most of the associations were completely reliant on voluntary work, which constitutes a major problem. Human resources to convene and inform members, plan and execute the variety of activities is a very scarce resource. The question: “When to find time?” was raised several times in the course of the interviews, not to mention the question how to find money. The impression was that the smaller associations, such as the TIQS or AAT, are completely reliant on less than a handful of persons (in both cases without any permanent staff), and the others are all also struggling with constraints.

*Activities:* Most of the associations were involved not so much in out-right advocacy, but were concentrating mainly on technical activities, such as improving specific provisions of contracts, procurement stipulations or training. To secure their purpose and status, most the associations were in one way or the other cooperating with the relevant regulatory boards on training. Health (such as HIV/AIDS, or health and safety on construction

sites) seems to be one area of advocacy and engagement, which is also supported by donor agencies and international organisations.<sup>30</sup> Two of the associations were primarily concerned with compiling and publishing a directory of all professionals in the community.<sup>31</sup> As such a directory had not previously existed, or urgently required an update, these activities were seen to be of immediate use to the members and beyond. All associations were involved in activities to protect their profession and specific quality standards, for instance through specific contractual stipulations or financial arrangements. Also, new ways of cooperating with the authorities were being sought, for instance, through MoUs on areas of activities and responsibilities.

Where possible, the associations were seeking to participate in intergovernmental fora that in most cases go beyond the construction industry. One important vessel is the Tanzanian National Business Council, where “our voice is heard in the highest level”, as representatives of two of the associations underlined. General opinion was that influence had to be sought as close to the ‘realms of power’ as possible, going beyond the immediate regulatory and institutional framework by connecting to ‘higher’ discourses on public-private cooperation and dialogue.

Notable was that ‘corruption’ had all but disappeared from the agenda of the associations. Whereas in 2003 nearly all associations had some project, activity or forum articulated around corruption in a wide sense (i.e. professional ethics, improvement of legal framework, more effective and transparent implementation etc.), in 2010 no discourse on corruption connecting up to other discourses (in this sense: public discourse) could be discerned. Of all associations, TACECA was the only association that has a project in the pipeline, but a project that has been lying dormant for the past few years due to lack of funding.<sup>32</sup> According to the leading represen-

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<sup>30</sup> See the activities by TACECA, who are engaged in the prevention of HIV/Aids in road projects, or the IET, who in collaboration with the ERB and OSHA are aiming to include health and safety in the criteria’s of the tender boards.

<sup>31</sup> The two associations are TACO and ACET, so this seems to be a particular concern of the consulting industry, to enhance visibility and access to information on companies.

<sup>32</sup> One proposal on ‘TACECA programme monitoring Anti-corruption initiatives in the construction sector’ had been prepared by the ITT (UK) for TACECA in November 2007, but found no further funding (unfortunately no copy of this proposal could be obtained). Before that, in 2006, TACECA outlined another governance project on ‘Design of a System for Monitoring the Implementation of Policies and Legislation Focusing on Local Civil Engineering Contracting Subsector’ (see picture), which, amongst other objectives, includes the identification of mechanisms to “assess issues hindering the growth and improvement of local civil engineering contracting sub-sector” (TACECA 2006: 6) which, the draft report

tatives of TACECA, the reason given by the funding organisation was that corruption was now an issue taken up by other, specialised civil society organisations, and hence there was no need for a professional association to address the topic.

The general impression gained from the interviews was that discursive articulations of corruption have significantly decreased both in general representations within the public media as well as in the more circum-spect field of construction industry policies. In spite of the problems that still pervade the construction industry, the constraints on (legally) profitable, quality work and on the professional integrity of professionals in the construction industry, the professional associations are not addressing the issue in a programmatic fashion. TACECA is the only association that has attempted to kick-start it in a more systematic manner, but has failed due to lack of funding. This does not mean, however, that the topic has lost its salience for the associations, or that it is not addressed in more informal ways. A leading member of the TIQS exclaimed “in all these forums and meetings [with government], corruption is always a topic, but the Minister or the Deputy Minister does not listen”. This sentiment was echoed nearly verbatim by other interviewees from professional associations, embittered that “we shout, but they do not want to hear us”. There seems to be a particular ‘deafness’ of the public sector to the voices of the professional associations, in general, as will be commented further down, but in particular with regard to issues of corruption. This lack of impact may be compounded by the problem of social compacts that was already diagnosed in the case-study of 2003; as a civil contractor pointed out, describing encounters with the government: “You talk, you agree, but then nothing is implemented the way that you think it should be”—the associations’ voice “goes in one ear, out the other”, as his colleagues put it in a different interview.

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concludes, “include poor technical and management skills, lack of investment capital and finance, poor management organization, lack of access to work opportunities, globalization, marginalization and corruption” (TACECA 2006: 53). The Terms of Reference were laid out by the funding organisation, Business Environment Strengthening for Tanzania (BEST), supported by the World Bank, the government of Denmark through DANIDA, of Sweden through SIDA, of the United Kingdom through DFID, and the Embassy of the Kingdom of the Netherlands.

### 6. *'Our voice is not heard': Perspectives on Public Officials*

The discourse on the public sector as articulated by professionals in the private sector has mutated slightly. The problem of wage asymmetry is not accorded the same weight as it did in 2003, although there is still a discrepancy of about 1:3,<sup>33</sup> according to an eminent board member of the ERB. As he accorded, this discrepancy still has a potentially corrupting effect, but it was not a feature problematised further in other interviews. What was striking in comparison to 2003 is that the public sector was characterised in similar terms by the professionals, and yet with some very significant differences. The distinction between 'us' and 'them' was still being drawn in terms of both attitude and greed: "Government officials are not professionals, they cannot see. It is a problem of mind-set, not that they are benefiting a lot. If they were pushed out of the public sector into the private sector they would realize", as a civil contractor observed, emphasising on the lack of exposure and professional experience of senior officials. This assessment of obstructive senior officials was resonated by a consulting engineer: "The wages are not a problem, just greed. It's not the ordinary person in the office, but the senior persons, those persons with the power to blacklist a contractor, to blacklist a consultant, those with a good salary, with extras perks. They want to buy a new car, they want to build a new house in one year. So they resort to malpractices". As an established and recognised contractor lamented, echoing others: "Why should they not work for money?", referring both to the greed and discretion encountered in public officials, as well as to the difficult economic situation of contractors, whose profit margins are still and perhaps increasingly squeezed by competition and corruption. The comments also, of course, point to a particular entrepreneurial ethics, a pride in earning one's own money through productive and professional work (as opposed to the 'unproductive' bureaucrat).

The great difference between 2003 and 2010 is not, then, a change in mind-set and official ethics, or more effective normative sanctions, as might have been expected from transformed regulatory landscape. No: the difference lies in the articulations around the space that regulatory institutions are taking up. Not in the sense of creating and protecting spaces

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<sup>33</sup> The example given was for a young graduate engineer, who would earn approx. USD 400 a month in the public sector, compared to approx. USD 1200–1500 in the private sector.



for professional practices, but in the sense of encroaching on the spaces of professional associations in terms of standard setting, outreach, training and definition of best practices. All associations of the construction interviewed were agitated about the fact that especially the registration boards were taking on more and more functions that hitherto had been exercised by the professional associations—and which, as was strongly felt, the associations were far better placed to exercise. Since they have been established, the registration boards “are slowly showing their muscle”, as was stated with regard to their expansion of activities. Indeed, both the ERB as well as the CRB’s mandate has widened, and they are increasingly active in accreditation, training as well as outreach, for instance, through their AGMs or through local consultative meetings. The need for the registration boards was not disputed, on the contrary, but the need for complementary spheres of activity was underlined. Statements such as the following were regular features of the interviews: “The CRB should not act as police, they should support us”. “Why are they conducting training? These are things that we are far better placed to do.” “We are striving for CRB [sic] not to jeopardize the work that should be done by the associations”. The legitimisation of their ‘better placement’ was drawn from three reasons: firstly, through the associations autonomy and independence (a distinction made by statements such as: “the ERB cannot do anything against the government’s will”); secondly, responsiveness to the needs of the profession (examples abound, from health and safety requirements to specialised contractual arrangements); and thirdly, through their more relevant degree of expertise, not least through continual interaction with regional and international apex organisations, with which all associations were involved in.

Problematic remains the scant recognition that is accorded to the associations, in spite of their formalised interaction and consultation process with regard to various institutional and legal reforms (which begun with the establishment of the registration boards and has continued over the PPA and its amendments, the CIP and its IAP, as well as to various specialised technical specifications), as well as the frequent physical proximity and interpersonal exchanges.<sup>34</sup> The complaint and agitation with

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<sup>34</sup> The interpersonal exchanges are quasi-guaranteed because of the small size of the expert community in the construction sector. The representation on the boards as well as other official meetings and committees are routine meeting-places for public and private representatives. In addition, some associations are actually located or have an office space in the same building as the registration boards, such as, for instance, the IET.

regard to the 'deafness' of public officials and institutions when it comes to addressing corruption is resonated on a larger scale: professional associations, to a greater or lesser extent, are not mute, but their voices are muted. Their efforts at hegemonising representations, be it on corruption or others, are characterised by palpable power asymmetries, by highly uneven endowments with symbolic and material resources.

A case in point is the official, statutory guaranteed representation of the professional associations on the registration boards. Most interviewees from the associations acknowledged that communication had become easier as a result of the official representation and the formalised encounters and spaces of communication. The interpretation on the effects of these formalised encounters, however, differed from association to association, depending on their relationship with the registration board in question. One problem that loomed large was that, whilst the associations have the statutory right to nominate candidates for the boards, it is at the discretion of the Ministry to appoint the final members. Evidently, the associations strongly resented the fact that they were disenfranchised in terms of 'real' representation.

At the same time the cooperation between the registration boards and the associations seems to have drawn closer and become more formalised. In their quest to secure own spaces and counteract the traction of marginalisation, the associations seek to formalise their cooperation with the registration boards. As mentioned above, the IET is in the process of drawing up a Memorandum of Understanding between themselves, the ERB and the Occupational Health and Safety Authority (OSHA). One objective of the IET is the official recognition of health and safety standards by the PPRA as a criterion for awarding tenders.<sup>35</sup>

The division of labour between the associations and the registration is irksome to all associations. On the one hand the associations feel marginalised and expropriated by the expansion of regulatory activities. On the other hand, there is a sense of abuse of their expertise and voice, which is called upon only when it suits the registration boards. This, interestingly, also holds true in one case where the registration board evidently calls on the association to criticise certain government policies, which the registration board, as a government agency, could not do itself. "But these are not necessarily our opinions or our stakes", was complained. This is a particularly interesting case of inverted hegemonisation, showing again

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<sup>35</sup> Unfortunately no copy of the MoU could be obtained.

the shifting boundaries between and within both government as well as associational discourses.

What was remarked in 2003 still holds true in 2010, namely the importance of individuals. The professional community engaged in policy work is still very small, and personal relations are important. In many cases the integrity or capability of a particular executive of a public agency was acknowledged, also underlining the fact that this rendered communication and professional recognition much easier. An influential factor seems to be the professional qualification of the public official in question, i.e. whether he (mostly he, not she) is from the same professional community or not. This is especially felt within the non-engineering community, due to the dominance and establishment of the engineering profession in the Tanzanian construction industry and policy framework. Remarkable is that at least two important institutions of the construction industry, the NCC and the PPRA, are directed by persons who are generally acknowledged to be competent and genuinely engaged in promoting professionalism. However, without contesting the integrity or the skills of these individuals, the institutions themselves were not seen to be very effective, placed as they are within a disabling environment.

As indicated above, however, the discursive landscape has changed. Those associations with sufficient human resources are increasingly articulate in fora that go beyond the construction industry, in committees or high-level meetings that create overarching formalised nodal points between the public and the private sector. Interestingly, better inter-sectoral communication is also one of the prime priorities of the NACSAP II, which seeks to create a variety of local to national stakeholder platforms. In the construction industry, it is perceived that, as was outlined in the previous sections, the Cabinet and in particular the relevant Ministries (MID and MOW) are not very strategic or proactive in designing, structuring and implementing industry policies. Hence, the need to be 'heard' in other spheres seems to lend itself to discourses of professional interests. One of the most important cross-sectoral vehicles seems to be the National Business Council (NBC), which is chaired by the President, and has twenty members of the public sector (government and senior public officials) and twenty members from business. The latter include representatives of the professional associations, such as TACO or TACECA. As a civil contractor remarked, "there, our voice is heard in the highest place".

To conclude, two features are notable. The first is that professional associations are at pains to take their representations out of the construction industry, and be heard in the wider and weightier forum of selected

business interests. The second is the emphasis on non-adversarial politics. As the same civil contractor, who represents an association in the NBC, emphasised: “When talking to government we say we are not hostile, we are trying to build a friendly environment.” Professional associations are endeavouring to engage in dialogue, not confrontation, with the state—and this increasingly beyond the narrow confines of the construction industry, in which, in addition, due to its still relatively small size persons and personalities know each other only too well.

7. *Hegemonies and Fixations of Corruption:  
Conclusions in Space and Time*

Looking back, at the end of the case-study in 2003 there was no clear-cut conclusion on the stability and closure of professional identities. The articulations of professional identities and purposive representations of collective interests coupled with political claims were, at that time, still relatively fresh. Very clearly, at the time they were restructuring and being restructured by the evolving regulatory framework and the emergence of new official actors. This restructuring process was inscribed deeply by the donor discourse on governance and corruption, which provided the material and epistemic frame of reference for relevant governmental policies in the construction industry and, more generally, with regard to specific anti-corruption measures. The conclusions were very much in terms of a snapshot: on the one hand, professional identities were becoming firmer and more universalised through processes of articulation that employed corruption as an empty signifier. Corruption, in this understanding, served to unify differential demands, i.e. the distinct demands of the different professional associations themselves (distinctions that are sharply drawn), as well as differential demands inscribed across the public-private divide. Thus the meaning of corruption is emptied out and refilled with particular meanings that all refer to a common universality, enabling and creating a set of relational differences: a chain of equivalences that allows these distinct and different identities to relate to each other.<sup>36</sup> Corruption as an empty signifier renders demands of the Anti-Corruption Machine (as embodied in relevant donor discourses), demands articulated in national development policies, demands emanating from public institutions as

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<sup>36</sup> For elaborations see Laclau (2000, 2004), Gasché (2004), or Norval (2004).

well as the demands from the professional associations mutually legible. In the process, the different hegemonic representations undergo modifications, constructing and experiencing new differences (e.g. between different professional associations, or between professional associations and regulatory bodies) as well as new equivalences (between particular professional associations and regulatory bodies, or between professional associations and national business interests).

In 2003, the jury was out with regard to fixations of the hegemonic representations and delineation of identities of professional associations in the construction industry. Both a successful hegemonisation process was thinkable, with the hegemonic representations of professional associations forging chains of equivalence with the social imaginary emerging in the process of democratisation, pluralisation and liberalisation. 'Successful', here, would mean that the particular meaning of corruption as articulated by the professional associations, demanding political and economic spaces that create professional recognition, professional integrity and rule-based, legal profit-making opportunities, would acquire a universalising effect. This did not seem unlikely, especially as the governmental discourse on development, the donor discourse on governance and anti-corruption, as well as more concretely the legal and institutional framework were all operating with similar statements. At the time, the elements of articulating corruption in this emancipatory sense were readily available (a contingent process which is by no means predetermined), and lent themselves to being filled with distinct and different representations.

At the same time, the dominant practices of corruption were framed by a different set of logics—profit-seeking and profit-making 'no matter what', largely unconstrained by legal sanctions or ethical norms. This counter-discourse squeezed the spaces of professional associations considerably. On the one hand, it made their demands of social transformation more urgent, more pressing, as reflected both in the observed belligerence or frustration of responses, as well as in the frequency that 'corruption' was problematised and employed as *pars pro toto* for disinterested, self-serving public institutions and political marginalisation. On the other hand, the dominant practice of corruption characterising the construction industry—a hegemonic representation *sui generis*, as indicated in the conclusions to Chapter 3—deprived the professional associations of the material and, to an extent, the symbolic (in terms of credibility and legitimacy) resources to articulate their demands. The increasing numbers and diversity of articulations by professional organisations, the regulatory changes, and increased interactions of professional associations with

public agencies, with 'corruption' acting as an empty signifier, could be interpreted as an emancipatory process, leading to more diverse political and economic spaces for professional associations. The demands, statements and practices of professional associations had obviously made their mark, resulting in concrete regulatory and institutional reforms—albeit not to the extent hoped or demanded. In addition, the heterogeneity and variety of linkages and coalitions between and across the public/private-divide made a more open, more emancipatory process thinkable. But on the other hand, the dominant practice of corruption and the discursive closures witnessed at the level of national politics in terms of authoritarian trends were structuring the political spaces hierarchically, endowed with and exerting far more power than the small and weak professional associations could ever hope for.

In the years between the two case-studies, the structuring of the political spaces and the delineation of professional identities underwent dynamics that were not predicted in 2003. The first and foremost conclusion is that corruption as an empty signifier has waned. 'Corruption' is still a dominant discourse of national development and growth, but it has lost its power to forge chains of equivalence for emancipatory micro-struggles. The democratic spaces and standard setting power of professional associations has decreased significantly. Although professional associations are seeking to reach out beyond the confines of the construction industry to high-level meetings, the nodal points are not forged by the signifier corruption. Corruption is still being articulated by professional associations, but not in a programmatic form—partly, of course, due to lack of donor support, who have 'externalised' the topic of corruption to specialised civil society organisations; partly due to governmental practices that foster impunity. In 2010, corruption is articulated in far more informal, more indirect ways by professional associations, thus losing much of its hegemonic power. This loss of power and resonance is reflected in the relative loss of recognition and visibility of professional associations in this period. Evidently, I do not mean to say with this that 'corruption' is the only empty signifier that is capable of articulating the professional demands and interests for a rule-based, democratic social order, or constructing the nodal points strong enough to inscribe their discourse in the discourses of other (in particular: public agents) social agents. But in 2003 'corruption' seemed to be endowed with the right ingredients against the right horizon to do so. But the empty signifier 'corruption' has shrunk and become dissipated, not evocative enough to synthesise collective action or social imaginaries anymore.

Interestingly, the actor articulating corruption most forcefully and coherently is a regulatory authority, namely the PPRA. The PPRA is clearly seeking to construct corruption as an empty signifier, seeking to represent the 'unity' of regulatory institutions and professionals within the construction sector as well as that of sectoral and national reforms as unified in the fight against corruption and for more efficiency and professionalism. The discourse of corruption is employed to delineate the regulatory body's identity, seeking to bolster its own visibility and authority. However, as far as could be ascertained, professional associations have not sought to link up to these articulations (as indeed the PPRA has not reached out to them), nor do these articulations show much traction with other governmental agencies. The lack of hegemonic radiation has to do with the social actor seeking to fill it with one particular meaning; in this case, the PPRA who, in spite of the importance of its mandate, itself does not occupy a very powerful position within the governmental administration as well as within the construction industry.

But this lack of hegemonic radiation also demonstrates that corruption as an empty signifier has lost its allure, its gravitational force—it is not powerful enough anymore to link up discourses, to collapse frontiers between different identities. The different social agents in the public as well as private sector are concerned with the construction of other empty signifiers. In this, certain actors are far more successful than others. Overall, it seems as if the hegemonising representation of the regulatory bodies has appropriated much of the differential identities of the professional associations. By taking over terms, values and practices such as 'professionalism', 'quality', or 'training', the regulatory bodies have also taken over the spaces formerly created and occupied by the professional associations. Instead of securing spaces, in a paradox twist the successful discourses of professional associations have served to disempower them. In effect, the process of establishing a comprehensive regulatory framework to safeguard professional quality and practice has led to a squeezing out of professional associations' spaces. The *de iure* functional differentiation this process is embedded in, in principle welcomed and sought, has not resulted in *de facto* functional differentiation, which would allow and indeed necessitate a diversity of logics. Instead it has resulted in building and reinforcing the power and the outreach of the state.

Important at this point is to note that although the state's power has definitely been extended by this regulatory process—and evidently in very real senses—this power is not as monolithic as depicted in many neo-patrimonial accounts, or as single-logic-driven as more radical

accounts of instrumentalisation and criminalisation would have it, nor indeed as deterministic as accounts of socio-cultural frameworks outline (see Chapter 1, above). The power of the state is transformed and consolidated through idealtypical rule-based institutional change, effecting and enunciating certain democratic moments. However, the effects of this transformation are far more diffuse than anticipated. It does not fall neatly into the category 'stronger institutional framework', as evidently the institutional framework, whilst largely endowed with authority, does not enforce its rules. It does not fit neatly into the category 'increased authoritarianism', as there is a marked heterogeneity in terms of integrity and 'culture' of public agencies to be observed. And it does not fall neatly into the category 'democratisation', as the power asymmetry between the public and the private sector (at least the part of the private sector observed) is pronounced.

It is precisely this uneven spread of power within the social order (beyond the public/private divide) that needs to be understood in a more discerning fashion. Professional associations are endowed with very few resources.<sup>37</sup> They do not have the symbolic or the material resources to 'make themselves heard', to make officials and public institutions listen and act. Corruption as an empty signifier has lost the power to capture the imagination and, not least, the funds to resonate in public. I shall return to the question of inequality in power relations and the effects on the structuring of political spaces in the concluding chapter. Suffice to say at this point that the statements made by professional associations (and indeed other actors within the construction industry) on corruption are too dispersed and too irregular to coalesce to a discursive formation, to a regular and dominant representation that radiates into practices, articulations and statements of other social actors. There is a definite sense that the window of opportunity, the historical horizon against which such emancipatory statements could be made legible and audible, has closed. Whereas in 2003 there was a distinct (if brittle) sense of professional identities and interests being profiled and represented in official discourses, these have now been hegemonised by official discourse. Instead of achieving a hegemonic representation themselves, the articulatory process (which had hegemonic moments) has led to official discourses totalising these claims. The nodal points constructed by the professional associations have

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<sup>37</sup> Or, put in Bourdieu's terms, they occupy very weak positions in the social terrain (Bourdieu 1985).



shrunk to highly formalised practices: to Memorandum of Understandings, to the formal division of labour between them and the registration boards—but framed by a clear and known power asymmetry.

Thus, the political spaces characterising the construction industry in Tanzania are structured by an intriguing mix of stronger democratic politics on a national level, weaker democratic identities on a sectoral level, stronger regulatory institutions and representations, and, certainly within the construction industry, a shrunk public (in the sense of shared) space in which meanings and claims can be heard. But although the case-studies have illuminated some of the processes through which democratic discourses are inscribed, articulated or, indeed, are disarticulated, they say very little about the conditions under which such democratic social change becomes possible in a non-deterministic, non-linear way. Obviously, the case-studies were only focusing on a very narrow strip of social order over time and in space. However, the question merits our attention on a more fundamental level. As Aletta Norval argues in reference to equality (as an intrinsic element of democratic politics), constitutive is

a change of perspective, of aspect, forced upon the existing social order, which institutes a new space where meanings may be shared. To repeat: there is not first a shared space in which all reasons and demands may be heard equally and into which new demands can be inscribed, but rather this shared space of reasons needs to be instituted, often through practices other than verbal argumentation. Thus the verification of the presupposition of equality always takes place through the rupturing of a given order by disagreements (*mésentente*) that challenge existing orders and institute new spaces of meaning, which may become sites of emancipation, or alternatively may become ossified over time (Norval 2007: 78).<sup>38</sup>

To rephrase it blandly: how are new spaces instituted—and what constitutes emancipatory sites rather than sites of ossification? I shall turn to precisely this process of changed aspects forced upon the social order, this disruptive process of challenges and disagreements, as well as the question under which conditions new spaces of *democratic* meaning can be instituted in the following, concluding chapter.

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<sup>38</sup> Evidently, Norval develops her argument in explicit contradistinction to deliberative, liberal as well as critical theoretical scholars. She draws heavily on Jacques Rancière, who notes that “proving one is correct has never compelled others to recognize they are wrong”. As a result, the “affirmation of the right to be correct is dependent on the violence of its inscription” (Norval 2007: 77, quoting Rancière 1995: 49). The kind of ‘violence’ of such inscriptions generating contemporary *democratic* politics is, perhaps, still underexplored.

## CONCLUSIONS

### CORRUPTION, POLITICS AND POLITICAL ORDER

Soundlessly collateral and incompatible: World is suddener than we fancy it.<sup>1</sup>

The diverse articulations of corruption explored in this book should make one thing visible: ‘corruption’ is a political concept. It is political in the ways that it is produced by the development discourse, shaping social realities through powerful imageries and material interventions. It is political in the various ways that the academic discourse identifies the structuring properties denoted by corruption, reiterating the blurred boundary between the public and private in Africa. And lastly, it is political conceptualised as an empty signifier through which particular groups manage to inscribe particular demands and interests in a universal horizon. It is this last conceptualisation that I seek to develop in more detail in this concluding chapter, drawing on substantive insights from the chapters on the academic and developmental discourse on corruption, as well as fleshing out some of the more pertinent findings from the case-studies on professional associations in Tanzania. In doing this, I hope to relate these insights to some questions of general theoretical interest.

The case-studies illuminate political micro-struggles, looking at a small and narrowly circumscribed field of social agents and the ways they articulate their demands using corruption as a signifier portraying ‘public’

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<sup>1</sup> Excerpt from the poem “Snow” by Louis MacNeice (see also the heading to Chapter 1, above). The full poem reads as follows:

The room was suddenly rich and the great bay-window was  
Spawning snow and pink roses against it  
Soundlessly collateral and incompatible:  
World is suddener than we fancy it.

World is crazier and more of it than we think,  
Incorrigibly plural. I peel and portion  
A tangerine and spit the pips and feel  
The drunkenness of things being various.

And the fire flames with a bubbling sound for world  
Is more spiteful and gay than one supposes—  
On the tongue on the eyes on the ears in the palms of one’s hands—  
There is more than glass between the snow and the hugh roses.

aims: rule of law, democracy, or economic growth. In the first section, I will seek discuss the findings in the light of the academic and development discourse on corruption. In the second section, I will dwell more extensively on the proposition of corruption as an empty signifier. This second section will be devoted to theorising this proposition in the light of more general mechanisms of the creation of political order, taking a particular interest in the political processes that underlie such creative processes. The question to dwell on, lastly, is the conditions under which democratic—non-instrumental, non-criminal, non-infernal—structures and identities are possible.

### 1. *Corruption, Development and Political Order*

In the introduction to this book, the first and foremost entry-point sketched out in the introduction was the sheer material and rhetorical presence of the development discourse on governance and corruption. Within a very short period of time, the ‘fight against corruption’ and the struggle for greater transparency and accountability became leading principles of development policies. As Marx seminally stated, ideas have material effects<sup>2</sup>—and in the case of foreign aid this is even more apparent, as the ‘ideas’ embodied in policies guide aid flows. In other words, a substantial percentage of aid started to flow into donor-designed governance and anti-corruption reforms, ranging from legal sector reform to the redesign of public institutions. The material effect of foreign aid is particularly pertinent in countries such as Tanzania where it constitutes a substantial part of Tanzania’s real expenditure. But such interventions that are embodied in new public policies, new laws or new institutions also have effects beyond their immediately intended objective: as part of a wider discourse, they are highly political as a social imaginary, as a horizon against which particular demands can be thought, articulated and inscribed. It is hence not surprising that professional associations only begun to articulate corruption as an issue in the wake of liberalisation, democratisation and governance reforms of Tanzania. The question is what effects does this symbolically and materially powerful discourse have on the realities of social actors?

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<sup>2</sup> See in particular the elaborations of Marx on the labour process in Volume 1 of “Das Kapital” (see Marx 2005).

Breaking the material component down to the level of professional associations in the construction sector, donors did not feature prominently in the design and financing of anti-corruption programmes of the associations. The few anti-corruption programmes that were financed (or proposed) by donors had an important immediate effect in terms of income and status, but they are few and far between. Looking at the patterns of anti-corruption funding for civil society, donors seem to be supporting an increasing 'specialisation' of actors who are, in their eyes, endowed with the legitimacy to articulate corruption. Professional associations, whilst in the early days of liberalisation and regulatory reform received donor support in their efforts to establish and protect professional standards, are now being delegitimized in terms of addressing corruption. Based on the observations over a period of seven years with regard to the professional associations, this 'function' is now given to specialised NGOs in the area of civil rights and corruption and withdrawn from organisations and associations that incorporate it in their specialised, particular interests and agenda.

The financial power of foreign aid is certainly one reason why the meta-discourses on governance and anti-corruption fed by the development community are of far greater importance to professional associations. These are the discourses that inform and frame national policies, which professional associations can refer to and construct overarching equivalential relations. This meta-discourse shapes and re-affirms particular political articulations on corruption, such as for instance the continually reaffirmed government zero-tolerance-of-corruption-principle. Perhaps more relevantly, this discourse frames and creates specific governance and anti-corruption reforms, such as the new Act on Preventing and Combating Corruption, the Public Procurement Act, or the regulatory bodies. The establishment of these institutions demarcate shifts in the discursive formations, offering new spaces and structural locations for professional associations—although with very mixed outcomes in terms of emancipation.

As the case-study showed clearly, somewhat paradoxically the regulatory expansion by public institutions has *de facto* and *de iure* delegitimised and disenfranchised professional associations' activities. In other words, the new norms and procedures established and hardened in the wake of governance processes have not led to a substantive decrease in corruption, nor indeed to substantively greater or more secure spaces for professional associations. The case-studies reveal that the development discourse on governance and anti-corruption is not as dominant

as assumed: the social imaginary serving to inform values and practices of social actors is not one predominantly of market-economy, rule of law and democracy. But neither is it one of neo-patrimonialism, or of a moral economy, as the academic discourse would suggest. The social imaginaries that actors in Tanzania draw on are also composed of references to democracy, economic growth, and the rule of law; but they are interfused with social imaginaries of remnant socialist bureaucratic dominance, and are often reset in socially acknowledged rent- and profit-seeking terms, unbridled and compounded by a large degree of legal impunity.

## *2. Reassessing the Academic Discourse on Corruption in Africa*

In other words, the findings from the case-studies allow some critical re-articulations of the academic discourse on corruption, and by inference on political order and social change in Africa. Modes of inclusion and exclusion into political order, as well as statements on corruption discussed are typologised below in Table 6, with the first three theories referring to conventional conceptualisations of the relationship between political order and corruption (see Chapter 1), and the last column synthesising the insights of political discourse theory.

Firstly, one of the key themes of the academic discourse on corruption is the more or less explicit conceptualisation of corruption as an exchange-mechanism between social position, economic wealth and political status. Economic wealth here is conceptualised as a means to access the political system, as a medium that allows the inclusion of otherwise excluded groups. Whether such practices qualify as corruption depends on their position within the matrix of social legitimacy and legality at a given point and place in time. Related to this statement is a second mechanism outlined, namely corruption as a transformationary 'conveyor belt' mediating different, often incompatible rationales and logics (usually theorised in dichotomous terms, i.e. traditional/modern, local/national, informal/formal, social/legal, etc.). 'Corruption' again acts a medium of inclusion/exclusion—the stability or conversely instability of a political order that relies on such mediating and redistributive mechanisms depends very much on the configuration of society, the organisation of the political system and the available means for redistribution. And thirdly, an assumption made explicitly by Scott and routinely present in other scholarly perspectives, is that professional associations as 'modern' social groups are granted unproblematic access to the political system. In conjunction with

Table 6. Concepts of Corruption and Political Order

Theory / Dimensions	<i>Conventional Political Theory</i>	<i>Theory of Moral Economy</i>	<i>Theory of Political Economy</i>	<i>Post-Marxist Political Theory</i>
<i>Mode of inclusion/exclusion</i>	Political influence	Socio-cultural values and norms	Patronage and networks	Hegemonic relations
<i>Concept of corruption</i>	Corruption as <i>medium of political influence</i> : actors and practices defined by specifics of political system	Corruption as <i>corruption complex</i> : defined by social, cultural, economic and political values and norms	Corruption as <i>exchange mechanism</i> : systemic blurring of public/private boundary	Corruption as an <i>empty signifier</i> : universalising effects through particularistic articulations

(Source: Compiled by the author)

their classic features (non-ascriptively organised, economically autonomous, etc.) they are hence potentially powerful civic actors contributing to the control and greater responsiveness of the state. Although they are endowed with this possibility, in the literature they are characterised by their relative insignificance or downright absence under the given structural and cultural conditions prevailing in most African countries.

Do the case-studies substantiate such statements? Dwelling for a moment just on the mechanism of accessing the political sphere by means of economic resources, the evidence is less conclusive. In the case of professional associations, no such exchange mechanism could be observed. For starters, professional associations are economically too marginalised to have the economic means to gain access to the political system through economic resources. But more pertinently: at *no point* did the professional associations indicate that such a mechanism would be necessary or useful. Access to the political system for their *collective interests* was defined and articulated primarily via rule-based, formal mechanisms and the rule-based influence on the formation of such mechanisms—a phenomenon that will be discussed further down.

A completely different story, however, is the *individual perspective*. Here, not access to the political system, but access to the administration and the power of the administration and individual officials over the allocation of public tenders was of key importance. In this context, illegal exchange practices (i.e. corruption) routinely pave the way or indeed are standard practice for professionals to gain access to public project. However, in contrast to depictions in the scholarly discourse, at stake is not the reinterpretation, reinvention or even mediation between local and general

norms, between formal and informal values. Far simpler, far more banal: corruption is a means of economic survival and economic enrichment. Of course, for scholars of economic history this comes as no surprise. As Karl Polanyi famously described the powerful rationale and social imaginary evoked by capitalism:

Nineteenth century civilization alone was economic in a different and distinct sense, for it chose to base itself in a motive rarely acknowledged in the history of human societies, and certainly never before raised to the level of justification of action and behavior in everyday life, namely, *gain*. [...] Within a generation, the whole human world was subjected to its undiluted influence (Polanyi 1957: 30; emphasis added).

Although African societies, and in our case specifically: Tanzania, has been exposed to this ‘motive’ since its emergence, the recent transformations from a centrally planned to a market economy have completely restructured economic and political relations. Moreover, the social imaginary of profit and enrichment have risen to politically legitimised and socially accepted heights. Especially in the case-study of 2003, the stir and power of this still very new experience of profit-making was extremely tangible. In this light, exclamations such as “if you are poor you are stupid”—i.e. if you have the opportunity to enrich yourself and you don’t do, you only have yourself to blame—make utter social sense.

But for the purposes of the analysis here, this insight is most fruitful when we look at it in a different light. Evidently, corruption can meaningfully be conceptualised as “a systemic problem having to do with the sources, uses, limits, and accountability of wealth and power” (Johnston 2005: 22). However, what I am most interested in are the political effects this ‘systemic problem’ has. The problem of corruption that individuals are faced with is highly interdependent with the problem of marginalised political space of collective interests. Corruption has become routinised to the extent of being a structural property of the political economy of Tanzania. The fact that economic practices of individual professionals are framed (in an enabling as well as constraining sense) by such structural properties has strong repercussions on the framing of the spaces and articulations available to professional associations. As emerged very clearly from the case-studies, it means that only few professionals do indeed gain the kind of independent, autonomous wealth and status classically ascribed to the middle class. Professionals are still highly dependent on the public sector for access to economic opportunities, just due to the fact that the majority of projects in the construction industry are funded by or through public sector, in spite of the relative increase in private

investment witnessed in the past years. This dependency is not offset by the growth in registered professionals or indeed the professionalization of the construction industry. Neither the relative growth of the middle class, the growing coherence of the regulatory framework, the public debate on political imaginaries, nor the above-mentioned liberalisation of the economy have led to any significant changes—even over a short but dynamic period of seven years. This had, however, nothing to do with an exchange mechanism, it had something to do with opportunities of enrichment and profit, which, according to the perceptions recounted in the case-studies, have sedimented into a general culture of corruption. As indicated in the conclusions to both case-studies of 2003 as well as 2010, above, this ‘culture of corruption’ could conceivably be framed in terms of a hegemonic representation of corruption *sui generis*—a discourse which is manifest in ubiquitous practices rather than public articulations; a discourse which, perhaps, also features the dissolution of antagonistic boundaries between ‘us’ and ‘them’, between ‘professionals’ and ‘non-professionals’, with subsequent ripple effects on the organisation of the political and economic realm. This is certainly a point which merits further theoretical and empirical attention.

Returning to the core focus of this enquiry, the scrutiny on mechanisms of access to the political system also sheds critical light on the assumption that such access is ‘unproblematic’ for professional associations. What could be observed in the case of associations of the construction industry is they are ‘not seen’ and ‘not heard’ by the public sector. In other words, they do not feel taken seriously, they do not enjoy respect and recognition by the public sector. This is partly for historical reasons, against the backdrop of a socialist, centrally planned economy and the only gradual change in mindset of public officials. But it also has to do with the lack of importance and visibility of the associations, who buckle under the double load of, as individual professionals, economic survival and, as associations, under the low degree of support within the professional community. More to the point, the findings of the case-studies indicate that the professional associations have *lost* rather than *gained* recognition in the past decade.

Turning to a further assertion made by the academic discourse on corruption: can one, then, analyse the political order in Tanzania in terms of a moral economy of corruption? Well, no. Yes, there is indeed a ‘corruption complex’ to be observed, but one defined by *values and practices of profit*. At no point was there such thing as a corruption complex bounded by a particular moral matrix, based on traditional values of reciprocity and compounded by hybrid ‘logics’ such as monetarisation of social



relations or pluralisation of normative frameworks to be observed. The collective values that the professional associations nurture, articulate and seek to institutionalise for are intrinsically *public* values, very much in a Durkheimian sense. These collective values are imbued with a distinct sense of community, marked by professionalism and specific expertise, and always with reference to the public—i.e. values that on the one hand draw and define boundaries around the professional community, and on the other hand always refer to society beyond these specific boundaries. The particularisms nurtured here, hence, are *not vertical*, they are *horizontal*—a fundamental difference to theories of moral economy of corruption as well as notions of neo-patrimonialism.

This insight requires that some dominant scholarly claims about the relationship between the public and the private sphere need to be refuted. As discussed in Chapter 1, above, one of the most pervasive ‘truths’ on African political orders is the straddling of the public-private divide, i.e. the blurring of and (more or less instrumental) playing with and on boundaries between public interest and private interest, between formal norms and informal norms, between the legal and the legitimate (in the full range of possibilities and combinations). What could be observed in the case of professional associations in the construction industry of Tanzania is the opposite phenomenon, a thought I would like to dwell on for a moment.

The findings from both case-studies, underscored by some qualitative statements from the topography of corruption in Tanzania, show that identities are forged according to the particular sector, not according to the particular network actors are privy to. In the case of professional associations seeking to delineate their identity and make it more profiled and articulate vis-à-vis the public sector, this implies both practical (e.g. in terms of expertise and productivity) as well as cultural (e.g. in terms of rationale and values) distinctions from social actors in the public sector, not a fusion with them. Equally, whilst the more progressive actors in the public sector may support and cooperate with professional associations, they define themselves clearly within the hierarchical logics and boundaries of the administration and government. As mentioned above, this does not go to say that professionals (here: individuals, not: professional associations) do not ‘cross the line’ and collude in corrupt practices, or subscribe to ideals of enrichment ‘no matter what’. But it means that structuring principles of *collective interests* and *social agents* are derived from completely different rationales to the ones postulated in dominant theories of African political order.

Even though it may arguably be a marginal phenomenon, this distinction is of fundamental practical and theoretical importance. Whereas the 'straddling' and boundary-crossing occurs systematically in terms of access to economic resources by individual actors (professionals), it does *not* occur in terms of identity-formation and articulation and hence of access to political resources of these collective social actors (professional associations).

Still, it must be conceded that there are strong indications that corruption in Tanzania acts both as a practice as well as a medium of exclusion/inclusion to political as well as economic resources. Particularistic exclusion from, and conversely particularistic inclusion into flows of such resources are routine, thus validating certain assertions made by theories of neo-patrimonialism and more broadly by the political economy of corruption. What needs to be strongly refuted, however, is the *necessary* fusion of such processes and instrumental use of norms across the spheres. This is neither generalised nor conclusive—although it would be tempting to conclude that the horizontal, public structuring principles and values observed in the case of professional associations are truly a marginal phenomenon, acting and operating in a double bind of internal and external constraints. In this vein, one could argue (in good company) that collective action and professional interests and identities can be brushed aside as irrelevant, subject to the more general and dominant logics of corruption. But this is to misunderstand the fundamental theoretical implications of the distinction between collective and individual identities has. A key finding is that *collective identities are articulated only by social actors in ways that are necessarily relevant to the public sphere*. It is an articulation that goes beyond the particularistic (and of course far beyond the individual) identities of the social actors in question. The fact that 'modern', professional identities, demands and frames of reference are employed and appropriated by social actors to articulate their demands is a significant political act. Significant in that it signifies a particular 'modern' kind of public space and social order, specific kinds of values and practices framed by rules, skills and merits. Arguably, these elements are too disparate and unconsolidated to demonstrate the institutionalisation of democratic rules. But a 'grand narrative' of social change is not of interest here. What needs to be understood better is the actual processes under which such values and rules can and do emerge, carried and sustained by which social actors. Albeit from a worm's eye view, the findings of the case-studies show precisely such processes, in which social actors seek to shape the rules and practices of social order in a specifically democratic

way; i.e. *not* referring to localised or informal values, and not bound by a moral economy. To put it with Taylor, there are social actors whose “constituting factor is nothing other than [...] common action” (Taylor 2004: 96): a hallmark of secularity, and, I would add, a hallmark of specifically democratic social action.

The findings offer insights into specific sites of this struggle, and they offer insights into the factors shaping the struggle over time. In fact, the sites themselves offer significant insights. The sites of ‘real’ encounters, encounters in which, according to the respondents, rules shaping agency in the construction sector are made, are predominantly the *public sphere*: official meetings, committees, workshops and conferences, which provide the formal time and space for encounters between public officials and professional associations. Moreover, the workspaces are often in close proximity, housed within the same building, allowing for regular informal encounters in an official and public space. But as could be observed in the case-study in 2010, the sites have been extended beyond a purely sectoral space. Although of course the construction industry is the central frame of reference structuring these encounters, professional associations are taking their interests and demands beyond the construction industry, seeking and finding representation in other fora that have been established with the explicit objective to provide a time and space for encounters between the public and private sector. This explains, for instance, the repeatedly emphasised importance of the National Business Council, established and run under the auspices of the President.<sup>3</sup> It goes far beyond the scope of these case-studies to make a statement on the effects of these encounters on a national level. Suffice to observe here that the sites of interaction are neither particularised nor informalised, nor do they feature any indication of a ‘straddling’ of the public and private. They are organised predominantly along official lines, in terms of spaces as well as procedures, formally structuring the encounters between representatives of the two sectors on a sectoral as well as national level.

Dwelling for a moment on the sites of articulations and concomitant identity-formation, an aspect which was not highlighted in the case-studies is the importance of regional and international apex organisations, especially by first-generation associations. In other words, the importance of

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<sup>3</sup> Here a intended and positive effect (in terms of emancipatory politics) of the development discourse can be observed, in that donors strongly advised for and fund such sites on a very senior, national level—with a degree of influence that, for instance, small professional associations could never hope for.

cooperation and interaction *within* the professional community across borders was repeatedly underlined as an important resource for strengthening their professional identities, associational visibility and specific expertise. Statements by professional associations regularly emphasised the importance of the presence (or, indeed, absence due to lack of funds) of such encounters. Again, this underlines the importance of horizontal references, communities that define and reproduce themselves via their profession across national and regional borders. This orientation within a particular identity does not, however, imply a closure of their articulations. Although it does affirm the differential identity of the profession, it also constructs an equivalential relationship, by enabling openings and linkages with professional discourses on public interests and on best practices in a regional or international context. Issues such as for instance the regulatory framework or the extent of standard setting authority by professional associations indicate how significant these delineations are with regard to the interaction with state representations.

In sum, the case-studies show that, at least through the lens of professional associations in the construction industry, the distinction between the private sector and the public sector is deeply ingrained. Not least due to the reforms in the public sector and the increasing regulation of the construction industry, over the past few years one can observe a *more* clearly organised and recognised distinction between the public and private sector. Such distinctions include the institutionalisation of formal sites of encounters or the formalised power of official authority. But spite of these conclusions, and in line with well-established theories on Africa, one might be tempted to argue that this strict distinction merely serves as a façade to conceal 'real' encounters, as a performance to please Western or oppositional sensibilities. But the arguments elaborated here are not just stated from what is 'visible', what can be seen, what is being performed, articulated and acted on the surface. The arguments developed here are grounded in the perspectives and perceptions of the respondents: the professional associations themselves solely and continually referred to the legitimacy and recognition of such formal meetings. The fact that these meetings, round tables, committees, etc. do not always show the expected or intended effect, or that they do also serve as façades for other, 'real' interests, does not weaken the argument. The actors themselves, whether from the public or from the private sector, perceive these sites to be the 'real' sites, the legitimate and acknowledged sites for contestation, debate,

dialogue and consensus. This is a powerful finding, for it squarely refutes dominant theories on public-private relationships in Africa.

If anything, the awkwardness of the empirical findings relate to the flakey, small and constantly challenged spaces of professional associations. This holds true even over time, during which the normative framework of the construction industry has changed dramatically in direction of good governance models. This is what I termed 'Humpty Dumpty' in the case-study of 2010—the quest for and validation of unambiguous directions of social change remains elusive. What the empirical findings indicate, however spuriously, is the complexity of such identity formation, articulation and creation of political rules. Contrary to the linear trajectory outlined by the discourse on good governance and corruption, such processes are shaped by far deeper contextual and contingent factors to allow a predictive approach. This is no novel or original insight, as a host of empirical studies will reveal. Pertinently, the empirical findings here also run counter to the academic discourse on corruption, in that they demonstrate that indeed there *is* social agency and political spaces precisely in the sense of Western (if such a generalisation is permitted) market-based democracy in African states. In other words, most explanatory frameworks of African societies miss the point, in that they dismiss or are blind to the political effects of social agency. As Emirbayer and Mische (1998) demonstrate so convincingly, the ways in which social actors relate to their worlds is not cast in iron; social agency is informed in varying and variable degrees by human imagination, habits and judgement. It is precisely this ability to respond to ones' context which underlies the dynamics of social interaction and change. Although stark conceptualisations of 'African' moral or political economies may construct impressive models of social orders, they are not conducive for understanding practices and processes of change. On a theoretical and empirical level, it is precisely these sites, actors and processes of contestation that need to be understood better. In terms of a further research agenda, such micro-struggles need to be better embedded in an exploration of wider political changes, to gain a more general understanding of the ripple-effects and processes of sedimentation or, indeed, disruption on a national level. However, what remains to be pinpointed more clearly within the scope of this study is to what degree and under which conditions such articulations can assert themselves. This is a question that I will turn to more extensively in the next section.

### 3. *The Politics of Corruption as an Empty Signifier*

The relation between politics and corruption is one that plays a central role in the academic discourse on corruption, and is key statement of the development discourse. However, where the development discourse operationalises statements on 'politics' in a highly bureaucratic fashion, the academic discourse on corruption throws a dark shadow on African politics. In both discourses political agency is accorded no real space, albeit for very different reasons—in the first case because social actors disappear in the technocratic operationalisation of development interventions, in the second discourse because the structural conditions characterising African states leave no space for plural social and political agency.

The tentative outline of a third discourse on corruption, what I have termed an emancipatory discourse, allows for the thinking of such spaces and actors and processes. The question posed at the outset of this discourse was: can corruption be conceptualised as an empty signifier—a nodal point that does not close down political spaces, but actually opens them up? In other words, in very Gramscian terms, can corruption act as a medium to transcend narrow interests of a particular social group and represent something more universal, something connecting up different social groups in society and create a sense of a greater community or unity? Distinguishing it from the analytical strategies of other discourse theories, in this third discourse, corruption is very explicitly not conceptualised in terms of a specific political or moral economy of corruption defining political order and access to social resources. Corruption is conceptualised as an 'empty signifier', as a 'vehicle' that allows a whole host of different meanings to be attached to it. The 'emptier' corruption as a signifier is, the more meanings and representations it can be filled with. Quite literally it means different things to different people. And in this sense it is a very powerful medium of social articulation, as empty signifiers allow for different identities, interests and representations to be linked up together. Empty signifiers can thus be understood as nodal points of society through which differential identities can be transcended and inscribed in a more universal 'social' identity. The less 'fixed' their meaning is, the more 'open' they are, the more conducive they are to being inscribed with different meanings and identities. Empty signifiers thus structure society by providing unifying points of articulation between and across particular identities, performing an eminently political operation.

However, this begs the question why 'corruption' was constituted as an empty signifier, and not any other potential symbol of such unity?

Evidently, there are other potential empty signifiers floating in the public realm, some of the more obvious ones being development, democratisation, or poverty-reduction. Although this point was not elaborated in this study, these can and do act as empty signifiers. My focus is on corruption, however, because it is such an immensely evocative term, even in its very semantics denoting an absence, the unfulfilled (moral, political, economic, etc.) reality of society. These semantics have provided a fertile surface for inscriptions of discourses that relate to these powerful social imaginaries and related empty signifiers. In particular, as I have shown, the development discourse has constructed powerful articulations on corruption that are ubiquitous in the public realm and serve to structure specific interventions and national policies. This makes it a particularly accessible signifier, broad enough to be legible and give material shape to a wide range of discourses and yet invoking all things good about inclusion to 'development': about economic growth, social equity, and political culture.

This explains the relationship between the empty signifier and politics, in which empty signifiers produce a trope of political articulations and moral imaginings for such diverse groups and interests. But it also points to a second central question, namely: why do some social groups articulate and mobilise more successfully than others in a particular strip of time and space? Is it possible to make any predictive statements on the hegemonising operations of particular social actors, on the extent they manage to create a sense of universal meaning through their own, differential representations? As a reminder, the explorations of concrete social actors in Tanzania, namely professional associations in an urban context, were chosen explicitly on the basis of such a predictive hypothesis, i.e. their historically and discursively constructed potential for fostering social change of a particular democratic kind. In other words, precisely because dominant discourses identify these as being the 'right' social agents to articulate, internalise and mediate value-structures and practices which would foster a rule-based political culture and a merit-based economy. In addition, my hypothesis was that the discourse of development would provide both the material and symbolic social imaginary dislocating entrenched structural positions, hence opening up new spaces and opportunities for such social actors.

The findings of the two case-studies leave a more fragmented, fissured impression. To analyse these findings, however, some more fundamental thoughts are in need of elaboration.

As was explored in the previous chapters, the social production of empty signifiers is a constitutive act of social relations: through the emptying out

of the particular meaning of signifiers, i.e. through the loosening of the relationship between the signifier (the name) and the signified (the meaning), social actors are able to create a 'universality' of their own particular aims and connect to broader, wider aims. Thus, the conceptualisation of corruption as an empty signifier allows for highly differentiated interpretation of the processes through which social actors link up to other discourses, the processes through which they magnify and, importantly, modify their own demands and interests, at the same time drawing boundaries around their own identities and opening the boundaries up for other articulations.

But this has not yet answered the constitutive question raised above. Why do some social actors express such demands and not others, if potentially all differential identities can be transcended through such hegemonic operations? Laclau gives a very clear answer, namely that the unevenness of power is constitutive:

Not any position in society, not any struggle is equally capable of transforming its own contents in a nodal point that becomes an empty signifier. Now, is this not to return to a rather traditional conceptualisation of the historical effectivity [sic] of social forces, one which asserts that the unevenness of structural locations determines which one of them is going to be the source of totalizing effects? No, it is not, because those uneven structural locations, some of which represent points of high concentration of power, are themselves the result of processes in which logics of equivalence and logics of difference overdetermine each other. [...] If this is correct, it is impossible to determine at the level of the mere analysis of the *form* difference/equivalence which particular difference is going to become the locus of equivalential effects—this requires the study of a particular conjuncture, precisely because the presence of equivalential effects is always necessary, but the relation equivalence/difference is not intrinsically linked to any particular differential content (Laclau 1996: 42; emphasis in original).

On a formal level, Laclau here refers to the organisation of the political terrain through difference/equivalence: shaped both by chains of equivalence, i.e. the 'collapsing' of identities through the production of nodal points, as well as by differential frontiers that outline particular identities and struggles. But there is no predetermined social agent or particular identity or content that is *a priori* more successful at performing this hegemonic operation. What is determinant are the 'particular conjunctures' that Laclau observes.

Exploring the case of professional associations in Tanzania more carefully, the 'study of this particular conjuncture' shows that these identities and interests are indeed articulated and moulded around corruption as an empty signifier. Key is the function of the international development



discourse on corruption. Here, the findings on its depoliticisation effects need to be amended. Although the mechanics of the development discourse do have an intrinsically depoliticising effect, the overdetermination of 'corruption' has had a political effect: the discursive construction of corruption as articulated in the international development discourse and its subsequent inscriptions in national political discourses has been one of the prime conditions for differential identities to be articulated and appropriated through corruption by professional associations.

In other words, professional associations performed a hegemonic operation, by articulating their own differential identities through the nodal points constructed around 'corruption'. This is a process that could be clearly observed in 2003: the anti-corruption discourse of foreign aid led to a restructuring of the discursive terrain by endowing certain structural locations with distinct symbolic and material power. This in turn opened up the political space for professional associations to represent their interests in terms of differential identities (professionals/unprofessionals, professionals/officials, etc.) as well as in terms of equivalential interests (development, growth, 'better rules'). Given the very recent establishment of 'professionals' as a distinct identity, this was a crucial operation. Interestingly, this primary operation of establishing professional associations—and hence a drawing a boundary around a distinct 'professional' community—was not derived from references to outright antagonisms. There are surprisingly few statements that refer to the public sector or to public officials or politicians as 'the enemy'.<sup>4</sup> Although 'typical' attitudes and behaviours of the public sector were critiqued or lamented, in general consensual operations with the public sector around nodal points such as 'regulation' or 'professionalisation' were emphasised. This holds especially true in the case of first-generation associations. Only around the year 2000 were more explicit differences constructed with reference to corruption, materialised in the Workshop on Corruption in the Construction Industry in 2001 (The United Republic of Tanzania 2001). That particular conjuncture allowed professional associations to articulate specific demands, needs and grievances in reference to corruption. With the dominant articulations of the national political discourse on anti-corruption and economic growth, framed and informed by the international development discourse on governance and corruption, professional associations could latch on to this

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<sup>4</sup> See below (Section 3) for a further elaboration of the theoretical significance with regard to democratic politics.

signifier and fill it with their own, particular interests and demands that went far beyond 'corruption' as such: greater institutional support, better quality-control, clear and formally recognised distinction between professionals and non-professionals, better financial protection for professionals, to mention but a few of the (over)determinations.

These attempts to define this discourse did show signs of success: the interests and demands of the professional associations were heard in the public sphere and resonated beyond the very narrow identity of the associations themselves. In particular, their efforts to articulate and implement institutional and regulatory improvements served to construct a distinct sense of community on several levels: They managed to delineate 'the construction industry' as an entity which was worthy of a sector policy; they achieved the definition of 'professionals' as a separate category, embodied by distinct professional associations of 'engineers' or 'contractors'; and the professions themselves were distinguished by subcategories, such as 'consulting engineers' or 'civil contractors'. These identifications and delineations were achieved not least by the invocation and inscription of (anti-)corruption as a signifier of institutional and legal reform.

What could be observed in 2010, however, is that the power of corruption as an empty signifier had waned considerably. Although 'corruption' is still a dominant signifier in the public realm, it has all but disappeared from the public articulations of professional associations. In many ways, this is surprising, given the priority that governance reforms are given within the international and national development discourse, and also given the acute pressures on political and economic spaces of professionals.

This phenomenon points to a particular conjuncture in Laclau's sense elaborated above. In the late nineties, there was a window of opportunity shifting certain power relations and opening up articulatory spaces, enabling new articulations of identities of and relations between the public and private sector. However, as was tangible from the start, the identification with collective interests as embodied in professional associations by the community is truly weak. The values and practices of the professional association are by no means a gauge of the values and practices of the whole professional community. Invisible to this case-study were for instance those professionals who are not part of a professional community, those who have 'no sense of community', those who 'don't think of the future', but who 'think only of themselves, here and now'. They were palpably present, however, in the articulations and statements of the professional community, who were not only pushing back against the public

sector (which itself, as was demonstrated, is far more heterogeneous than generalised concepts of 'the state' allow for), but also rubbing up against those 'colleagues' who subscribed to other ethics and values. This is not to say that representatives of professional associations do not engage in corrupt practices—some do and must. But they engage in corruption as individuals, not as representatives of professional associations. In their identity as representatives of collective interests of a specific professional community they are fighting for an order in which they are not obliged to be corrupt—put more generally, for an order in which they enjoy a larger degree of political recognition, legal security and economic freedom.

In other words, there is a threshold, a critical mass of representativeness that particular interests need to reach that their articulations achieve hegemonising effects. This has not only a symbolic dimension, but a deeply material one too: it is not just a question of representation, it is equally a question of resources. Lacking other sources of income, such as donor-financed projects or own activities, the resonance of their articulations is very weak. Obviously, professional associations failed to construct new forms of political identification that are evocative enough to mobilise their own community, let alone other communities beyond particular professions. It could be argued that this lies in the signifier 'corruption' itself. Evidently, the signifier is not emptied out sufficiently to provide a powerful canvas of communal aims, to provide a trope of political and other imaginations. It seems that it is still filled with particular meanings that prevent it becoming (or rather: remaining) a societal symbol of democratic spaces. Such significations of corruption encountered were, for instance, the meaning of enrichment (in a positive connotation), the meaning of doing business, or even the meaning of powerlessness and resignation. Under these circumstances, the fragile, poor, small and often personalised professional associations are themselves not powerful enough to define the discourse of corruption, its practices and representations. What in effect happened is that powerful state and economic actors appropriated the meaning of corruption by stamping it on the institutional reforms. The particularistic demands of the professional associations with regard to substantive change and reform were all but dissolved in the process.

However, the fact that the authorities have managed to hegemonise representations of corruption far more successfully than the associations is remarkable in itself. What is notable here is not that professional associations are *not* powerful enough to assume this role, given their minute size and number. What is remarkable that state authorities *are* powerful enough. Evidently, the authorities represent 'structural locations of high

concentrations of power'. As Laclau (2000b: 207–221) elaborates more generally, the ability of a group to assume a function of universal representation presupposes that it is in a better position than other groups to assume this role; in other words, that power is unevenly distributed between various social actors and social sectors. Given key statements on weak states and dysfunctional public institutions by the academic discourse, the finding that authorities are located in a more powerful position is not at all self-evident. In addition, the process of hegemonisation itself merits attention: the process through which the authorities undertake these hegemonic representations is strictly within the formal, public sphere and along formal and formalised procedures. Again, this finding challenges dominant statements on blurred boundaries and hybrid norms. It is not a question of patrimonial control or of instrumentalised disorder. On the contrary, official state functions such as the regulation of the construction sector are extended in a completely legal and bureaucratic fashion. Whether this absorption of particular, differential identities of social agents by the public sector may lead to the increasingly antagonistic articulation of demands, is at yet open. Statements such as “they will not be kept down forever, they will rise” indicate that the frontiers drawn by subordinate social agents may indeed become more confrontational, with political and economic frustrations becoming increasingly aggravated.

Although this point would merit greater attention, I need to leave it standing and turn back to the related question of democratic politics. In the following and concluding section, I shall discuss in what way the contextual dynamics of this operations enable or constrains democratic spaces.

#### 4. *Corruption, Identity and Democratic Politics*

In this exploration of corruption as an empty signifier, one of my main objectives was to tease out an empirically substantiated account of the conditions and processes of social agency and democratic politics in African political orders. In closing, there are some remarks I would like to make relating to the possibility of democratic politics in Africa. A key finding of the case-studies was that the identities of professional associations have, on the one hand, undergone dramatic changes, being accorded formal accreditation and acknowledgement. The findings indicate, as a classically modernist feature, a ‘hardening’ and strengthening of civic actors in African societies. On the other hand, in spite of these institutional

changes professional associations are as weak or perhaps even weaker than they were a decade ago, certainly in terms of internal cohesion and boundaries of their collective professional identities. One of the reasons for this unpredicted weakening has been, rather counter-intuitively, the successful formal appropriation by public authorities of key spaces that had formerly been occupied by professional associations. Partly this occupation was by default, as the regulatory framework appropriate for a market-economy had only begun to be designed in the nineties. In this context, professional associations fulfilled a standard setting role, which gave them a privileged position vis-à-vis state authorities. However, this privileged position was very fragile, dependent on persons (leadership) on the side of the associations as well as on the side of the authorities. This position, so to speak by default, was also subject to dislocations as a result of the regulatory, legal and institutional governance reforms. These reforms systematically privilege the state authorities, in letter and in spirit implementing governance principles strengthening the rule of law, regulatory capacity and generally institutional effectiveness. However, instead of creating and securing political and economic spaces of professional associations, as assumptions inherent in anti-corruption reforms and also the hypothesis at the outset of my first case-study would suggest, they have led to the disempowerment and marginalisation of professional identities. In fact, it seems as if the formalisation has led to a loss of professional identity, rather than to an assertion of professional identity. Subsequently and interlinked, it has led to a dispersal and fragmentation of hegemonic representations by professional associations, who have not been able to successfully fill the institutional reforms with their own meanings, values and practices.

This is relevant in responding to the question under which conditions democratic politics can emerge, my exploration focusing on the processes and dynamics shaping and shaped by social agency. In particular, I have sought to outline the hegemonic operations enabled by the empty signifier corruption, which are endowed with the potential of articulating emancipatory politics. I would like to flesh out some thoughts about the discursive formations, subject positions and identities that account for social agency and organise the political space. For as Stuart Hall reminds us, identities are “those points of temporary attachment to the subject positions which discursive practices construct for us. They are the result of a successful articulation or ‘chaining’ of the subject into the flow of discourse” (Hall 2001: 6). In other words, determinant for subject positions

are specific discursive practices. In dominant academic discourses on corruption, the subject, i.e. democratic social agents, are 'chained' to articulations of a vertically organised political order of limited differentiation. The micro-study on professional associations in Tanzania shows that this 'chaining' is far more complicated. Although the subject positions of the professional associations have not experienced significant liberation, the discursive formations have fissured and coalesced in relatively dynamic and unpredictable patterns. Precisely the political effects of these processes of incremental micro-struggles set in multiple discursive formations are of key analytic interest.

Political theory allows for a more tapered conceptualisation of the political dimension of discursive formations: "Discourses and identities produced through them are inherently political entities that involve the construction of antagonisms and the exercise of power. Moreover, because social systems have a fundamentally political character, they are always vulnerable to those forces that are excluded in the process of political formation" (Howarth/Stavrakakis 2000: 9). This is a central point neglected in the academic discourse on corruption: although evidently, as the case-study of the construction industry also showed, politics and administration are authoritarian, they are not uncontested. Even under such difficult circumstances characterised by the deeply uneven distribution of political and economic power, political order is not 'given'. It is always contaminated with the possibility of other, plural, different articulations. Contestations and different articulations are never completely eliminated. In other words, hegemonies are inherently precarious and reversible. Precisely this 'irreversible reversibility' is constitutive for democratic politics, irrespective of the degree of political openness or closure.

And in spite of the observed collapse (or rather: crumbling) of professional identities, the insights gained from the case-studies still point to favourable conditions for the emergence of democratic politics. As was observed in Chapter 2, above, disagreement and antagonism is at the heart of a post-Marxist notion of democratic politics, in contrast to deliberative theories of democracy. And yet, as was noted above, professional associations, whilst seeking to distinguish and differentiate themselves from the public sector or from 'unprofessionals', the language and figures of speech are generally, with very few exceptions, conciliatory. In the interviews of both case-studies, there are only infrequent allusions to the 'other' as an 'enemy'. Opening up a further theoretical line of inquiry, one could argue with Chantal Mouffe that it would be more meaningful to speak of 'adversaries' than of the 'enemy', pointing to the existence of conditions which,

in her analysis, make the emergence of democratic politics more likely. Consider following proposition:

I propose to distinguish between two forms of antagonism, antagonism proper—which takes place between enemies, that is, persons who have no common symbolic space—and what I call ‘agonism’, which is a different mode of manifestation of antagonism because it involves a relation not between enemies but between ‘adversaries’, ‘adversaries’ being defined in a paradoxical way as ‘friendly enemies’, that is persons who are friends because they share a common symbolic space but also enemies because they want to organize this common symbolic space in a different way (Mouffe 2000: 13).<sup>5</sup>

This is insofar significant as the common symbolic space may be contested, but still constitutes a common space within which relations, contestations and manifestations are possible. In a different and perhaps more familiar terminology, one could also speak of the existence of a public sphere. Moreover, the ‘common symbolic space’ observed through the representations of both representatives of professional associations as well as public officials is a public sphere shaped very much by universal, even emancipatory ideas and imaginaries—even if there are other, non-democratic hegemonic representations that are co-present. But this observation merely underlines the validity of the plural and fragmented nature of contemporary societies. Perhaps even more so for African societies, which, as the case of ‘stable’ Tanzania shows, are in enormous normative flux. The social imaginaries at the disposal of citizens and social agents are, also, of a potentially democratic nature, evoking new public spheres and concrete liberations. As Laclau puts it, they enable the “increasing freeing of human beings through a more assertive image of their capacities” (Laclau 1996: 123). This assertive image and spaces within which it is contested and defined are certainly present, even if they do not translate into linear and mechanical ‘democratisation’.

In African societies, identities may be more fixed than elsewhere. But this greater degree of fixation is not necessarily and certainly not a generalised ‘infernal mechanism’. Political identities are not unchanging, they ripple and are rippled, shape and are shaped by continual struggles. Some hegemonic articulations are certainly seeking to fix autocratic, patrimonial or downright criminal hegemonies, but others are evidently seeking

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<sup>5</sup> For a critical discussion of Mouffe’s proposition with regard to the possibility of democratic politics see Norval 2007: 154–160.

to fix democratic, emancipatory identities—which at present are more fragile, more precarious. But even if these are only moments of fixation, they are creating social change and reorganising the political space. Some social imaginaries are shored up, whilst others are dismantled or fade away. What an emancipatory discourse needs to look at more closely are the specific, localised conjectures that enable democratic articulations.

It also needs to take time into account as a decisive factor in the emergence and stabilisation of democratic politics. This is not to argue for a simplistic model of democratic development, on the contrary: my understanding of politics is deeply rooted in social agency as a temporally embedded process of social engagement. Political order thus emerges and is structured through changing configurations of social actors and forms of engagement. Taking the pivotal importance of social agency into account, the political, social and economic traumas that have jarred African countries in the past few decades cannot be overemphasised. Not only have the norms, values and practices under which power is exercised undergone a series of fundamental changes, so have the social horizons and imaginaries of the actors coping and engaging with these historical situations. The capacity of social actors to respond to and shape the world they live in is a dynamic process of social engagement. As I hope to have demonstrated with this study on discursive formations, political identities and social agency in Tanzania, for a more grounded understanding of such processes there is a strong case to be made for the analysis of unspectacular politics.



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