

Conflict, Confusion, Choice: A Phenomenological Approach to Acts of Corruption

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Abstract—Public sector corruption has long-term and damaging effects that are deep and broad. Addressing corruption relies on understanding the drivers that precipitate acts of corruption and developing educational programs that target areas of vulnerability. This paper provides an innovative approach to explore the nature of corruption by drawing on the perceptions and ideas of a group of public servants who have been part of a corruption investigation. The paper examines these reflections through the ideas of Pierre Bourdieu and Alfred Schutz to point to some of the steps that can lead to corrupt activity. The paper demonstrates that phenomenological inquiry is useful in the exploration of corruption and, as a theoretical framework, it highlights that corruption emerges through a combination of conflict, doubt and uncertainty. The paper calls for anti-corruption education programs to be attentive to way in which these conditions can influence the steps into corruption.

Keywords—Phenomenology, choice, conflict, corruption.

I. INTRODUCTION

THIS paper uses the insights, stories and perceptions of a group of people who have been through a public sector corruption investigation in Western Australia. The paper views the reflections of the study group through the work of Pierre Bourdieu and Alfred Schutz. Both Bourdieu's understanding of social action and Schutz's analysis of 'the everyday world' provide tools with which to delve into the complexities around corruption. The research project, while an exploratory study into the ways in which corruption affects the lives of people, highlights the difficulties that arise when exploring corruption. By utilising the phenomenological methods developed by Bourdieu and Schutz this paper provides an examination of the background detail that underpins the movement into acts of corruption.

Corruption has long-term effects that are difficult to grasp and complex to understand. In the public sector, corruption is more than a deviation from expected practice; it is behaviour that transgresses the protocols of public officials. Research into public sector corruption has demonstrated impacts on productivity and growth [1], investment and staff morale, and detrimental effects on the relationship between government, the bureaucracy and the broader society [2]-[3].

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While corruption, by its very nature, means that a particular obligation or practice has not been adhered to, within the public sector, these practices are governed by rules and legislation and these set the parameters for the actions of public servants. As the public sector implements the policies and services of the government it is integral that the actions of the public sector are held open to scrutiny.

According to de Graaf and Huberts [4], research on corruption needs to be attentive to people and process. While research may show links between institutional practice, economic structures and the development of government [5], this does little to add to our understanding of why individuals participate in corrupt activity. Such an exploration requires a close examination of corruption cases so as to add contextual detail to our overall understanding. Huberts and Nelen [6] argue that 'public officials are corrupt when they act (or fail to act) as a result of receiving personal rewards from interested outside parties. As this project explores acts of corruption in the public sector in Western Australian the definition above provides a sound basis from which to consider the nature of corruption.

Key to understanding corruption is that it always occurs in a relationship. That is corruption involves people and the exchange of something for some form of reward. Implicit in this relationship is the relevance of incentive: the stimulus that incites someone to engage in corrupt activity. Importantly though, corruption does not have to involve monetary rewards; it can involve the exchange of information, a concession or an increase in one's position [7]. By understanding corruption as relationship suggests that acts of corruption are often contingent on the dynamics of that relationship. The paper proceeds as follows: the next section outlines the research methods and design; section two discusses the ideas drawn from the interview data, this is broken into individual themes and organisation practices. The final section uses the work of Bourdieu and Schutz to further inform our understanding of acts of corruption.

II. METHODS AND PROJECT DESIGN

The design of this project is premised on the view that the perceptions of people directly involved with an experience or incidence can provide insight into that experience [8]. The project employed an inductive design in that it did not set out to prove existing theories; rather, the project looked for patterns in interview data so as to enhance our understanding of the phenomena under consideration [9]. As this study

interviewed people involved in an ACA investigation, the project design required approval from the Murdoch University's Human Research Ethics Committee¹.

The project conducted 22 interviews that discussed seven acts of misconduct. This is a small but acceptable number in terms of exploratory research which requires somewhere between four and ten cases in which to cover data in detail [10]. The interview questions were open ended and conversational in style, which allowed for reflexive engagement in the participant's interpretation and perception of their experience and provides a valid way to draw out sensitive details [11]. The interview questions covered the participants' perception of the corrupt activity, their organisation and support structures, views regarding the investigation, and any long-term outcomes post-investigation². The interview cohort was broken into three discrete groups: those who had a finding of misconduct against them; those who had been through an investigation but had no finding against them, workplace colleagues and family members.

The research design situated the interview data within a 'corruption grid' [12] in order to look for patterns and themes. The grid comprised four key variables: individual, organisation, networks and investigation; each variable was broken into subcategories in order to readily explore the interview data. These included: motives and processes; structures and culture; relationships and context; and knowledge and outcomes. These themes were overlaid by a further level of theoretical analysis; first by considering human action in terms of Bourdeau's theory of social action [13] and second, Schutz's analysis of the structure of the everyday world was employed to contextualise these actions within their structural setting [14]. The resulting matrix provides a way to map perceptions and interpretations onto the surrounding contextual detail.

III. ACTS OF CORRUPTION: THE INDIVIDUAL IN CONTEXT

The interview data focussed on seven acts of misconduct that fitted within the definition outlined in the *Corruption and Crime Commission Act 2003* in Western Australia. During the interviews participants were asked to discuss what was happening in their organisation and to reflect on the processes and findings of the investigation³. From these discussions several themes became evident. Before moving on to discuss these main themes it is important to state that the discussions and reflections of the participants did not attempt to cover their view of the causes of alleged corruption and misconduct. As an exploratory study, the aim of this study was to obtain insight into acts of corruption in order to further inform our thinking about corruption. For this group of participants four key themes emerged in relation to their reflections about the events: workplace pressure, a sense of wrong-doing, and a

perception that these actions did not constitute misconduct or corruption.

For those who had been through an investigation, both those with a finding against them and those with no finding, the dominant theme that described their working environment was 'pressure'. Pressure was explained as part of the organisational demands placed upon staff to complete work. Pressure was part of managing the public who accessed the particular agency or service. Several participants discussed what could be seen as 'improper pressure' that external stakeholders exerted, especially in terms of timelines. For some participants, pressure was felt in large part to his or her not receiving relevant training especially in the use of technology or software systems. Other participants discussed the absence of induction procedures which resulted in these officers not being aware of procedures and practices within the agency. The following examples highlight the feelings of pressure raised in the interview data:

They needed someone to fill in quickly; I didn't have any formal training; the pressure was on all the time ... we had 30 minutes to check cars, then log into a computer, we didn't have a permanent computer ... there were new cars, used cars, cars with yellow stickers, trailers, trucks and queues with people wanting to be seen ... there was always confusion around what needs to be examined and how much time there was to do it...

We had huge queues to get cars checked, people waiting up to 8 hours to be seen, we had 4 staff and so many cars ... there was no management ... we're just public servants under huge time pressure to see as many as we can ... we had to cut corners and use short cuts...

This is a pressure job, we have titles come in and need sorting out, we deal with lots of developers and they put pressure on us to get things done ... it could go to the boss and then he'd bring it down to me to get it done now ...

While the issue of pressure to complete work in a timely fashion was certainly part of the daily working life of this group, the participants did not directly attribute a causal link between the pressure of their work and the subsequent actions deemed misconduct. For the participants, the pressurised nature of their work was explained as one of many factors that contributed to their working environment.

The interview data also highlighted that, for these individuals, there was some recognition of wrong-doing or a sense of unease about the actions they were undertaking. As the participants with a finding against them recalled the events around their actions each person commented that somewhere within their thinking was the recognition that: *'I know I shouldn't do it ...'*. For some people, this was explained as *'short cutting the system to help out people, but I ended up getting caught out'*. For others, this unease concerned how to manage the pressure from the customers; while for others, this unease was more a sense of not knowing how to respond to

¹ This project was approved by Murdoch University's Human Research Ethics Committee; approval number 2011/036.

² The two latter points are not covered in this paper

³ The study cohorts' reflections on the processes of the investigation are not covered in this paper.

what appeared as a *'believable story'* from external stakeholders. The repetition of the phrase: *"I know I shouldn't ... but"* suggests that it is integral to understand the push and pull factors that contribute to someone stepping into the difficult space of knowing something is wrong, but doing it anyway.

Another key theme that emerged from the interview data was that, while the participants identified their actions as somehow wrong, no-one in this group understood their actions as fitting into *their* perception of corruption. When asked to explain their understanding of corruption and misconduct each participant saw corruption as involving hardened criminals or people who were out to make money, or purposely exploit a situation for their own advantage. The common response to their realisation that these actions fitted into the framework of the investigating agency was *'I was flabbergasted'; 'I was shocked, gobsmacked ... speechless'; 'it made no sense to me' 'I didn't think this was anything that serious'*. The majority of this group did not view their actions as seeking advantage or gaining monetary rewards. The response from the participants suggests that there is a disjunction between these everyday understandings of corruption and that defined by the government agency. These front line public servants, who explained their working life as *'just public servants, [who] deals with the public'* did not know of the power of the *Act* or the specific role of anti-corruption agency.

IV. ACTS OF CORRUPTION: ORGANISATIONAL STRUCTURES

Corruption and misconduct occurs in relations between people so it necessarily occurs within particular structures that contextualise these relationships. Within the public sector, structures provide the framework for human action, acting as guides for engaging with the public and providing the framework for decision-making. While each of the government agencies from which these cases emerged was different, the people involved fitted within the service delivery framework. The majority of participants constitute front line public servants with some of the participants involved with the public through their administrative role in procuring supplies for their respective agency.

In relation to the culture within the agencies, the participants across all of the interview groups explained that their daily working environment emphasised friendship and support within a pressurised environment. People discussed how they had worked as a team and developed strong supporting relationships with their co-workers within the agency. This was especially the case for those who had worked together for a long time. The participants also discussed how they developed relationships with external stakeholders, most specifically, business people who required frequent access to the agency for approval standards appropriate for their business.

The participants discussed that in some public sector agencies it had been historical practice for businesses to provide gifts at the end of the year or at other times when large projects had been complete. Gifts mainly consisted of

vouchers for alcohol and food that would be used for staff Christmas parties or other such celebrations. The participants also commented that some businesses would supply beer, chocolates, cakes and so on for staff as a sign of appreciation for a job well done. In all of the participant groups, the explanation around receiving such gifts was that they were for the whole team, that that they were to be used to build support and, as one participant explained, *we don't earn a lot so these presents show some thanks for our work'*.

The above themes raise several points in regards to exploring corruption and misconduct. First, as stated above, this project did not attempt to identify the causes of corruption. There is considerable research on corruption that explores the causal links between events and causal outcomes [14]-[15]-[16]-[17]. The themes highlighted above: pressurised working environment, the hierarchical structure that informs the distinction between wrong and 'not quite right'; the disjunction between short-cuts and misconduct, the availability of clear structures that guide decision making, and knowledge of process point to several factors that can contribute to the possibility of people engaging in corrupt acts.

These factors and sources are not the same as demonstrating a causal link. Causality requires that there is a consistent and verifiable relationship between the event and the subsequent act, and importantly, that such connections are consistent over time [18]. For there to be a direct causal link between workplace pressure and misconduct or the disjunction between adopting short-cuts and misconduct one would expect to find high levels of misconduct within many working environments such as the public sector and the business world. This is not the case according to Transparency International's Corruption Perception Index 2010, with Australia ranking 8.7 out of a possible 10, [19] which would suggest reasonably low levels of corruption within the government, public sector and business.

V. CONFLICT AND CHOICE: THE PHENOMENOLOGY OF DECISION MAKING

The disjunction between knowing something is wrong (or not quite right) but stepping over the line anyway provides a theme relevant for phenomenological inquiry. For phenomenology, the relationship between thought and action is of prime importance. While phenomenology covers a broad area which includes the structure of consciousness [20],[21] corporeal schema [22], ethical relations [23] and the structure of human action [24], the importance of phenomenological inquiry for this project is that it provides the tools to explore human action, decision making and the role of perception in acts of misconduct and corruption. Phenomenology provides a way to explore how we make sense of the world around us. As a form of inquiry, it also emphasises the relational aspects of human action which therefore provides a method of inquiry that links action, thought and context.

Exploring the disconnect between knowing something is wrong but acting anyway can alert us to some of the factors that precipitate one's initial step into corruption and

misconduct. Research into corruption suggests that corrupt officials may be caught up in small but continuous steps that lead to an overall rationalisation of their actions and a repetition of events [25], other research points to corruption emerging from ineffective and lax supervision [26],[27]. Certainly the participants in this study could rationalise these actions and some pointed to minimal supervision. While the research provides some explanation as to the processes involved in maintaining acts of corruption, current research does little to explain the key motivational drivers that would lead someone with over 20 years experience (as in the case of some of the participants) to participate in corrupt actions.

Exploring the factors that enable one to step into acts of misconduct suggests there is a conscious choice involved in the decision. The phrase: *'I know I shouldn't ... but'* indicates that there was some conscious recognition of the possible consequences of the participants' actions. However, this is not to suggest that decision-making is a choice between two possible options as a number of contingent factors may influence human decision-making. When viewing these actions through Bourdieu's theory of social action and 'habitus', choice and decision making emerge from the relationship between setting, knowledge, expectations and uncertainty. For Bourdieu, decisions cannot be explained through a rational choice model whereby we draw up a list of possible choices, determine the consequences and then evaluate these comparatively [28]. Rather, decision making is most often contingent upon unknown factors that can result in spontaneous actions [29].

Bourdieu's theory of action is not suggesting that people should be absolved from responsibility due to the incomplete, and at times, spontaneous nature of their decision-making. Rather, his work points to the complexities around decision-making. In Bourdieu's analysis decisions involve conflicts between competing actions, thoughts and ideas as exemplified in the statement: *'I know I shouldn't but ...'*. This theory of social action brings to the fore the unpredictable nature of human action, which is especially important when developing educational programs that aim to minimise the possibility of corrupt activity.

Schutz's work on the everyday world also provides valuable tools that can assist with understanding the nature of decision making. While Bourdieu emphasises the role of spontaneity and unpredictability, Schutz provides a detailed analysis of the structure of choice that can assist with exploring acts of corruption and misconduct. For Schutz, choice is premised on the distinction between what is known and regarded as 'typical' and what is unknown or unfamiliar. Choice emerges when something that is known and taken for granted – as normal – is dismantled or challenged in some fashion. When the normal or routine content is thrown into doubt, one must reconsider what was previously held to be true [30]. For example, improper pressure through the offer of incentives can place in doubt the normal and typical decision making strategies people employ in their work practice, continual pressure to complete work tasks quickly can also challenge

typical expectations within the workplace; and pressure can also lead to a culture of taking short-cuts and risks.

The work of Bourdieu and Schutz emphasise that misconduct and corruption require three processes to converge. First, acts of corruption emerge from a relationship that is in conflict with what one understands as normal. That is, as stated above, conflicts can emerge through consistent pressures and the offer of incentives. Conflict can also emerge from changed expectations or changes to one's knowledge regarding processes. Second, stepping into acts of corruption can involve a sense of doubt about something previously held to be 'true'. Doubt can reside in the idea that the workplace will not improve, that the pressures will increase which may further challenge the familiarity around one's working conditions. Three, conflict and doubt can bring about changed conditions which could provide the impetus to step into actions that one would not otherwise have considered.

The above points provide a sketch that can further inform our understanding of acts of misconduct and corruption. The respective positions of Bourdieu and Schutz highlight that human action and choice is not simply a matter of deciding between two possible positions. Rather choice involves, in the first instance, conflict, doubt and confusion about something that was once held to be true. Viewing choice in this framework has implications when developing programs to assist people to manage their actions around misconduct and corruption. Educational programs need to be mindful of the conflicting views and pressures people can be exposed to in their daily working environment. Further, educational programs need to be attentive to the way in which 'doubt' and 'uncertainty' influences the choices we make. Finally, programs that focus on corruption prevention need to develop 'anchorage' points to assist people to manage the three conditions that converge around acts of corruption: conflict, doubt and uncertainty.

VI. CONCLUSION

This paper has used the ideas and perceptions of a group of people who have been involved in an anti-corruption agency investigation. The basic research premise was to inform our understanding of corruption in order to further develop educational programs. The paper has highlighted that such programs need to be attentive to the conflicts people face in their daily working life as it is the conflicts that influence and challenge acceptable work practice. The paper has employed the work of Pierre Bourdieu and Alfred Schutz in order to explore the dynamics that inform human action, decision making and choice.

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