

**REVISITING THE ISSUE OF ETHICS IN PUBLIC OFFICE,
SUBVERSION OF PUBLIC INTEREST AND SYSTEMATIC
CORRUPTION: THEORETICAL ANTECEDENTS**

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ABSTRACT

The objective of this paper is to examine theoretically the issues of misconduct in public offices in an attempt to proffer solution to the problem. In this context, therefore, the paper commences its introduction with the necessary explanation of and define laconically individual behaviour in public service and the concept of corruption in the contemporary world. Above all, the paper also endeavours to unravel some of the misconceptions about public officers' misconduct.

Keywords: Ethics, Public office, Corruption, Public interest, Subversion, Misconduct

Introduction

In the contemporary public sector administration and management, there are rules and regulations which guide the conduct of the civil service. Certain standards of ethical conduct are expected of the civil servants. Civil servants are servants of the crown and the public and are responsible to ministers who are answerable to the parliament.

One of the important obligations of the civil servants is that he/she must regard the public office as a public trust. He must serve the government with undivided attention and honesty. However, some conducts are reprehensible in the public office. As Davies and Doig put it:

If any agent corruptly accepts or attempts to obtain from any person for himself or for any other person, any gift of consideration as an inducement or reward for doing or forbearing to do, or for having after the pass of this fact done or for born to do, and act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business (Kernaghan and Dwivedi, 1983:55).

A civil servant is not to subordinate his duties to his private interests. He must not make use of his official position to further those interests, but neither is he so to order his private affairs as to allow the suspicion to arise that a trust has been abused or confidence betrayed. All these are regarded as unethical behaviour on the part of the civil servants in a given public office. To this end, the definition of corruption will be necessary. Corruption according to the Oxford English Dictionary means:

Perversion or destruction of integrity in the discharge of public duties by bribery or favour, It can be physical, for example, the destruction or spoiling of anything especially by disintegration or by decomposition with its attendant unwholesomeness and loathsomeness, putrefaction. It can also be moral, for example, a making or becoming morally corrupt, moral deterioration or decay, depravity, the perversion of anything from an original state of purity, for instance, the perversion of an institution, custom and so on from its primitive purity (quoted in Heidenheimer, 1978:4).

The Theoretical Antecedents of Corruption

The word corruption itself has a history of vastly different meanings or connotations. In the 1960's in the U.S.A., it was one of the most frequently employed terms in the political vocabulary. Samuel Huntington defined corruption as, 'being functional to the maintenance of a political system in the same way that reform is' (Heidenheimer, 1978 :3).

In contemporary social science literature, the term corruption has developed a more specific meaning with regard to ethical connotations. At times, indeed, it is employed in a context that is almost totally value-free.

However, many writers of corruption avoided defining it, mainly because the meaning of an unethical act in culture may be socially acceptable in another: Corruption includes, among other things, favouritism, nepotism, bribery, graft, patronage and other unfair means adopted by government employees and the public alike to extract some socially and legally prohibited favours. A public servant is corrupt if he accepts money or money's worth for doing something that he is under duty to do anyway, that he is under duty not to do, or to exercise a legitimate discretion for improper reasons. A corrupt civil servant regards his public office as a business, the income of which he will seek to maximise.

Following on the foregoing arguments J. S. Nye defined corruptions as:

a 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, hence it is an extra-legal institution used by individuals or groups to gain influence over the actions of the bureaucracy (quoted in Heidenheimer, 1978:5).

The question to ask at this juncture is, 'why is it that corruption is allegedly more prevalent in certain societies, notably developing countries? The answer to the above question is not far-fetched. Corruption stemmed from the norms of politics and administration which are different from those of the west. In developing countries like India, Nigeria, Ghana, Zimbabwe, Gabon, Kenya, to mention but few, there exist a gap between law and accepted informal norms, that is to say that there is divergence between the attitudes, aims and methods of the government of a given country and those of the society in which they operate. The individual who assumes a public role is as G.E. Caiden and N.J. Caiden put it.

torn between two social forces operating in his world. Because of the rational impersonal and universalistic norms for the bureaucracy, he must accept that a public office is a public trust, not a personal domain. He must therefore commit himself to serve the national and community need ahead of his personal and family interests. But, there too are strong kinship bonds which compel him to look after the needs not only of the immediate members of his family but even those of his extended family system, otherwise he violates a stronger norm which is deeply rooted in the personalistic and formalistic outlook which characterise traditional cultural values. As he imbibes Weberian ideas in school including possible postgraduate studies abroad, he faces a conflict in regard to his duties to his family and his kin, some of whom may have helped him bear the cost of an expensive education (Caiden and Caiden, 1977:302).

As long as no confusion exists regarding the standard from which corrupt practices diverge, that is the nature of public duty, corruption may clearly be defined and recognised. Once, however, the public standard is challenged or regarded as relative to circumstances then considerable ambiguity enters. Who sets the standard to say what behaviour is acceptable and what is corrupt? What is undue influence? What is misuse of authority? What is public irresponsibility? If there is no accepted public standard or if the standards of public office and public duty are regarded as foreign importations inapplicable in given conditions, is there then innocence of corruption? In short, are ideas and theories offered by Western Scholars about the state of corruption in developing nations like Asia and Africa valid in the light of the divergent social norms that govern the conduct of public office in the West and those of transitional societies of Asia?

The issue is one of the conflicts of values. Against the western, impersonal, and universalistic norms of bureaucracy are set the values of kinship and reciprocity. Are these to be denied validity, and the public servant who fulfils their expectations to be considered as corrupt? After all, in a given society, various kinds of norms operate, some congruent, other inconsistent with one another. Legal norms may conflict with moral religious and cultural norms, so that a sample of behaviour defined as illegal may be acceptable using cultural standards. Corruption is the exceptional departure from the normal ways of doing business. Once corruption becomes sufficiently widespread as to constitute a normal rather than an exceptional mode of behaviour, it ceases to exist.

Going back to Caiden and Caiden's statement above, the Weberian bureaucratic role is only one open to the official, and not necessarily the most compelling. Corruption appears to be consistent with customs and traditions, whereas the laws and ethics that make it illegal and immoral are alien, imported and superimposed. In poor countries of Asia, Africa and Latin America, for example, the situation is aggravated by cultural factors, rising expectations and demands, the predominance of the government as a supplier of resources and lack of alternative.

The political aspect of the explanation relates corruption to access for power and political institutionalisation. Again, poor countries are good candidates for corruption because of the disproportionate impact of government on society, bureaucratic dominance, a weak sense of

nation with a high value on kinship, and a market gap between citizen and government. In more politically developed countries like United Kingdom, France, Germany, United states and Canada, corruption is the equivalent of pressure groups influence, but taking place after the passage of legislation rather than erratic administration or public discrimination against minorities.

Types of Corruption and Its Disadvantages

Corruption is of various typologies-What a particular society regards as corrupt may be regarded in a different society as a norm. To this end, it will be relevant to focus attention on a particular type of corruption known as systematic. When we talk in terms of systematic corruption we are referring to a situation where wrong-doing has become the norm, and the standard accepted behaviour necessary to carry out organisational goals in accordance to notions of public responsibility. In this case, trust has become exception rather than the rule. Moreover, corruption has become so regularised and institutionalised that organisations support wrong-doing and penalise those who live up to the old norm of incorruptibility. However, systematic corruption is found today in many countries and jurisdictions, particularly where society prizes organisational loyalty over the public interest. Where past standards of public rectitude and personal integrity have been eroded and where notions of public responsibility and trust have been thrust aside with exploitation of public office for private gain.

Systematic corruption occurs whenever the administrative system *per se* transposes the expected purposes of the organisation, forces participants to follow what otherwise would be termed unacceptable ways, and actually punishes those who resist. Deviant conduct, at this juncture becomes institutionalised so much that no individual can be personally faulted organisationally for participating. Hence, dysfunction is highly obviated.

Some revisionists like Nye, McMullan, Bailey and a bulk of others argued that, moral judgment apart, if public business is conducted according to systematic corruption, that is the operational norm of public administration, and can no longer be considered corruption. It is merely an extra-legal device to gain influence over public policy, to fill vacuums left by inadequate public laws, to get around unrealistic administrative norms, to bridge gaps in the value system of the community in relation to institutional change to reallocate resources and services when disequilibrium arises between supply and demand, to stabilise the political system and replace violence, to cut down uncertainty in decision making, to cut through bureaucratic red tape and to increase the responsiveness and sensitivity of public organisations.

Systematic corruption may do all these things, but when one reduces the term to specific actions, then the jeopardies become self-evident and its institutionalisation is obviously dysfunctional to society. In most cases, the practices constitute theft, bribery or extortion and probably involve deceit, hypocrisy and false testimony and so are indictable offences even if they fall into the typology of victimless crime.

Certain characteristics of systematic corruption are worthy of mention at this stage of the paper. Those characteristics, *inter alia*, include the following:

- The organisation professes an external code of ethics which is contradicted by internal practices.
- Internal practices encourage, abet, and hide violations of the external code.
- Non-violators are penalised by forgoing the rewards of violation and offending violators.
- Violators are protected and when exposed treated leniently, their accusers are victimised for exposing organisational hypocrisy and are treated in a draconian manner.
- Non-violators suffocate in the venal aura, they find no internal relief and much external disbelief.
- Prospective whistle-blowers are intimidated and terrorised into silence. Violators become so accustomed to their practices and the protection given them that, on exposure, they evidence surprise and claim innocence and unfair discrimination against them.
- Collective guilt finds expression in relationships of the internal pressure to do so, excuse any incident as isolated rare occurrences.

The emphasis is that few corrupt practices can be conducted without collusion. Few can be kept secret for any length of time. Violators of public norms are known to all. Individual cases of corruption can be rooted out by the application of organisational sanctions. The wrong-doer is taxed with the evidences, penalised for minor offences and dismissed and possibly prosecuted under the criminal code for major offences. Scandal is localised and steps are taken to prevent repetition.

Paradoxically, it is not easy to handle systematic corruption. There is no guarantee that if the most serious offenders are dismissed, or if everyone who is guilty is replaced, corruption will not persist. The old typology will continue in perpetuity with new players. Furthermore, the scandal will have a reinforcing effect. Successors will make sure they will not be caught so easily by examining where their predecessors went wrong. In some cases, some elements of reorganisation is applied and adopted to make any repetition of exposure much harder. The people may change, but the system persists. Moreover, in the larger society like the continent of Asia, for example, systematic corruption is an impediment to change. Again, in the continent of Africa where few politicians are wealthy enough to depend upon incomes other than those derived from political activities, corruption (systemic) continue to persist without the consequences. To many African politicians, public office is a profit making venture, and the polls is the only opportunity for amassing wealth, embezzling public funds and enriching themselves at the expense of the public.

Apparently the implications are very many and one of them is that systematic corruption perpetuate closed politics and restrict access, preventing the reflection of social change in political institutions.

Secondly, it suppresses opposition contributing to increasing resentment. Thus corruption far from being an alternative to violence is often accompanied by more violence.

Third implication is that it perpetuates and dilates class, economic and social divisions contributing to societal strain and preventing cohesion.

Fourthly, it prevents policy change particularly where this work against immediate market considerations. Individuals or sectional interests are not the best guide to the public interest.

Systematic corruption blocks administrative reform and makes deleterious administrative practices profitable, for example, delays. In some of the less achievement oriented societies like India, Africa and some Latin American countries, delay is deliberately contrived so as to obtain some kind of illicit gratification. Certain administrative procedures create opportunities for malfeasance. It diverts public resources and contributes to more inequality in shoring up or transmitting traditional values into inappropriate areas. Nigeria is a typical example.

Some Advantages of Corruption

In spite of the drawbacks outlined above, systematic corruption may impel better choices as far as economic development is concerned. It increases the allocation of investment, improves the quality of the civil servant, increase the responsiveness of bureaucracy and through nepotism substitutes for a public work system. Admittedly, systematic corruption may lead to capital outflow, investment distortions and aid foregone, but it may also be functional as a source of capital formation, cutting red tape and offering private incentives to entrepreneurs. It makes a positive contribution to political development. This is usually viewed in terms of national integration and the strengthening of political parties. It has also been argued that systematic corruption reduces pressure for policy change and weakens the governmental bureaucracy, both of which are regarded as functional for political institutionalisation.

The effect of systematic corruption is not limited to a specific case. There is an accumulator effect upon perceptions and expectations which subverts trust and co-operation far beyond the impact upon the individuals immediately concerned. It is not confined, above all, to poor developing or modernising countries but found in all organisational societies.

Selected Cases, Conclusion and Recommendations

From the foregoing discussions, it is obvious the paper reflects its title. Being that as it may, some unethical behaviours of the civil servants in any given government jeopardises, to some extent, the smooth running of that government. For example, the case of Clive Ponting divulging the official secrets in 1985 in the UK nearly tore the government apart, in spite of the fact that he was acquitted. Again, the case of Cecil Parkinson impregnating his secretary in 1983 did not go down well for the government either. Another controversial instance is that of Peter Wright, the former M15 officer who published a book 'Blowing the Lid on Britain's Spy Catchers'. This however, is against the national security as Mrs Thatcher puts it, that Mr. Wright must not be allowed to break the services rule of secrecy (1986:2). The case of Edward Snowden who has been in exile in Russia from the USA is debatable.

Furthermore, in the case of some Nigerian politicians like Dikko, Ways, Akinloye, Okilo to mention a few, embezzling billions of naira was a big blow not only on Alhaji Shehu Shagari's government which was toppled in 1983 by General Muhammad Buhari, now democratically elected President of Nigeria in May 2015, but also on the general development of the society. As Balogun (1983) has demonstrated, 'corruption postpones indefinitely the attainment of development'. In 1975, the Murtala/Obasanjo military regime purged 11,000 personnel from the Nigerian public service of corruption (although these numbers were not all accused of corruption). Again, in 1990 under General Babangida's military regime, investigation revealed that the treasury lost 24 million naira (US\$3 million) as a result of a single customs swindle involving importers and customs officers. The sophisticated scam used bogus cheques and bank drafts forged with the use of computers and printing machines (West Africa, 1991:150-1). In Sudan, nepotism and corruption sabotage economic prospects due to confinement of top professional jobs to inept/ incompetent relatives and political supporters (Umbadda, 1989).

Today, the problem of corruption and misconduct in public offices remains a crucial issue in politics. It appears in both developed and developing countries and distorts the political process both in democratic and dictatorial systems. 'The consequences of corruption lead to economic burden to the public because the cost of corruption is transferred to the consumers. It also leads to negligence in all aspects of administration, tendency toward subordination of efficiency norms to the norms of the graft transaction and general loss of respect for the constituted authority with regard to observance of rules and regulations' (Alatas, 1986).

In developing societies, corruption contributes greatly to the brain drain; increases the psychological stress of life in big cities and in business circles owing to the tension a corrupt environment generates. It fosters criminal activity and undermines the judiciary as well as manipulation of elections by parties in power. Once this takes root in a political order, the possible engine of change is force which, will, in turn lead to political instability (Krieger, 1993:198-99).

However, to a considerable degree, the individual misconduct which ranges from corruption to lack of interest in the accomplishment of public functions within which he operates has caused rows of various kind; hence it has now been considered a vital issue in the contemporary public sector administration and management. The basic solution to eliminate corruption will be a government which is totally committed not only to the welfare of its people but also to the future of the nation. The attitude of 'let us live for today, tomorrow will take care of itself' is very dangerous and should be constructively analysed and treated carefully.

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