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Corruption Discourse and Modern State
Legitimation – a Historical Comparison of
Britain and Germany



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for the degree of Doctor of Philosophy

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Declaration

I hereby declare that this thesis has been composed solely by myself and that it has not been submitted, in whole or in part, in any previous application for a degree.

Except where it states otherwise by reference or acknowledgment, the work presented is entirely my own.

Martin Booker, March 2017

Abstract

This thesis examines the way in which corruption discourses are embedded in processes of state formation. It builds on the theoretical premise of social constructionism, namely that 'corruption' is not an entity that exists in reality but that it is an agreed-upon classification of certain types of behaviours. These processes of social and political construction are foundational for corruption discourse, conceptualised as a political practice through which the legitimacy of power and authority, of either persons, behaviours or institutions, can be challenged. As a socially and politically constructed entity, corruption discourse is shaped by political processes and in turn also shapes political processes. The comparison of corruption discourses in Britain in the 19th century and in Germany in the late 19th to mid-20th centuries endeavours to demonstrate the different ways in which they were shaped, as well as in turn shaped, contextual state formation processes. The two countries represent two different pathways through which high levels of corruption control were achieved, one democratic, the other authoritarian. While anti-corruption measures in Britain were introduced alongside democratisation processes in the 19th century, various German states implemented measures top-down in their 18th century efforts to modernise state administration.

This study looks at the times when corruption *discourses* became a matter of public interest, and traces their role vis-a-vis subsequent institutional developments. In Britain this starting point is located in the early 19th century, in Germany in the Kaiserreich of the 1870s. Three case studies each exemplify and illustrate the different sequences in which corruption discourse unfolded. In Britain, these are the 1809 Duke of York case, exemplifying a 'discovery phase', in which corruption discourse first showed signs of becoming weaponised for political discourse; the 1830 to 32 Electoral Reform discourse exemplifying a 'contestation phase' in which corruption allegations were strategically used to undermine the legitimacy of Parliament and the system through which it was elected; and the 1889 Corrupt Practices Act discourse, exemplifying a 'consolidation phase' in which anti-corruption measures became normalised rather than being subject to contest. In Germany, the 1896/97 Tausch Affair represents a different kind of discovery phase, one that is restrained and corrupted by authoritarian intervention; the Erzberger-Helfferich case of 1919 represents a different kind of contestation phase, one that is characterised by the hyper-mobilisation of corruption discourse that contributed to the eventual failure of the Weimar Republic; and the Spiegel Affair of 1962, in the context of the Spiegel's role in post-war Germany more broadly, represents a successful consolidation phase in the Bundesrepublik, in which authoritarian intervention failed to corrupt corruption discourse.

The cases thus highlight different ways in which corruption discourse was shaped by, and in turn shaped, state formation processes. They showcase a range of different institutional and political framework conditions as well as a variety of institutional outcomes, of reform, consolidation and destruction. The thesis argues that corruption discourse was thus a central driver of state formation processes, and that concepts of corruption were integral to the idea of the modern state.

List of Abbreviations

CDA	Critical Discourse Analysis
CPI	Corruption Perceptions Index
DI	Discursive Institutionalism
FPTP	First-past-the-post
MP	Member of Parliament
PBCPA	Public Bodies Corrupt Practices Act
SKAD	Sociology of Knowledge Approach to Discourse
SPD	Sozialdemokratische Partei Deutschlands
TI	Transparency International
UK	United Kingdom

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The Centrality of Corruption Concepts in the Modern State

Political corruption research continues to be a marginalised subfield in the political sciences. Bo Rothstein laments that corruption is largely absent from leading introductory textbooks of the discipline (2015: 89). Michael Johnston complains that American political science “has remained steadfastly uninterested in corruption issues for generations” (2006: 809). Bo Rothstein and Aiysha Varraich pinpoint the erstwhile ‘taboo’ that created a “hesitance, until at least the late 1990s, of doing research on corruption” (2014: 21). And Anwar Shah, coming from a practical policy perspective, recommends not even to use the ‘c-word’ (2007: 249ff.). While some of these statements have a certain tendency to exaggerate – plenty of corruption research does exist after all – they reveal an uneasiness in the relationship between politics as an academic discipline and corruption research as a subfield of this discipline. Political scientists are central to the study of corruption, but the study of corruption does not seem to be central to political science.

Recent years have seen some new strands of research that, by intention or coincidence, go some way to redressing this imbalance and tying corruption more closely to more central concerns in the discipline. Ironically, the preferred method here seems indeed, at least to an extent, to follow Shah’s advice. The ‘c-word’ is still mentioned, but it is only in the context of different forms of non-corruption such as good governance (Fukuyama 2013, Andrews 2008, 2013), state capacity (Besley & Persson 2009, Hendrix 2010), integrity (Doig & McIvor 2003, Hardi, Heywood & Torsello (eds.) 2015), quality of government (Rothstein & Teorell 2008, Agnafors 2013), ethical universalism (Mungiu-Pippidi 2006, 2011, 2015) or deep democratisation (Johnston 2014) - chapter two of this thesis discusses some of these approaches. What they have in common is that they analyse corruption in its broader context, not as an isolated act of deviance but with an eye on what exactly it is a deviation from. To an extent, these studies show how corruption is an integral part of the bigger picture of politics, of the very central issues that are at the heart of what political science is concerned with.

However, when it comes to conceptualising how corruption is, or more precisely how ideas of corruption are, not just part of but *central* to politics and the modern state, my contention is that these approaches are still barking up the wrong tree. If the aim is to get a better understanding of this *centrality*, what Niklas Luhmann (1993) called a second-order observation can be more helpful. It is not by observing corruption itself but by taking a step back and observing those who are observing corruption that this centrality can be more clearly distinguished. The aim then is not to define what corruption is and determine what causes and effects it has, as most corruption research tries to do, but to look at the processes through which it is defined in the first place. In this thesis, this approach is informed by the social constructionism of Peter L. Berger and Thomas Luckmann (1967), and has so far been applied to corruption by only a handful of authors such as Steven Chibnall and Peter Saunders (1977) or more recently Peter Bratsis in a widely cited essay (2003). It is in Bratsis' work in particular that corruption's stealthy prominence becomes more apparent. In his view, there is a relatively clear distinction between a traditional concept of corruption that implies above all some form of degeneration (of the mind, of virtue, of morals), and a modern understanding - in essence what is today the standard definition - of a violation of the public good or interest or office for private gain (different forms of this definition are discussed in chapter two). Bratsis does not supply an exact start date for this transformation from traditional to modern, but locates it generally in processes of modernisation in the 18th to early 19th century. He concludes that "our understanding of corruption becomes possible and thinkable as capitalism and the state emerge and become dominant" (2003: 14).

The distinction between public and private interest in this reading is particularly intriguing. While neither were seen as bad in themselves, it was the mixing of the two that became seen as illegitimate. This meant that defining what was corrupt and what was not could never be a neutral undertaking. It was always a normative project that gave legitimacy to some behaviours and withdrew it from others. And in Bratsis' interpretation it was the emergence of the bourgeoisie to economic and political power that was driving this normative project. The distinction between public and

private was thus part of a political ontology that was imposed on the developing modern state, in line with the emergence of capitalism and the rise to power of the merchant and industrialist classes at the cost of the aristocracy. A new version of normality, of what was seen as the normal behaviour that could be expected of a person in what was now seen as *public* office, and what was its aberration, destruction and corruption, slowly developed. And in this process, as Bratsis argues, the political goal of 'non-corruption' became firmly inscribed in the idea of the state:

By establishing the division between the normal and pathological in the public/private split, the modern understanding of political corruption is at once making a statement of fact and presenting us with the political goal of fully realizing the normal. (2003: 17)

It is worth considering the poem *Corruption's Confession* to illustrate this struggle between different versions of normality. It was published in 1834 in the liberal-leaning newspaper *Bradford Observer*, in the midst of an ongoing conflict between the reformist movement demanding representation of the people in Parliament, and a coalition of 'old elites' rooted in the patrimonialism of the aristocracy that was still running the state's institutions – *Old Corruption* (Harling 1995) as it was still commonly referred to. The recent 1832 Electoral Reform Act had only enfranchised a disappointingly small segment of the growing population, and – as chapter four will show – the decades following the act were mired in controversy and contestation, in calls for reform and, in cases, threats of revolution. The poem is essentially a bourgeois critique of aristocratic corruption, and in extension of the patrimonial state itself - a fitting illustration of what Bratsis has described as the 'normative project' that makes not just a 'statement of fact' but also presents us with the 'political goal of realising the normal'.

Corruption's Confession is rich in illustration, and in the following I merely want to point towards some of its main themes. At the outset, the author establishes what exactly corruption is, and where it is located. Corruption is 'old', lives 'near the crown' in 'London town'. This appears to be a description of *Old Corruption*, the patrimonialism of the aristocratic elite, residing in the institutions of the central state.

The enemy has thus been defined, and the poem goes on to describe some of the ways through which it works. The reference to taxation is telling:

But there is one, in time of need,
A very useful friend indeed !
Who travels with the greatest speed,
O'er all the nation,
And brings me large supplies of feed—
His name's *Taxation*.

This further underlines that the critique here is systemic. It is the state itself that is attacked, and its raising of taxes that, as the poem goes on to state, “steals half their money” – an act of theft, clearly seen as illegitimate. This indeed resonates with a popular motif at the time, from the Napoleonic wars onwards (more on this in chapter four). Similar to the ‘no taxation without representation’ movement that led to the American War of Independence, there was here an increasing tension between the fact that broad sections of the population were financing an ever expanding state, but at the same time had little say in how the state was run. Harling describes how this particular version of corruption discourse had emerged earlier in the 19th century:

During and after the Napoleonic wars, popular radicals such as William Cobbett routinely drew attention to what they called ‘Old Corruption’ or simply ‘Corruption’ or ‘The System’ or ‘The Thing’. They used such words interchangeably to describe a parasitic political system that took an unprecedented amount of tax money out of the pockets of Britons and transferred it to those of a narrow band of well-connected insiders through a wide variety of nefarious means. (Harling 2003: 98)

Corruption's Confession then goes on to connect the taxation theme to “oppression”. The state violence expressed in the “bayonets and artillery” further underlines the illegitimacy, the coerciveness of the existing arrangement. Finally, a reference is made to the opposite of corruption, freedom:

Hard is poor Goddess Freedom's lot,
I've chain'd her in a cell to rot,
And though her body I have shot,
She still survives ;
I think the jade at least has got,
A thousand lives !

And indeed, if freedom was set loose, a revolution of kinds would ensue:

**For if she gets at liberty,
She'll overturn me,
And then to be revenged of me,
Hang, drown, or burn me.**

I have premised above that observing how observers of corruption made sense of corruption could provide insights into the centrality of the concept of corruption for the modern state. The centrality that can be seen in *Corruption's Confession* lies in the way the idea of corruption is used to challenge and rearrange understandings of legitimacy. The entire point of the poem is to signify that government - defined as old corruption, near the crown, London town etc. - with its taxation and its oppression, are illegitimate and might as well be overthrown and "chain'd in hell" - a thinly veiled hint that even revolution would be a legitimate means of dealing with this 'evil'. The format of a poem, of course, is unusual, and the language used atypically colourful. The principle, however, is universal. All the six case studies in my analysis show in some way or another how corruption discourse functioned as an important organiser of legitimacy. To label political opponents, institutions or entire political systems as 'corrupt' marks them as illegitimate. And *Corruption's Confession* is one of many thousands of writings and utterances - discourse - around the mid-1800s in Britain that did exactly this, questioning the legitimacy of the existing state institutions. At the same time, the state itself, in its so-called *Age of Reform* indeed implemented reform after reform after reform, and by the end of the 19th century had developed into what can be called a modern semi-democratic state with a largely democratic system of representation (as far as the male population was concerned) and a largely impartial bureaucratic apparatus. It is unlikely that this would have happened without corruption discourse, and without shifts in perception of what were legitimate political institutions and which were not. It is in this organisation of legitimacy that concepts of corruption became central to the modern state.

Corruption as discourse was thus a driver, not just a by-product, a normaliser not just an anomaly, a cure not just a pathology, in, of and for the formation of the modern state. This thesis hopes to shed some light on some of the processes in which this can be observed.

At this point, a clarification of my use of the term 'modern state formation', and the place of these legitimisation processes within them is in order. In the case of Britain, the 19th century comes at the tail end of the formation of the modern state, and only so if one chooses a generous definition. I follow here roughly Elias' (1982) model which incorporates not just the monopolisation of power and territorial integration, but also elements of the internal re-organisation of the state, the establishment of an administrative apparatus and the diffusion of power to a greater number of people. And while Elias' own focus was indeed on the early modern state of the preceding centuries, these processes extended well into the 19th century. Britain continued the development and expansion of its centralised state administration, as well as extending the vote to ever wider parts of the (albeit only male) population. It is in these two advancements of the modern democratic state specifically, bureaucratisation and democratisation, in this phase of (near-) completion and consolidation of said state, that corruption discourse came to play a pivotal role.

In Germany, corruption discourse interacted with a number of different state developments: In the post-1871 Kaiserreich it was compromised by authoritarian manipulation by state authorities, mirroring Germany's slow, difficult, and comparatively late transformation from authoritarian to democratic rule. In the democratic Weimar, with its heated political conflict lines, corruption discourse, too, overheated, undermining perceived legitimacies of politicians, institutions, and the Republic itself, contributing to its eventual demise. In the post-World War II federal republic it finally arrived at a similar point as Britain's had in the 1880s: corruption discourse here served to consolidate and defend the existing order against digressions from the norms. What these cases all have in common is that debates on corruption were not just part of but central to the broader and fundamental legitimisation discourse of the modern state - on it hinged the success or failure of the

newly formed institutions. Just how foundational these legitimisation discourses were and are for the stability of the political order more generally is discussed in chapter two, in which Habermas' theory of communicative action (1981) provides meta-theoretical grounding for this assertion.

Research Questions

The central research question addressed in this study is: What is the role of corruption discourse in the state legitimisation processes of Britain in the 19th and Germany in the late 19th to mid-20th centuries? More specifically, it looks at the ways in which corruption discourse historically was constituted by social and political construction processes and their underlying conflicts of interests and ideologies on the one hand, as well as the ways in which it then, through the dynamic process of discourse and its transformative power to shift perceptions of legitimacy, shaped and constituted the social and political world it was part of.

Structure of the Thesis

This thesis proceeds through seven chapters: This introduction, chapter one, is followed by theoretical considerations in chapter two, research design and methodology in chapter three, corruption discourse in 19th century Britain in chapter four, corruption discourse in late 19th to mid-20th century in Germany in chapter five, further comparative analysis and theory-building in chapter six, and a conclusion in chapter seven.

Chapter two lays out, in two parts, the theoretical foundations of the study. Part one reviews the leading political science literature on corruption, and starts with a discussion of a range of conventional research approaches that have been used over previous decades. Heidenheimer's (1970) distinction of public-office, public-interest and market-centred definitions is used to organise this section, and the three, as well as the distinction itself, are critically discussed. This helps map out the field of corruption research more generally and enables me to locate my own social constructionist approach in relation to these older approaches. My suggestion for visualising this is to put Heidenheimer's typology aside and instead order the

different approaches on a range that runs from objectivist to subjectivist definitions. This is then followed by a short excursion to the contextual approaches mentioned above, which discuss corruption in the contexts of integrity, quality of governance, ethical universalism and deep democratisation. This in my view forms a bridge to the social constructionist approaches that follow, in the sense that all these approaches point towards different kinds of institutional, historical and ideational contexts. Part two of this theory chapter then addresses directly the foundations of the social constructionist discourse analysis of this study. It first elaborates on the social constructionist part of the equation – the ways in which understandings of corruption are subject to processes of social and political construction and reflect underlying power struggles. Bratsis' (2003) approach is further elaborated here, and building on Granovetter's (2004) work, different potential applications of a social constructionist approach are discussed. Attention then turns to the discourse side of the equation, which looks not just at how corruption discourse is socially and politically constituted but also how it in turn constitutes the social and political framework it is constituted by. This is a newly developing field in the study of corruption, and some of the latest work by Breit (2010, 2011a, 2011b), Kajsia (2013, 2015) and Zurnić (2013, 2014, 2017) is introduced. The conclusion of the theory chapter provides a focal point for this thesis, in what I believe is, for the purposes of this study, a comprehensive definition of corruption discourse, building on the theories discussed, and pointing towards the analysis to follow.

Chapter three looks at the different decisions taken in the research design of the study, and discusses some of the practical considerations of the data collection and analysis. First, I argue the logic of comparing Britain and Germany and their two very different histories of modern state formation. Despite their differences they both have achieved high levels of corruption control, and this makes the two fruitful for the kind of comparison Skocpol and Somers (1980) have called *contrast of contexts*. The idea here is to contrast how one common factor – corruption discourse – has been shaped by very different contexts. The study also has elements of a *parallel demonstration of history* (ibid.), in that it allows the testing of some of the theoretical

ideas developed, mostly, in chapter two, and an examination of whether they apply across these very different circumstances. Secondly, closer attention is paid to the three case studies that were selected for each of the countries. The desynchronization of the time frames of comparison – looking at Britain in the 19th century and Germany much later from the late 19th to the mid-20th century – represents a focus on those periods of time in which corruption discourse could indeed be observed to interact with state formation processes. I argue that in both histories, different phases of corruption discourse can be observed, starting with what I call a discovery phase, moving through a phase of contestation and finally settling into a phase of consolidation. This part of the chapter also explains what these phases each represent, and the rationale for selecting the case studies that represent the different phases. Finally, some practical considerations regarding the data collected and the archives used are discussed, and the approach to data analysis explained. The analysis of the documents followed a three-level approach that looked at the micro-level of the text, the meso-level of the immediate context and the macro-level of the wider context of state formation. Of particular importance here is the concept of ‘framing’ as it bridges the three levels and shows, for example, how different state formation processes are expressed in corruption text.

Building on the theoretical and methodological foundations of chapters two and three, the fourth chapter presents the three case studies selected for Britain, and the historical trajectory of corruption discourse more generally throughout the 19th century. The first case study is on the Duke of York scandal in 1809, in which the then commander-in-chief of the armed forces was embroiled in a scandal about his misconduct in office by selling officer patents through his mistress Mary Clarke. As a discourse, this case sees an initial attack on the person of the duke transformed into a more fundamental critique of the parliament that had acquitted him of wrongdoings, and the electoral system that had produced the parliament. It is thus representative of a *discovery phase* in which political campaigners discovered the potential of the allegation of corruption as a powerful challenger to authority. The second case study is concerned with the Electoral Reform Act debate of 1830 to 1832,

leading up to the passing of the corresponding parliamentary bill. The discourse here shows how the signifier of corruption was strategically used as part of a wider reform discourse, to brand the existing political institutions as corrupt, and demand that they be reformed. This is representative of a *contestation phase* in which corruption discourse was used politically to challenge the existing order and contest its institutions. The third case study in this chapter is on the passing of the 1889 Public Bodies Corrupt Practices Act. While a significant piece of legislation that consolidated anti-corruption laws and remained valid until 2010, it was accompanied by little discourse, and little political controversy more generally. This is thus representative of a *consolidation phase* in which corruption discourse was no longer politicised and used to attack the state, but quite the reverse, it was used to defend its institutions against those who might try to subvert them by acts of what was now universally seen as 'corruption'.

Chapter five accordingly looks at corruption discourse in Germany, the three cases studies selected and how they, too, represent phases of discovery, contestation and consolidation, albeit in very different ways. The first case study is the Tausch scandal of 1896 and 1897 in which a system of press manipulation by a senior officer in the political police was exposed, a *corruption of corruption discourse* if one likes. In the context of other authoritarian interventions into the press sector, this shows the difficulties corruption discourse was encountering in its early development. There was some level of discovery, however, in that the worker's movement in particular was able to see the potential of corruption allegations for undermining the legitimacy of state actors. This case thus represents a discovery Phase in which corruption discourse was somewhat inhibited, but despite this, there was also its discovery as a weapon for political contest. The second case study looks at the Erzberger versus Helfferich trial in 1919 to 1920 in which the right-wing politician Helfferich through a newspaper campaign publicly accused the centrist politician Erzberger of corruption, and the latter then decided to sue him for libel. As a discourse, this case displays many of the problems that would continue to plague the Weimar Republic and lead to its eventual collapse in 1933 - the struggle with the defeat in the Great War and

the Treaty of Versailles, the polarisation of political debate, the political violence and the use of corruption allegations to attack not just political adversaries but the political system in general. This case is thus representative of a phase of *hyper-contestation* in which corruption discourse did not merely attack political institutions and demand reforms, but more fundamentally aimed at the overthrow of the democratic system as a whole. The third case study looks at the details of the Spiegel Scandal in 1962, in the context of the magazine's role as one of the main drivers of corruption discourse in the preceding years. Strauss's attempt to shut down the magazine can thus be seen as an attempt to shut down corruption discourse. This, however, failed, and the newspaper discourse surrounding it showed unanimous support for the magazine, even from publications that had previously criticised the Spiegel and its methods. This case is thus representative of a consolidation phase in which corruption discourse had ceased to be politicised and, similar to Britain in the late 19th century, was now used to defend the existing legal and political order against those who transgressed its norms.

Chapter six then conducts a systematic comparison of the two countries and its six case studies. It does this in two parts, one that uses the historical comparison as a *contrast of contexts*, building mostly on the differences of the cases, and one that uses it as a *parallel demonstration of theory*. This builds mostly on the commonalities, and connects the findings from the comparison to some of the theoretical tenets developed in chapters two and three. In each part, three propositions are developed. Proposition one suggests different ways in which corruption discourse in the two countries was constituted by a range of state-formation related factors that can be categorised into three groups: factors concerning the legal and institutional framework, factors emerging from societal cleavages and conflicts, and endogenous factors such as geopolitical conflicts. Proposition two elaborates on how then, in turn, corruption discourse had influences on its context, and analyses this along the three groups of factors identified. Proposition three further conceptualises these variables and suggests ways in which this can potentially be applied to future research and more contemporary cases. The second part of the chapter, in a parallel

demonstration of theory approach, then discusses some of the theoretical tenets developed in the theory and methodology chapters, and considers their applicability to the case study analysis. Proposition four aims to show the ways in which historical analysis matters, and the importance of taking corruption discourse's historicity into account. Proposition five examines some of the claims put forward by discursive institutionalism and suggests some critical reflections on them. And proposition six, connecting back to the social constructionist considerations developed in this introduction and in chapter two, attempts to further elaborate on the ways in which a social constructionist ontology helps illuminate the centrality of ideas of corruption for the modern state.

The conclusion finally, chapter seven, provides a summary of the main points of the thesis, and makes further comments on some of the themes established in this introduction and throughout the thesis.

Chapter Two: Theoretical Considerations

This chapter consists of two parts pursuing two different objectives: First, it aims to give an overview of some of the more established corruption literature, some of its accomplishments, some of its limitations, and how more recent literature has started to address some of these limitations. Part one thus uses Heidenheimer's popular distinction (1970) between three conceptualisations of corruption, centred on public office, on its market character, or on public interest, as a starting point. I discuss these in turn and critically assess their strengths and weaknesses, and their uses and abuses over the years. To further conceptualise these definitions, my suggestion is then that rather than distinguishing between three types of definitions, it makes more sense to rank them on a spectrum ranging from objectivist to subjectivist approaches. In the former, corruption is defined in a factual manner, its definition seemingly independent of social and political context, and in the latter, it is conceptualised in relation to its various political, social and institutional contexts. Secondly, part one looks, albeit briefly, at a recent 'contextual turn' in corruption research, in which its discussion has been increasingly embedded within the context of different forms of non-corruption, namely of good governance, integrity, universalist ethical norms and deep democratisation.

In part two of the chapter, I sketch out the theoretical foundations on which my own study builds, and look at not corruption itself, but the concept of corruption as socially constructed, politically shaped and historically developed through discourse. Social constructionism provides the ontological foundations for this. I argue that this ontological re-orientation if coherently applied has the potential to add another layer to the 'contextual turn' in the study of corruption, the context of its ideational foundations, intricately connected with some the most foundational ideas of the modern state itself. Secondly, building on these ontological premises, part two of this chapter is then focussed on how these social constructionist foundations manifest themselves in discourse, and how discourse on the one hand is shaped by societal and political processes as well as having the potential to shape them on the other. A handful of recent studies that have looked at corruption discourse in the very

different settings of Norway, Albania and Serbia are relevant here, and are used for developing some more general theoretical suggestions of how discourse interacts with political institutions. I conclude the chapter with a definition of corruption discourse for the purposes of this study, taking into account the different facets discussed in this chapter.

Part One: Conventional Approaches

Corruption in three Conceptualisations

For better or worse, Heidenheimer and Johnston's reader *Political Corruption* (with various subtitles for the updated versions, 1970, 1978, 1989¹ and 2002) has for a long time been the first point of call for any student of corruption. In 1970, it brought together what had been a relatively new field of research, and in the decades since has updated its range of topics and approaches in line with new developments, growing from its initial 582 pages to 970 in its 2002 edition. In its introduction in the 1970 first edition, Heidenheimer established the distinction between the three approaches, relatively untouched over the subsequent editions². Corruption research thus followed either of three definitions (2002: 7ff): (a) a public office centred definition that refers to the duties of the office and conceptualises corruption as a deviation from them, (b) a market-centred definition that is based primarily on concepts of economic theory, and (c) a public-interest focussed definition with an emphasis on the distinction of public and private interest. This three-way categorisation is still commonly referred to in contemporary corruption literature, although it rarely goes beyond a dutiful mention and nod to the old master³. One particularly insightful analysis is provided by Blendi Kajsii (2015: 11-30) who approaches the three conceptualisations with the tools of discourse analysis and

¹ The 1989 edition included the editorship of LeVine.

² Heidenheimer discusses why this distinction has remained stable, what other options he chose not to include, and some elements that forthcoming typologies could incorporate (2002: 13f.). Other attempts of classifying corruption research are e.g. von Alemann (2004), who suggest to distinguish between corruption as social decline, corruption as deviant behaviour, as a logic of exchange, as a system of measurable perceptions and as shadow politics.

³ Exceptions to this are e.g. Heywood 1997: 5ff and, in more detail, Philp 1997: 24f. which do discuss the distinction rather than simply mention its existence.

examines what function the different definitions served within the different perspectives (ibid.: 11). In his interpretation, each of the concepts points to an ideal that is seen as undermined by corruption, that of an ideal bureaucracy, a perfectly functioning market and the values of democracy (ibid.). The following looks at these three approaches in turn, and I will return to Kajsu's perspective on all three of them.

The *public office-centred definition* (Heidenheimer 2002: 7f.) focuses on the duties of the public office holder. Nye (1967) provides this often-cited definition:

Corruption is 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 (1967: 419)⁴

Included in this definition are behaviours such as bribery, nepotism and misappropriation (ibid.: 419). The ideal upheld here, as Kajsu observes (2015: 12, 16ff.), is that of the flawless behaviour of the public official, and their sense of duty towards the authority of the rational-legal bureaucracy (cf. Max Weber's famous discussions, 2002 [1921/22]). Much in contrast to public-interest definitions, public-office concepts are thus quite narrow in scope, and deliberately designed to be so. Nye indeed emphasises the importance of excluding any moral or relativistic aspects of corruption:

[The definition] avoids the question of whether non-Western societies regard the behaviour as corrupt, preferring to treat that also as a separate variable. To build such relativism into the definition is to make specific behaviour which can be compared between two countries, difficult to identify. (1967: 419)

The focus here is on the clear-cut and measurable categories as prescribed by the behaviourism of the 1960s. And only in defining corruption in this objectivist manner, independent of context, can it be compared across different countries. It should be

⁴ Quoted in Heidenheimer (2002: 8), but also in numerous academic and non-academic work such as Theobald 1990, Rocca 1992, Johnston 1996, Williams 1999, Andersson 2002, Simelane 2012, Chiodelli/Moroni 2015, to name but a few examples of an extensive range. While not all these studies use Nye in a favourable way, the mention of his work alone demonstrates a certain durability of the concept, and the influence it still has today.

noted here that Nye does not advocate for refraining from comparisons with non-Western countries. He advocates for imposing 'Western' standards on the comparison, and some further examples below show how this was the norm in the 1960s rather than the exception. This raises some first concerns with this approach. Michael Johnston – a proponent of the public interest approach - argues:

We never will devise a definition of corruption as a category of behaviour that will travel well to all such places or times – or even, realistically, to most of them. Moreover, such approaches will often tell us little about the development or significance of corruption in real societies. I propose that in such instances we study, not a category of behaviour, but rather the issue or idea of corruption, and the social and political processes through which it acquires its meaning and significance (1994: 3, also cited in v. Alemann 2004: 28).

Von Alemann adds:

Corruption is as manifold as the societies and political systems it contaminates. During some historical phases bribery, the purchase of office and votes is a normal phenomenon known to the population but not condemned by it. In other countries, e.g. in Cuba, even tipping is forbidden as a form of corruption. In Singapore bribery is punishable by death. The phenomenon of corruption is as polymorphic as are the attempts to stamp it out. (2004: 28)

An objectivist perspective, in this narrowly conceived version at least, is thus of questionable applicability despite claiming universalism. It upholds an essentially 'Western' concept of corruption that fails to account for the many ways in which corruption is interpreted in different contexts.

This becomes even more problematic when considering some of the applications of the public-office approach in its 1960s heydays. According to Heidenheimer (1970: 5, 2002: 7), some of the other protagonists of this approach were Bayley (*The effects of corruption in a developing nation*, 1966), Myrdal (*Corruption: its causes and effects. Asian drama: An inquiry into the poverty of nations*, 1968) and McMullan (*A Theory of Corruption based on a Consideration of Corruption in the Public Services and Governments of British Colonies and ex-Colonies in West Africa*, 1961).

It is a similar picture with functionalist approaches⁵. Corruption in this reading was seen as a dysfunction for whatever organisation or system it appeared in. However,

⁵ See Kajsu 2015: 14f. for a more detailed discussion of functionalism applied to corruption.

these dysfunctions could sometimes be functional in other respects. In his influential 1968 reflections on the political machine and bossism in American cities, Robert K. Merton argued that corruption and patronage fulfilled specific functions that the official structures of the state were not able to address. In his words, “the functional deficiencies of the official structure generate an alternative (unofficial) structure to fulfil existing needs somewhat more sufficiently” (2013 [1968]: 76). The party machine thus was functional in a positive sense for subgroups of society which were otherwise disadvantaged – they provided for a more personal point of contact than the anonymous state bureaucracy (ibid.) and opportunities for social mobility for those of disadvantaged class position or ethnic background (ibid.: 78). Corruption thus aided social mobility. Other functionalists applied similar ideas to developing countries, such as Leff (1964) in his programmatically titled monograph *Economic development through bureaucratic corruption*, Huntington (1968) and Scott (1969). Similar to Merton’s claims, the argument here went that specific groups in society were able to use corruption to access resources they would otherwise be denied. In particular, ‘free enterprise’ and business could use it to circumvent the inefficient bureaucratic processes of the state.

It could hardly be clearer then why Kajsiu in his discourse analysis sees here a political project at work. In times of decolonisation, Western scholars invoked an ideal of the fully functional bureaucratic apparatus of the ‘West’, and used the newly decolonised countries as a template against which its ‘purity’ could be contrasted. Corruption in this reading “marked the distance between the traditional and the modern, between the First and the Third World, between the particular and the universal” (Kajsiu 2015: 16), and reiterated the ‘First World’s’ perceived superiority.

Most examples of this public-office approach listed here are from the 1960s. This is no coincidence – indeed it was then the dominant form, and with its behaviourist and functionalist versions – en vogue in the 60s but in decline soon after - they provide the starkest examples of this objectivist approach. However, this should not conceal the fact that in one way or another, a focus on public office is still an important part of much of contemporary corruption research, and in the ‘contextual turn’ section

below, some of these newer approaches will be discussed in more detail. From the mid-1970s, however, corruption scholarship in general became less active (Johnston 2015: 633). And the trend from the mid-70s into the 90s was firmly towards market-centred definitions (Kajsiu 2015: 18).

Market-centred definitions focus on corruption as a form of economic exchange. In this rational-choice inspired view, a corrupt civil servant, as van Klaveren puts it, “regards his public office as a business, the income of which he will [...] seek to maximise” (1970 [1957]: 39, quoted in Heidenheimer, 2002: 8). In his view, this applies mostly to historic cases of corruption, or corruption in non-Western countries:

This comparison between the office and the business is particularly apt if, first, the civil servant does not obtain a salary, and, second, if he himself has to finance the costs of his administration, an extreme situation, rarely found in modern times. (1970: 39)

A slightly dated but still insightful discussion of the sale of public office and, resulting from it, its conception as private property is thus provided by Swart (1970 [1949]). He applies this perspective to a diversity of examples, such as the Inca kingdoms of South America, Dutch and German city administrations in the Middle Ages, the French state under King Louis XIV and the Prussian bureaucracy of Frederick I and II. In this reading, corruption revolves around intermediary groups such as public officials or royal civil servants, as well as landlords and urban patricians, whose aim is to use their position towards the maximisation of profits.

Other market-centred approaches have put the principal-agent model at the centre of corruption research. This model is derived from neo-institutional economics and has been developed by authors such as Banfield (1975), Rose-Ackerman (1975, 1978), Klitgaard (1988), Alam (1995), Groenendjik (1997) and della Porta/Vanucci (1999, 2005, 2012). The focus here is on the relationship between a principal and an agent who is supposed to act in the interest of the principal. In della Porta and Vanucci’s detailed definition:

In formal terms, corruption [...] is defined as:

- (i) the *illegal* and therefore *hidden violation* of an explicit or implicit contract
- (ii) that states a delegation of responsibility from a *principal* to an *agent* who has the legal authority, as well as the official and informal obligation to use his discretionary power, capacity and information to pursue the principal's interest;
- (iii) the violation occurs when the agent exchanges these resources in a (*corrupt*) *transaction*
- (iv) with a *client* (the *briber*), for which the agent receives as a reward a quantity of money - the bribe – or other valuable resources

(della Porta/Vanucci 2012: 4, emphasis in original)

The merits of this model are in its attention to detail: Compared to public office approaches it spells out the nitty-gritties of the underlying contractual and normative obligations the office holder has, as well as their relationship to the principal. The model can be applied to any organisation, economic, political or otherwise. In political corruption generally the principal is the state, in a democracy specifically the citizenry, whereas the agent is the public office holder entrusted to act on behalf of the state (ibid.). The purpose of corruption research of this type is then to determine “how non-co-operative behaviour by an agent can occur, and which factors, in terms of different costs, condition such behaviour” (Groenendjik 1997: 210). In other words, the emphasis is here on the incentives and disincentives for corrupt behaviour.

There is no doubt that identifying these factors can make an important contribution for effective policy-making. As Heywood observes, “[...] market-centred approaches [...] tend to be more concerned with the mechanics of political corruption [...], and the circumstances under which it becomes possible” (1997: 6). The focus on rational choice decisions thus helps illuminate the conditions under which individuals engage in corrupt acts, and also, as for example Cartier-Bresson (1997) illustrates, how corrupt networks can become organised as systems of mutual exchange based on common interest.

There are some overlaps between market-centred and public-office approaches to corruption, in particular the functionalist studies discussed above. They have in common that corruption is not conceptualised along the categories of moral/immoral, but presented in a relatively value-neutral way as just another form of social organisation or transaction – albeit an illegal one according to the laws of the state. Leff for example, listed above among the functionalist approaches, with his *Economic Development through Bureaucratic Corruption* (2002 [1964]) is also an example of a market-centred approach. Corruption for him is “an extra-legal institution used by individuals or groups to gain influence over the actions of the bureaucracy” (ibid.: 307, see also Heidenheimer (2002: 8) who lists his work in the market-centred category).

These overlaps are no coincidence. Questions indeed need to be asked about whether market-centred approaches, as Heidenheimer stipulates, actually provide a distinct definition of corruption. Philp argues that this claim is problematic: “[Market-centred definitions] may [...] provide a fruitful model for the explanation of the incidence of corruption, but they are not a way of defining it” (1997: 28). Instead, their own definitions, too, relied on an understanding similar to public-office centred approaches, only here they were implicit rather than explicit: “Both Leff and van Klaveren are implicitly appealing to public-office conceptions of corruption in defining corruption, even if their subsequent accounts of the conditions for its emergence and persistence might differ substantially [...]”, a claim that applies to other economic definitions such as the principal-agent model as well (ibid.). Fundamentally, they built on definitions that could equally be found in public-office models, and often referred simply to what was defined by law as being corrupt. Philp’s recommendation is thus to discard of this category as a definitional one, and collapse the two into one (ibid.: 29).

Kajsiu (2015: 21ff.) analyses these approaches as an *Economic Paradigm*, and in his discourse analysis focuses on how they were used to promote neoliberal ideas against state intervention in the economy. While this did not apply to all market-

centred approaches, a significant number saw in the state an obstacle to economic development:

[F]rom a public choice perspective, rules and regulations were put in place by government officials in order to maximise bribe levels: 'the sluggishness of bureaucratic procedures ... must be seen in part as creations of corrupt governing elites' (Alam, 2000, p.202). As a consequence, state intervention into the economy became synonymous with corruption as it created corrupt incentives. (Kajsiu 2015: 22)

Again, scholarly research on corruption was thus used to pursue political agendas. While public office approaches formed a discourse that emphasised the superiority of the developed world, market-centred approaches more often than not were used to delegitimise the state and emphasise the superiority of the market. Kajsiu's entire study on *instituting neoliberalism against corruption in Albania* is an example of this.

Public interest-centred definitions emphasise the distinction of public and private interests and the responsibilities of power holders regarding the public interest (Heidenheimer 2002: 8f.). Essentially, they are less on "corruption *in* democracy", as public-office centred definitions are, but on "corruption *of* democracy" in a more fundamental sense (Kajsiu 2015: 24, my emphasis, see also Warren 2004: 329). In Friedrich's 1966 definition,

[a] pattern of corruption can be said to exist whenever a power holder who is charged with doing certain things, that is who is a responsible functionary or office holder, is by monetary or other rewards not legally provided for, induced to take actions which favour whoever provides the reward and thereby does damage to the public and its interests. (Quoted in Heidenheimer 2002: 9)

Taken without its context, this definition seems very similar to both public-office centred and the principal-agent definitions (with the addition that principal and agent here are specified). The difference, however, lies in the emphasis on the underlying interest that is served by corrupt and non-corrupt acts, the public versus the special. This becomes clearer when consulting older versions of Heidenheimer's discussion of the three definitions. In the 1970 edition (1970: 6) he quotes Rogow and Laswell (1970 [1963]: 54):

A corrupt act violates the responsibility toward at least one system of public or civic order and is in fact compatible with (destructive of) any such system. A system of public or civic order exalts common interest over special interest; violations of the common interest for special advantage are corrupt.

The emphasis thus shifts, from the focus on concrete individual-level action to the destruction corruption can cause to a public interest-based political system. And it allows for a more flexible definition of what acts specifically are corrupt. Their defining trait is the violation of the public or common interest, and what forms this takes can vary depending on context. Other authors who have used this broader approach are for example Dobel who in his 1978 article *The Corruption of a State* looks at the “decay of a political order” itself (ibid.: 959); Warren who in his excellent 2004 discussion *What does corruption mean in a democracy?* goes into great theoretical depth on how corruption entails what he calls “duplicitous violations of the democratic norm of inclusion” (ibid.: 328) that “undermine the culture of a democracy” (ibid.); Johnston who in his unfortunately named but otherwise brilliant 2005 book *Syndromes of Corruption: Wealth, Power, and Democracy*⁶ connects corruption to ideas of social and economic justice; or Girling (1997) and Sullivan (2005) who provide a critical Marxist analysis of the compatibility of democracy and capitalism.⁷

In an extreme case, corruption can occur when individual actors are not even in violation of any of the rules of the seemingly democratic state, but the rules themselves are corrupt, in the sense that they sabotage the public interest. Thompson in his study on the *Keating Five* (1993), a case involving five US Senators and their campaign donor Charles Keating, develops the concept of *mediated corruption*:

This form of corruption involves the use of public office for private purposes in a manner that subverts the democratic process. It may be called mediated corruption because the corrupt acts are mediated by the political process. The public official's contribution to the corruption is filtered through various practices that are otherwise legitimate and may even be duties of office. As a result, both the official and citizens

⁶ The title falsely implies that the one causes the others.

⁷ Both Warren and Johnston, as well as Girling and Sullivan, are discussed in more detail in Kajsiu (2015: 24ff.)

are less likely to recognize that the official has done anything wrong or that any serious harm has been done (1993: 369)

Thompson's point here, however, is that this is "still a form of corruption" (ibid.) and that the analysis merely "links the acts of individual officials to the qualities of the democratic process". This adds an intriguing layer to the study of corruption. Rather than following one interpretation of what corruption is, Thompson contests different versions: His own, based on a *deliberative conception of democracy* (ibid.: 377), and that of others who base their verdict on legal norms (Thompson discusses two such interpretations in his monograph). This, then, is quite a departure from the objectivism of other approaches. And while not a study in social constructionism, it takes into account typical considerations of the approach – the notion that corruption can be defined in different ways and that there is not always a shared understanding of what it is.

In fact, taking a closer look at Friedrich's work on *Corruption Concepts in Historical Perspective* (2002 [1972]), hailed by Heidenheimer as a prime example of public-interest centred approaches, a number of implicit social constructionist considerations become apparent. The study explores the different meanings of corruption in different historical contexts, as voiced by political thinkers in these eras, from Aristotle (ibid.: 17) to Machiavelli (ibid.: 18) to Rousseau (ibid.: 19). As he unfolds his historical narrative, Friedrich makes a number of observations that could have been taken right from the social constructionist textbook. On Francis Bacon's high profile 1621 case he remarks:

As High Chancellor he accepted bribes in order to favour certain parties before the court. [...] But what is of interest is that he and his friends essentially defended his case on the ground that he was not doing anything that was not generally done. (ibid.: 18)

This description has strong echoes with one of the social constructionist cases discussed in the following section of this chapter, Chibnall and Saunders 1977 study on the Paulsen and Pottinger scandal, which deals with conflicting interpretations of allegedly corrupt acts.

On the reform movement in Britain in the 19th century – central to my own studies – he observes: “By the second half of the 19th century what had been considered ‘normal behaviour’ had become corruption sharply condemned by the majority of Britons” (Friedrich 2002: 21) – an acknowledgment of the changing nature of what corruption means, and the social and political processes that underlie these changes.

There are a number of significant differences to social constructionist approaches, however, and they can be found in the ontological foundations surfacing throughout the text. On Bacon Friedrich states, “[...] he was a corrupt man” (ibid.: 18), implying that corruption existed in an objective sense, regardless of what Bacon’s friends thought. And he concludes that “[c]orruption then has become a particular form of political pathology [...]. As such it can be defined in behavioural terms, and the activities objected to can be outlawed” (ibid.: 20). While the ‘activities objected to’ might be another nod to social constructionist ideas, the fact that he conceptualises corruption as a pathology again points to objectively defined norms that this pathology deviates from.

This is typical for many of the public interest-centred approaches to corruption research. While there is an engagement with social constructionist considerations, it tends to happen within a theoretical framework that is not social constructionist. Public interest approaches thus tend to go further than public office and market-centred approaches in integrating subjectivist concerns, but they are far from the subjectivist end of the spectrum of possible approaches.

This stopping short of a more thorough deconstruction is not just conceptual, it is also political. In his analysis of what he calls the *Political Paradigm* (2015: 23ff.), Kajsii discusses the dangers he thinks this entails. Scholars who follow this paradigm have thus propagated different ideas of the ideal state, defining to various degrees the key characteristics it needs and that are under threat from corruption, but fail to justify them. In Kajsii’s observation, “[t]he problem was that the focus on corruption tended to shift attention from the critical analysis of a given ideal or political system towards the necessity of its implementation” (ibid.: 26). Through the backdoor of what was

explicitly corruption research, political ideologies could thus implicitly be propagated without being critically scrutinised.

From Types to Range: Questions have been asked as to whether Heidenheimer's distinction is worth persevering with. Philp argues that it is "conceptually muddled" (1997: 28), and that, as discussed above, the distinction between public office and market definitions in particular is problematic (ibid.: 29). In his view, there is pressure to reduce this typology even further, and that even the remaining two-way distinction is flawed. Both public-office and public interest-centred definitions essentially boiled down to common points of reference:

The open character of much public office is structured by principles and expectations that demand office holders be guided by considerations of the public interest. To ask whether a politician acts corruptly we must be aware that the characterisation of public office will inevitably point beyond the compliance with rules to the principles underlying those rules [...] (ibid.: 29)

This begged the question of what exactly it was that was being corrupted. Different definitions of corruption were thus an expression of different underlying ideas of what the opposite of corruption was, this "naturally sound condition" (ibid.). Philp's conclusion then is to leave behind the idea of "one-line definitions", and instead, "we are forced to accept that to identify political corruption we must make commitments to conceptions of the nature of the political and the form of the public interest" (ibid.: 30). The approaches discussed in the next section on the "contextual turn" follow this advice.

However, should we really give up on thinking about the different ways in which corruption is conceptualised, and how this has consequences for the kind of research that is produced? For the purpose of my own study at least, it makes sense to conceptualise these different approaches along the extent to which they take social constructionist considerations into account. This is a classification along the theoretical foundations on which corruption research is built, not so much on the definitions used – although the latter are always an expression of the former. On one end of the spectrum, objectivist conceptions treat corruption as an objectively definable phenomenon. Public office as well as economic approaches tend to use

legally codified definitions or rely on the researcher's legally informed understandings. Nye for example is rather assertive in specifying a catalogue of behaviours - bribery, nepotism, misappropriation and so forth – that fall within the definition (1967: 419). Public-interest approaches on the other hand allow to various degrees elements of subjectivism into the ways they either conceptualise corruption or the ways they discuss it. Public-office approaches thus tend to be located closer to the positivist end of the spectrum, public-interest ones slide further towards subjectivism.

However, and this is what makes this scalar approach so relevant here, this only goes to show the incompleteness of Heidenheimer's categories. Public office definitions consider some subjectivism, yet on the scale of possible approaches they are somewhere in the middle. This means that Heidenheimer's distinction only captures part of the whole range, and a whole body of literature has been excluded, namely the social constructionist and discursive approaches that are discussed in the second part of this chapter⁸. Johnston in his 2015 reflections asks "What have we missed?" (2015: 638). One of his answers is that "a promising approach is to question basic distinctions between the public and private" (ibid.: 643), referring to Bratsis' (2003) social constructionist analysis (discussed below). Re-arranging the different approaches on the continuum gives expression to and visualises Johnston's observation. What has been missed is the subjectivist end of the spectrum.

Why this omission has taken place is a matter of speculation. Two factors, however, are likely to play a role: On the one hand, strongly subjectivist research is rare, and most of it has been published only in recent years, after Heidenheimer and Johnston's 2002 edition of the handbook – the literature referred to in the second part of this

⁸ Subjectivist approaches should not be mistaken with what Heidenheimer discusses as a potential fourth category, that of public opinion-based definitions (see Heidenheimer 2002: 13, also Heywood 1997: 8). Conceptualising corruption as socially constructed makes ontological statements about what the thing fundamentally is, whereas an opinion-based approach merely takes into consideration what a greater number of people think corruption is. Public opinion constitutes a further move towards subjectivism, but it can still be conceptualised within theoretical frameworks that are not subjectivist. The point of the objectivism-subjectivism spectrum is to point to underlying ontological stances, to most fundamental statements about the theoretical nature of 'corruption', not to how it is empirically defined by e.g. public opinion.

chapter provides ample illustration of this. On the other hand, it is quite possible that there is a subject area bias. Most corruption research is conducted in either law departments, in economics and business or, and this is Heidenheimer’s starting point, political science. Unlike sociology, neither of these subject areas has particularly strong traditions of subjectivist research. It is therefore not surprising that, firstly, little subjectivist research has been conducted from within these departments, and secondly, that relatively little attention has been given to the few approaches that did exist, lying as they do outside the ontological comfort zone of many a researcher whose subject area is not rooted in this tradition.

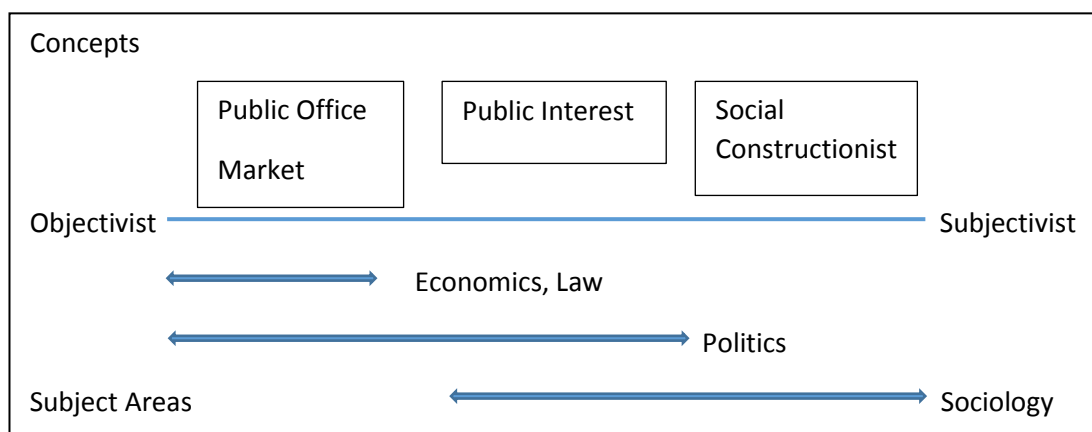


Figure 1. Concepts of corruption from objectivist to subjectivist

Thinking of corruption research on a spectrum from objectivism to subjectivism thus serves three purposes: First, it points to a wider range of possible corruption research than Heidenheimer’s typology does. Secondly, it helps me locate and put into context my own research with other commonly used approaches. And thirdly, it points to the different emphases of research that different academic disciplines have. Figure 1 is an attempt to visualise these three purposes. It follows Philp’s (1997) advice to collapse public office and market concepts into one, on the basis that they follow essentially the same kinds of – objectivist – definitions. Public interest approaches are located in the middle of the spectrum as they take some subjectivist considerations into account. And social constructionist approaches are closest to the

subjectivist end of the spectrum. Regarding subject areas, while this is not true for all research that is produced in the respective university departments, the literature considered in this first part of the chapter does suggest certain tendencies: Economics and law tend to work primarily with objectivist approaches, political science approaches range from objectivism to taking some subjectivist concerns into account, and the few sociological studies that do exist tend to take subjectivist considerations seriously, to varying degrees⁹.

The Contextual Turn in Corruption Research

At the time of writing, corruption research is going through a phase of critical introspection. As Johnston writes in 2015:

Both despite and because of all that has been accomplished, a reassessment of sorts is now under way. Recent published research is often reflective and critical of the past generation's work. [...] Whether we think of the current phase as a new realism, pessimism or just an opportunity to stop and catch a breath, it is both likely and desirable that the next stage of research will be substantially different from what we have seen so far. (Johnston 2015: 634f.)

The reasons for this introspection lie in the “anti-corruption movement’s indifferent track record”, in questions about the “interests and assumptions shaping its worldview” and what Johnston describes as a “nagging sense of incompleteness” (all *ibid.*: 635). The following outlines some more recent approaches in corruption research, which are borne out of these doubts and which try to address the issues raised. The trend here is to take a broader view of corruption and to see it in the context of that which is not corrupt, of what Philp in his 1997 discussion called the “naturally sound condition” (1997: 29). What does corruption corrupt? I discuss in turn approaches that refer to integrity in office, the quality of government (QoG), ethical universalism as a principle of governance, and deep democratisation. As I will

⁹ ‘Sociology’ here refers to contemporary sociology, i.e. after its subjectivist and culturalist turns in the 1960s and 70s. A number of the approaches discussed in the objectivist public office paradigm were indeed from sociology, but from the pre-turn sociology of the 1960s.

argue, in a specific ways these approaches further point towards the importance of more subjectivist research.

Instead of the negative of corruption, a growing body of literature in recent years has advocated looking at the positive of *integrity* in public office. Heywood and Rose (2013) point to the limitations that a narrow focus on corruption has:

“Corruption” is conceptually limited, relative to a proper understanding of integrity, and can be difficult to measure adequately. However, the research conducted using these imperfect measures remains genuinely useful, even if limited. Yet, the historical lock-in that favours work on corruption ought not to be allowed to define research in this area of the discipline indefinitely. The hard work—conceptually and empirically—of designing and implementing new measures remains incomplete (Heywood/Rose 2013: 152)

This limitation becomes particularly clear when anchored to a broader concern for good governance. Corruption alone is only part of the bigger picture:

[...] [L]evels of integrity may vary significantly even within groups of countries that have apparently similar levels of corruption. [...] To pose the question in basic terms, should we focus more attention on curbing corruption or on seeking to increase integrity? This is a question of practical importance for politicians and state officials, as well as for development aid agencies and civil society. (Heywood and Rose 2015: 103)

The ‘*integrity-rather-than-corruption-approach*’ has been in development since the late 1990s (for example Anechiarico/Jacobs 1996, Klitgaard 1997), and has been rising to increased prominence in the 2010s, most notably with the special edition *The Global Anti-Corruption Discourse—Towards Integrity Management? of Public Administration and Development* (2012) and a reader compiling different perspectives edited by Hardi, Heywood and Torselli (*Debates of Corruption and Integrity: Perspectives from Europe and the US*, 2015). The ‘contextual turn’ here consists of integrating the narrower concept of corruption into the broader category of integrity. Corruption is thus no longer seen in relative isolation, but as part of a bigger question, in the context of the overall integrity of public office holders specifically, and how well societies are governed more generally. Notable here is also the wide spectrum of theoretical approaches, from the more objectivist management perspective (e.g. Heywood 2012; Collins 2012; Webb 2012; Scott and Leung 2012) to

a number of decidedly subjectivist studies (Torsello 2015, Pardo 2015, Prato 2015, in Hardi, Heywood and Torselli's reader, 2015).

In similar vein, the concept of 'quality of government' (QoG), a slightly rebranded version of the older 'good governance' has risen to prominence. Indeed, the QoG Institute in Gothenburg, founded in 2004 by Bo Rothstein and Sören Holmberg, has become one of the leading corruption research centres in Europe. This approach, too, is rooted in the concern that the study of corruption in isolation is problematic. Rothstein and Teorell argue: "At least three problems may be identified with existing definitions [of good governance]: Either they are extremely broad, or they suffer from a functionalist slant, or they deal only with corruption" (Rothstein/Teorell 2008: 167f.). Instead, the authors of this school suggest that four indicators are needed for a coherent conceptualisation of QoG: In addition to the level of corruption these are democracy, economic growth and the rule of law (Holmberg, Rothstein and Nasiritousi 2009: 136). The unifying principle that underlies good governance according to this approach is 'impartiality' (Rothstein/Teorell 2008). Like integrity approaches, QoG thus integrates corruption in the wider context of what makes the behaviour of public officials good and legitimate. Levels of corruption are thus seen as part of a bigger picture, and the project is to look at the picture as a whole, not just one part of it. While integrity approaches focus primarily on the more micro-level of the behaviour of public officials, governance concepts are thus more interested in the macro-level of the political organisation, and the quality of institutions.

Finally, two approaches that take a decidedly historical perspective deserve attention, Alina Mungiu-Pippidi's work on how societies develop corruption control (2006, 2011, 2013a, 2013b, 2015) and Michael Johnston's discussion of how successful anti-corruption measures are embedded in processes of 'deep democratisation' (2014). Mungiu-Pippidi argues – again starting with the shortcomings of older approaches - that the reason for the failure of many anti-corruption strategies in so-called transition and developing countries is their assumption that corruption there is the same phenomenon as in developed countries. However,

[i]n the latter [developed countries], the term corruption usually designates individual cases of infringement of the norm of integrity. In the former, corruption actually means “particularism”—a mode of social organization characterized by the regular distribution of public goods on a non-universalistic basis that mirrors the vicious distribution of power within such societies. (2006: 86f.)

Building on the classic work of Parsons and Shils (1951), the question then becomes how societies develop from particularism to universalism. Mungiu-Pippidi suggest a historical development model in which patrimonialism – an unelected monarchy or autocracy - is typically followed by competitive pluralism – in which elections do take place but universalist values are missing - which is then – ideally – followed by universalism – typically a liberal democracy (Mungiu-Pippidi 2006: 88ff.). Developing and transition countries thus tend to fall into the competitive pluralism category¹⁰:

Unlike in traditional societies, where only a small group of people are above the law, in these regimes multiple groups compete for this privileged position. Moreover, the unaccountable behaviour of rulers legitimates unlawful behaviour by citizens, and the distance between formal institutions (rule of law) and informal ones (real practices) grows. (ibid.: 90)

Corruption levels are typically high in patrimonialism, highest in the different manifestations of competitive pluralism and lowest in universalism (ibid.: 89). To achieve effective and lasting control of corruption, a higher level of ethical universalism thus needs to be established. The very power structures that organise societies thus need to be changed, a task that cannot be achieved by simply implementing anti-corruption measures that were designed for the developed world in the first place (ibid.: 86).

Michael Johnston follows a similar line of argument. In his *Corruption, Contention, and Reform: The Power of Deep Democratization* (2014) he advances, similarly, the idea that democratic institutions alone are not adequate for reducing corruption. He asks:

But maybe the real question is not why there is so much corruption, but rather why there is not much more of it? Maybe we should ask how it was that the powerful and wealthy were ever brought within limits, and how the idea that rulers should be answerable to others took root and became credible. (2014: 29)

¹⁰ An extensive classification of countries by governance orders can be found in Mungiu-Pippidi 2015: 259ff.

The answer to this can be found in “deep democratisation”, which Johnston sees “in the sense of broadening the range of people and groups with some say about the ways power and wealth should – and should not – be pursued, used, and exchanged” (ibid.). Reforms should therefore target issues of fundamental societal organisation rather than simply implementing isolated legislation against corruption: “The fundamental challenge, I will suggest, is to help create situations in which citizens can control corruption in the course of asserting their own interests and defending their own well-being” (ibid.: 30).

Both Mungiu-Pippidi and Johnston contextualise corruption within a more fundamental notion of how societies are organised, and of how power and authority are distributed within the state – a turn to the typical ideas used in political sociology. And both contextualise this within a long-term historical development, pointing to century-long developments that have taken place in the so-called developed world – a turn to history.

All these approaches - integrity, quality of government, ethical universalism and deep democratisation – have two features in common: Firstly, they are rooted in a sense of disillusionment and soul-searching as to the lack of efficacy of anti-corruption movements across the globe and the role corruption research has played in it. They try to address this by breaking new grounds and developing new directions of research. And secondly, they do so by heeding Philp’s advice (1997) and focus not on the negative of corruption but on different versions of the positive of non-corruption.

How then, does this point towards social constructionist approaches and corruption discourse? To answer this question, Luhmann’s distinction between first and second order observations is helpful (Luhmann 1993). First order observations are the observation of some object, phenomenon, some ‘thing’. Second order observations are an observation of the observation of the thing. In our case, the ‘thing’ is corruption defined in objectivist terms, in other words defined as if it was a thing that objectively existed. The observers of this are corruption researchers (more precisely those who follow objectivist definitions) on the one hand, and any other observers,

such as politicians and newspaper commentators (those who also follow similar definitions) on the other. In other words, the first-order observers are those who produce a discourse, academic or political, on corruption. Second-order observers are those who observe and analyse this discourse¹¹.

My contention here is that the recent approaches of the contextual turn are rooted in a disillusionment of first-order observations of corruption. The doubts Johnston describes about the “interests and assumptions shaping its [the anti-corruption movement’s] worldview” and the “nagging sense of incompleteness” (2015: 635) are themselves the beginnings of a second-order observation. They reflect on past analyses of corruption that treated it as a ‘thing’, and the limitations this has had for understanding and explaining the phenomenon in all its complexity and completeness. One answer to this problem, the answer these approaches have been following, is to turn towards corruption’s opposite, to integrity, governance, universalism, deep democratisation, and conceptualise corruption within these wider contexts. Another answer to this disillusionment, however, is to turn towards a second-order observation: To look at how ‘corruption’ is a “free-floating signifier” (Kajsiu 2015: 37ff.) and a “negotiated classification of behaviour rather than [...] an inherent quality of behaviour” (Chibnall/Saunders 1977: 139). It is in this sense that the contextual turn points towards social constructionist approaches: Both are rooted in a growing suspicion of first-order observations, and both seek to address its shortcomings, albeit in different ways. My own study looks at how the ‘corruption’ signifier has been used in different historical and political contexts for strategic purposes. In its own way, it too is thus a turn towards context.

¹¹ In turn, they too produce discourse and become first-order observers at the same time as being second-order observers, a point very much acknowledged by Luhmann.

Part two: Corruption as Discourse

Part two of this chapter looks at the approach chosen for this particular study. It, too, represents a turn to the context within which corruption is embedded, and in this sense can be seen in a line with the more general 'contextual turn' of recent years. However, while the approaches discussed above *broaden out* in the sense that they look at corruption in the broader context of other values, behaviours and practices, corruption discourse that builds on social constructionist premises goes into *depth*: It looks at the meaning of corruption in more detail, and how its meaning has been historically produced. The context explored here is thus of the contingencies, social, political and historical, of what corruption means in the first place, and why it means what it means.

Before going into more detail on social constructionist foundations and discursive applications, it is worth sketching out the differences between the two as I use them for the purposes of this study. As I understand it, social constructionism is more concerned with how ideas of corruption are constituted in the first place. Understandings of corruption here are the dependent variable, social construction processes the independent one. Corruption *discourse* goes a step further: it integrates this first step, too, but also looks at the effects that these ideas and understandings can then in turn have on political processes, effect changes in institutions, and influence the formation of politics and the state. Ideas of corruption here are treated primarily as the independent variable. Social constructionist approaches are thus mostly concerned with how ideas of corruption are constituted, discourse approaches more about how they in turn constitute changes in other areas of politics and the state. In addition to this, a focus on discourse as the key epistemological unit to be analysed is better at capturing the dynamic of debates, scandals and controversies, in a way that a social constructionist metaphor cannot.

Social Constructionist Foundations

To state that corruption is socially constructed is to state the obvious. Indeed, even the most objectivist definitions routinely acknowledge this, only to then assert that

they are not interested in engaging with it any further. Surprisingly little has indeed been written on the social construction of corruption (perhaps because it is so taken for granted). Among the more serious attempts are Chibnall and Saunders' (1977) study on the Poulson and Pottinger court case in Leeds (discussed below), Pavarala's (1993) look at elite constructions of corruption in Andhra Pradesh, Gupta's (1995) ethnography of corruption discourse in Indian bureaucracy and Kayes (2006) analysis of organisational corruption as theodicy.¹²

A good starting point, however, is provided by Bratsis' 2003 essay *the construction of corruption, or rules of separation and illusions of purity in bourgeois societies*. Bratsis deconstructs some of the conventional conceptions of corruption, and in particular the public and private distinction fundamental to most corruption definitions. He argues that historical studies such as Friedrich's (2002 [1972]) influential work falsely evoke a sense of continuity in the meaning of corruption from antiquity to modernity. Rather, there are two different meanings of corruption, on the one hand a traditional one that means mainly decay and regression: "This understanding contained the idea that through disease, old age, the influence of vice, or any other reason, the ability to seek the good and virtuous is decreased and possibly destroyed" (Bratsis 2003: 15). On the other hand, the typical modern understanding is built on the distinction of private and public interest. Unlike the traditional one, it does not evoke a dichotomy of good and bad, leading Bratsis to ask "How, then, can two things, public and private interests that are in themselves seen as proper and good, come to constitute something that is bad and improper?" (ibid.). The answer can be found in the work of the anthropologist Mary Douglas (*Purity and Danger*, 1966):

Shoes are not dirty in themselves, but it is dirty to place them on the dining-table; food is not dirty in itself, but it is dirty to leave cooking utensils in the bedroom, or food bespattered on clothing; similarly, bathroom equipment in the drawing room; clothes lying on chairs; out-door things in-doors; upstairs things downstairs; under-clothing appearing where over-clothing should be, and so on. In short, our pollution

¹² Another prominent work that claims to use social constructionism is Tänzler, Maras and Giannakopoulos' reader *The social construction of corruption in Europe* (2012). However, their understanding of social constructionism is rather different to my own (it is based on system theory and methodological individualism, Tänzler, Maras, Giannakopoulos, Rogowski 2012: 21), and therefore is not applied here.

behaviour is the reaction which condemns any object or idea likely to confuse cherished classifications. (Douglas 1966: 36f., cited in Bratsis 2003: 15)

Modern and traditional understandings of corruption are thus fundamentally different, and this raises the question of why they are so routinely seen as, more or less, one and the same. Bratsis sees here “a normative political project that posits what the good is and on this basis is able to establish what is corrupt or bad” (ibid.: 17). This section of his essay is worth quoting in length:

Since the modern concept of corruption does not function as an explicitly normative construct but rather as an articulation of categories of bourgeois political ontology, it has the effect of constituting and reaffirming the dominant public/private split through its application and subsequent categorization of phenomena as corrupt or uncorrupt, as pathological or normal. In so doing, the normative dimension of the modern concept of corruption becomes manifest precisely because of its way of categorizing social phenomena. By establishing the division between the normal and pathological in the public/private split, the modern understanding of political corruption is at once making a statement of fact and presenting us with the political goal of fully realizing the normal. [...] In this way, the modern concept of corruption repeats the normative-political emphasis of the traditional understanding of political corruption but does so in an essentialist and apolitical manner. (ibid.)

This deconstruction of political science approaches to corruption presents a radical departure from the approaches discussed in part one of this chapter, and lands us at the heart of what this study is about: not observing and analysing corruption itself, but observing and analysing those who observe and analyse corruption, and who in doing so produce and reproduce certain understandings of what corruption is and is not, and who do these for underlying reasons that need to be observed and analysed.

If Bratsis helps us *deconstruct* ideas of corruption, how can we *reconstruct* them, and make sense of them with an eye on the processes of social and political construction that underlie them? Two studies in particular are helpful for this purpose: Chibnall and Saunders' 1977 study *Worlds Apart: Notes on the Social Reality of Corruption* applies Berger and Luckmann's 1967 [1966] work on *The Social Construction of Reality* to lay important theoretical foundations for what a constructionist approach to corruption could look like. Secondly, Mark Granovetter's aptly named 2004 paper *The Social Construction of Corruption* attempts an overview of different areas of research that this approach could cover.

Chibnall and Saunders' essay discussed some of the details of a 1972 corruption case at Leeds Crown Court, in which the architect John Poulson and senior civil servant George Pottinger were tried and found guilty for engaging in corrupt practice. What interested the researchers in particular was the disagreement between the law's definition of corruption and the interpretation of those who had violated the law. This was a case of what Berger and Luckmann (1967) had described as 'sub-universes of meaning' that conflicted with the 'core universe' inscribed and codified in law (Chibnall/Saunders 1977: 138f.). In their own interpretation, the accused had been the benefactors of the construction industry and the local economy more generally. Poulson lamented that he was going to be "the first man to be jailed for generosity" (ibid.: 149), and Pottinger complained:

The British have this hypocritical idea about things. It's wrong, it's illegal, but who cares?-that's what they're saying. And I've been a pawn in the works-a victim of hypocrisy and the system. Somebody is going to have to sit down and work out just what is entertaining and what is corruption so that everybody will know where they stand (quoted in ibid.: 139)

A sub-universe of meaning seemed to have evolved, with its own shared standards, interpretations and expectations that were different to the dominant 'core universe':

They [the alternative classificatory procedures] reflect the values, experiences and practical purposes of the [sub-] collectivity, providing a framework of meaning within which the routine activities of members can be made sense of, and supplying informal rules of legitimacy for these activities. (ibid)

Whether the presents, niceties and favours Poulson had given to Pottinger were classified as corruption or not therefore depended on whose criteria were applied, and whose framework of meaning was used. Corruption was thus, in Chibnall and Saunders' classic social constructionist definition,

a negotiated classification of behaviour rather than [...] an inherent quality of behaviour. [...] Thus the same act may be open to a variety of interpretations according to which set of criteria is considered appropriate in a given situation. The development of alternative classificatory procedures is an integral part of the emergence of distinctive sub-universes of meaning, and such unexplicated procedures are generated as ad-hoc solutions to the problems shared by members of a particular collectivity. (ibid.: 139)

Chibnall and Saunders were interested primarily in the relationship between a dominant universe of meaning and one that resists this dominance. It is not difficult, however, to see how this connects to Bratsis' discussion above. The 'particular collectivity' he referred to was what he summarised as the 'bourgeoisie'. The 'variety of interpretations according to which set of criteria is considered appropriate' resonates with the bourgeois inappropriateness of the mixing of private and public interest.

This definition then, a 'negotiated classification of behaviour rather than an inherent quality of behaviour', lands us at the subjectivist end of the spectrum of definitions. Rather than determining quasi-objectively what kinds of behaviours are included in 'corruption', as for example Nye does in his (1967) catalogue of offences, the emphasis here is on corruption's quality as a label, a characterisation, a classification. And this classification is 'negotiated', meaning it is subject to processes of social and political construction, not a 'thing' that can simply be defined by law or by a social scientist.

How can this theoretical approach be applied in practical research? Mark Granovetter's 2004 paper (reproduced 2007) goes into less theoretical detail regarding social constructionism or a sociology of knowledge perspective. Rather, he provides an overview of different ways in which the perspective can be applied, and thus explores the possibilities of how a social constructionist perspective on corruption can contribute to a deeper understanding of the phenomenon.

Four themes showcase the role of ideas and meanings (i.e. social constructions in a more loosely defined sense): First, Granovetter looks at "aspects of corruption in exchange within dyads, and between individuals and organizations" (ibid.: 3ff.). This is similar to Chibnall and Saunders' case study, in that the emphasis here is on how different social actors make specific sense of specific acts in different ways. However, Granovetter approaches this from an exchange theory perspective, and the central question of what determines the legitimacy of an exchange (Granovetter 2004: 3). Building on a variety of authors such as Darr (2003), Liebow (1967), Ditton (1977) and

Dalton (1959), he elaborates on how these 'corrupt' exchanges, their meaning and their legitimacy are the subject of social construction processes. Unlike in the Leeds Crown Court case, however, these examples show how different universes of meaning are not always clearly delineated. Particularly intriguing in this sense are cases in which formally existing rules were 'typically unenforced' or their breach even encouraged (such as employees helping themselves to left-over company food), but in certain, strategically opportune moments were enforced by management. This usually happened for reasons unrelated to the practice itself, and allowed managers to discipline their employees (Granovetter 2004: 4, building on Liebow's 1967 and Ditton's 1977 work). What can be seen here is the use of different classificatory schemes for *strategic* purposes, underlining that the construction is not just a social one but also political, dependent on hierarchy and power.

Building on this, Granovetter's second set of examples examines the role social status plays in how corrupt acts are played out, in particular how the acceptance or paying of a bribe mirrored the status of the participants. Accepting a bribe was thus "to acknowledge social inferiority" (2004: 5, building on the work of Lomnitz 1971 and 1988), and the process of graft was generally subject to complex social rules and codes that needed to be understood.

His third range of examples has a focus on 'conflicts of interest and ideology' (2004: 8f.). As he sets out:

Whether the activities of patrons and clients, or other sets of individuals engaged in exchange, come to be considered "corrupt" depends on whose interests are hurt by their activities, and also by the conceptual and ideological framework in which those interests are described. (ibid.)

This emphasis on the political factors behind constructions of corruption forms one of the core tenets of the theory developed here, and indeed resonates perfectly with Bratsis' deconstruction of modern concepts of corruption and their rootedness in what he calls the 'bourgeois political ontology'. Granovetter illustrates this with three examples: First, conflicting ideas of what constitutes corruption, based on a study by Lomnitz (1971) in the Chilean civil service. On the one hand, the idea of meritocracy

here prescribed that all the dealings in the civil service had to be based on formal rules and impersonal relationships. On the other hand, personal relationships and solidarity were highly valued among the middle class Chileans in these civil service positions. According to Lomnitz, the rules imposed by the state were thus seen as the 'values of the elite' (1971: 100) that conflicted with the middle class values of the civil servants.

His second example looks at one of our earlier cases (Merton 1968 in the functionalist approaches), the party machines forming in US cities at the turn of the 20th century, referring to Hofstaedter's famous 1955 study. While these machines provided patronage and clientelism to newly arrived immigrants, middle class Americans felt under threat and formed the 'progressive' movement that campaigned against the 'corruption' that was helping immigrants gain status (Granovetter 2004: 9). It was thus status anxiety and a struggle for power between different socio-economic groups over who was in charge of the local branches of the political parties and local government. Again we can see here how the label of 'corruption' was employed for strategic reasons, to delegitimise the challenge of the rival political group.

Granovetter's third example for conflicts of interest and ideology is the relationship between centre and periphery. It is the famous 'no taxation without representation' conflict of the American War of Independence, applied here to an example from China, the corruption case of the Xiamen port authority. As Wank (2002) describes, the port in Southern China generated enormous profits, yet had to pay much of them to the central administration in Beijing. A complex network of local government and customs officials with the company director 'Boss Lai' at its centre devised a system of tax evasion that diverted revenues into the pockets of Lai's *Yuanhua Corporation*. Granovetter concludes that the functioning of this extensive network was only made possible by what was perceived by Xiameners as "excessive demands on local revenues" by the central government (2004: 9). Moral scruples about the scheme were thus effectively neutralised (ibid.), and again, we can see that whether this scheme was seen as corrupt or not was influenced by political factors.

Social Constructionism thus lays the ontological foundations for a corruption discourse analysis. Building on Chibnall and Saunders' definition, it shows how the use of the label 'corruption' is merely a classification of certain kinds of behaviours rather than it being an objectively existing reality. Granovetter demonstrates with a range of examples how this classification is dependent on a number of social and political factors. Whether a specific act is labelled 'corrupt' or not is the result of an ongoing process of social and political construction, and is subject to (on a more micro level) class and cultural background, and (on a more macro level) conflicts of interest and ideology. Bratsis deconstructs the modern notion of corruption and argues how it is rooted in a bourgeois ontology that has at its core the distinction of public and private interest, and the postulation that the two shall not be mixed. Our modern understanding of corruption is merely an expression of the power relationships that underlie the modern state. Taking a closer look at how corruption discourse accompanied the formation of this modern state is thus an attempt to further unpack the processes that have led to the emergence of both, and the ways in which they are intricately entwined with one another.

Corruption Discourse

It is worth noting at this point that social constructionism, for example in the way Berger and Luckmann devised it in their 1967 theory, was in fact an attempt to bridge the structure-agency divide and to take into account both subjective and objective realities. It is not supposed to stop, as I have done here, at the point where the structure, or as they called it, the *institution* has been constructed. Berger and Luckmann went to some length to show how institutions – which in this case would be commonly agreed and thus institutionalised ideas of what corruption is - also had effects on the social actors who were involved in the process of constructing and reconstructing the institution in the first place. Social constructionism is not just supposed to look at the construction as the dependent variable, but also at how it then becomes an independent variable that further influences successive reconstructions.

However, there are two reasons why I think it makes sense to depart from the language of social constructionism and conceptualise the following as corruption *discourse*. On the one hand, while it might not have been the intention of the inventors, most studies that headline themselves ‘social constructionist’, and this includes the ones on corruption, do indeed focus on the initial construction mechanisms, and how these led us to the end-product, an institutionalised idea of corruption. Little tends to be said on how these institutions then have effect on its constituters. So while theoretically, social constructionism could lead us on to the next step, empirically there is little social constructionist literature that could be enlisted to support this. Secondly, I would argue that the metaphor indeed invites this limitation. While the theory intends to examine both parts of what was so poignantly expressed by Winston Churchill - “We shape our buildings, thereafter they shape us” – social constructionism as a metaphor really only addresses the first part, the construction of the building. What happens thereafter is not construction any longer, it is architecture.

At the time of writing, corruption discourse analysis is a slowly emerging but constantly growing field of study. Some earlier works exist, such as Akhil Gupta’s 1995 ethnography *Blurred boundaries: the discourse of corruption, the culture of politics, and the imagined state* that discusses how villagers in Northern India had made corruption talk part of everyday conversation. Hans Krause Hansen’s 1998 study *Governmental Mismanagement and Symbolic Violence: Discourses on Corruption in the Yucatan of the 1990s* finds that “discourses about corruption help people to construct the state symbolically and to define themselves as citizens” (ibid.: 369). The key *theoretical* contributions to corruption discourse, however, can be found in more recent publications. The following will look in turn at Eric Breit’s work on Norway in the 2000s, Blendi Kajsiiu’s analysis of Albania in the 1990s and early 2000s, and Marija Zurnić study of Serbia 2000 to 2012. To round off these theoretical deliberations, some speculation as to how they might play out practically in modern state formation processes in Britain and Germany follows, based on recent historical literature on the topic.

Breit's (2010, 2011a, 2011b) empirical focus is on a range of high-profile corruption cases that took place in Norway in the years 2003 to 2008, and he analyses the newspaper texts of some of the leading publications. In his definition, corruption discourse is a "form of social practice that allows people to make sense of activities throughout the scandal" (2010: 619f.). This definition – rather different to the one I suggest at the end of this chapter – corresponds with the aim of the study to "illuminate important discursive processes and dynamics of corruption at the very micro level in texts" (2011a: 4, cf. also 2010: 620). His 2011a doctoral thesis thus focuses on four key questions:

What are the specific discourses and discursive strategies mobilised in media discussions of alleged corruption? What kinds of struggles are taking place in debates around its perceived legitimacy or illegitimacy? What are the implications of these struggles for representations of corruption or 'non-corruption' in the media, as well as for the power positions of the participants involved? And what kinds of discursive dynamics are involved in the emergence and evolution of mediatized corruption scandals?" (2011: 3)

While Breit's work focuses on the micro-level of individual sense-making and my own on the macro-level of state institutions, these questions demonstrate a compelling overlap of research themes: An emphasis on questions of legitimacy, a consideration of underlying struggles, and attention to the power positions of the participants involved. Breit goes on to conceptualise corruption discourse as "socially constituted as well as constituting" (2010: 621), further resonating with the theoretical deliberations of this chapter. As the discussion of social constructionist approaches has shown, ideas of corruption are constituted by social and political construction processes, and as this section on discourse demonstrates, they also have effects and constitute their contextual social and political institutions.

Breit with his clear-cut definitions and focussed research aims is in my view an excellent entry point to corruption discourse conceptualisations. Kajsiu and Zurnić on the other hand contribute further theoretical backbone to the debate. And while Kajsiu's work is particularly strong when looking at the first part of the equation – discourse as socially and politically constituted – Zurnić provides a solid theoretical

framework when it comes to the second part – discourse as constituting. The following therefore looks at the two with this emphasis in mind.

Kajsiu's discourse analysis (2013, 2015) builds on the poststructuralist foundations of a number of French theorists. Following Laclau and Mouffe (1990: 100) he sees discourse as "not just a linguistic formation but a meaningful totality" (Kajsiu 2015: 32) that encompasses all and any objects that contribute to the discourse. Building on Foucault (1972: 49), he sees the object of discourse as *constituted by* discourse, rather than existing independent of it. Corruption in this sense is similar to mental health, or specifically the way Foucault (1972: 32) thought of mental health as "constituted by all that was said in all the statements that named it, divided it up, described it, explained it, traced its developments [...]" (ibid., quoted in Kajsiu 2015: 32). Without their discourse, neither corruption nor mental health would thus exist. This is a rather different theoretical tradition to the social constructionist ideas this study builds on, the conclusions, however, are very similar:

The task of discourse analysis is therefore to examine the historical construction and functioning of a given discourse (Howarth, 2000, p.5). In the case of corruption this means that instead of looking at corruption as a given object of analysis I will focus more on its process of objectification (ibid.)

One of the key elements in Kajsiu's analysis is Saussure's distinction between signifier and signified (Kajsiu 2015: 37ff.). That which is signified are in this case the different kinds of behaviours – following the modern concept of corruption these include bribery, extortion, and generally the abuse of public office for private interest. The signifier is 'corruption', or more precisely, as Kajsiu explains in detail, the sound image /kə'ɹʌpʃn/ (ibid.: 37). This distinction of signifier and signified thus allows a specific focus for the analysis:

By looking at corruption as a signifier I can avoid the illusion that corruption sustains a given essence that can be traced across time and space, as would be the case if I approached corruption as a concept. Instead, I can focus on the different 'signifieds' (i.e. meanings, contents, concepts) that the signifier corruption has stood for in different discourses (ibid.)

'Corruption' thus becomes a 'floating signifier' that attaches itself to different signifieds. Indeed, it becomes a subject of political struggle, in which rivaling groups will try to attach certain meanings to certain signifiers, such as 'corruption', 'democracy', 'freedom' etc (ibid.: 38). Again, while building on different theoretical foundations, the research aims of this approach are rather similar to the social constructionist efforts discussed above. Bratsis' deconstruction of traditional and modern concepts is essentially, in the language of French poststructuralism, an analysis of how the signifier 'corruption' attached itself to a different signified with the emergence of modernity and the bourgeois ontology.

This points to another of Kajsiu's core theoretical tenets, the role that power plays in the constitution of knowledge, and vice versa. Building on Foucault's (1977, 1984) discussion of the intricate connections between power and knowledge and the ways they constitute each other (Kajsiu 2015: 39f.), he goes on to look at the different ways in which corruption discourse was used in Albania by different political actors for their respective political goals. His analysis thus focuses "on the way in which a given articulation of corruption serves to legitimize, institute, or expand certain power relations" (ibid.: 46). The empirical analysis of corruption discourses in Albania is thus particularly designed...

...to trace the ruptures rather than continuities in the concept of corruption. I identify how the articulation of corruption in Albania changed from the local discourses of the early '90s [...] to the international discourse of the late '90s [...] and finally to the local political discourse after 1998 until 2005 [...]. The focus of my exploration is to show how underneath its apparent continuity the concept of corruption concealed a number of transformations that enabled it to function differently in different contexts.(ibid.)

Corruption discourse thus is constituted by power and also constitutes power. This is similar to Breit's 'socially constituted as well as constituting', but with a more explicit emphasis that this 'social' includes power and hierarchy. For my own analysis, I refer to 'socially and politically constructed' discourses, so as to reflect the theoretical roots of social constructionism as well as the political nature of its construction.

How do corruption discourses then go on to shape the institutions – social, political, legal - in which they are embedded, and by which they are shaped in the first place? Zurnić's study of Serbia from 2000 to 2012 (2013a, 2013b, 2014, 2017) introduces the ideas of discursive institutionalism (DI) to corruption discourse. This term was first coined by Campbell and Pederson (2001)¹³ and has since been theoretically elaborated and methodologically applied by a number of authors, most notably Vivien Schmidt (Schmidt/Radaelli 2004, Schmidt 2008, 2010a, 2010b, 2011a, 2011b,). It seeks to address what Schmidt identifies as the big weakness of other institutionalisms, their ability, or lack thereof, to explain change:

The three traditionally recognized 'new institutionalisms' of political science rational choice institutionalism (RI), historical institutionalism (HI), and sociological institutionalism (SI) – have one thing in common: they have been much better at explaining continuity than change. In all three frameworks for analysis, institutions serve primarily as constraints. (2010: 1f.)

According to Schmidt, these institutionalisms tended to conceptualise change as exogenous, coming through outside shocks, rather than as endogenous, from within the institutions. It was only by turning to the role of ideas – the core of discursive institutionalism – that change could be effectively conceptualised (ibid.: 2). While this is a matter of a larger debate on the different kinds of institutionalisms that I am not able to engage with here, the distinction between exogenous and endogenous change is an important one, which indeed keeps surfacing in my own analysis of the case studies of this thesis.

While sociological institutionalism shares with DI an emphasis on ideas, values and norms, discourse takes a look at how ideas develop, values shift and norms change over time, and how they do so in a dynamic process:

[...] DI scholars [...] have gone farther to formalize the interactive processes of ideas generation, deliberation, and legitimization. [...] The term itself, however, used generically to describe not only what is said, or the ideas that are the substantive content of discourse, but also who said what to whom where and why,

¹³ This point needs emphasis as Schmidt seems to imply that she coined the term herself (e.g. Schmidt 2008: 304, similar in 2010: 2).

as the interactive processes of discourse [...] is of great help in explaining the dynamic processes of institutional change. (2010: 15, see also Schmidt 2008)

In the case of Serbia post-2000, Zurnić observes a parallel development of both anti-corruption discourse and anti-corruption institutions:

The nature of the discussions, involving intensive media reporting, public accusations, demonstrations and so forth, were a new way of discussing corruption. At the same time, the number of anti-corruption institutions suddenly increased, which cannot be explained as a result of the historical legacy or the rational decisions of political actors (Zurnić 2013b: 70)

The question thus became whether these institutional changes could be explained by the transformative power of discourse. There was correlation, but was there also causation? At least in this case, Zurnić finds this not to be the case (*ibid.*: 250ff.), and that changes were mostly caused by exogenous factors, in particular policy transfer from the European Union and compliance with anti-corruption conventions from the United Nations and the Council of Europe.

In some ways, my own study can be seen as an example of Discursive Institutionalism, albeit in a loosely defined way. It, too, has an important emphasis on the dynamic interaction processes between discourses and political institutions. It looks at how institutions – social, legal, political – shape corruption discourse, and how in turn corruption discourse shapes them. However, there are two differences to the DI approaches discussed here: In comparison to Zurnić's work, my own institutional focus is broader. While she looks very specifically at *anti-corruption* institutions, my interest lies in the grander institutional framework of the political system more generally, such as the electoral system in 1832 Britain, the authoritarian governance of 1896 Germany and the legal institutions that framed corruption cases in the different historical contexts. Secondly, my approach does not share the theoretical assumptions of Schmidt's DI. Institutions here are seen very much in the manner of Berger and Luckmann's (1967) social constructionism. While they might appear as an 'objective reality' to social actors, they are still subject to the same constant processes of social and political construction, reconstruction and deconstruction, and discourses are part of this process. In other words, while Schmidt suggest that

institutions somehow exist outside of discourse, my own view is that they themselves are constituted by discourse. And while I do make the same distinction between the two, I see it merely as a distinction between different levels to which the two have been institutionalised in a social constructionist sense.

How does this look in practice? How do institutions shape discourse and discourse shape institutions? While these questions will be addressed in detail in the case studies of this thesis, some recent historical literature on corruption debates under the conditions of modernising states is worth a look. This, too, is an emerging and at the time of writing constantly growing body of literature, spearheaded by a handful of German historians, and mostly yet to be translated into English. Some of the protagonists here are Jens Ivo Engels (2006, 2008, 2011, 2014) and Frank Bösch (2005, 2008, 2009a, 2009b 2011), and among the focal points are a special edition of *Historische Zeitschrift* in 2009, edited by Engels, Fahrmeir and Nützenadel, and a reader on historical approaches to corruption edited by Grüne and Slanicka (2010).

These writings do not use the concept of discourse or of social constructionism. However, they do look at ‘scandals’, at ‘debate’ and more generally at corruption ‘communication’. Some of the leading approaches contextualise these themes within the evolving institutions of the emerging modern states of Europe in the 19th century. Engels summarises this programme in his aptly named 2010 chapter *Political Corruption and Modernisation Processes. Theses on the Significance of Corruption Communication in Western Modernity* (my translation, as are the following quotes). He argues that corruption debates not only *reflected* processes of modernisation but in fact that studying them offered “*privileged access to certain modernisation phenomena*” (ibid.: 36, my emphasis). Corruption communication was thus “a mirror as well as an agent of modernisation processes” (ibid.). Engel’s main interest here is in how the changing meaning of corruption reflected as well as helped drive some of the most fundamental modernisation processes, such as increased societal differentiation, the pursuit of ordering the world in clearly defined categories, the developing of a consciousness of a ‘public’ driven by the growing role of the media, and increasing demands for political participation among others (ibid.: 35f.). It is clear

to see here how an understanding of 'corruption' in Engels' reading is located right at the heart of modernisation processes.

Other authors such as Bösch (2009a) focus on the role of political *scandal*. In his view, a historical analysis of corruption scandals and the debates surrounding these scandals illuminates the change of public norms and the patterns of interpretation that keep shifting and changing over time (ibid.: 5). Building on Foucault, he argues that corruption scandals served as *places of confrontation* in which underlying conflicts could be expressed (ibid.: 13).

A glimpse at this historical literature gives us a first indication of how corruption discourses might have played out in the developments of the modern states in Britain and Germany, to be examined in the coming chapters. Engel's work suggests that indeed discourses were shaped by as well as shaped the institutions in which they were embedded. And Bösch emphasises the role of corruption scandals as places of confrontation. This resonates with the notion that interests and ideological conflicts underlie corruption construction processes. But it also points to the potential that allegations of corruption have for creating scandal, for mobilising emotion, and thus destabilising the legitimacy of political personnel or institutions (see also Williams 2000a who discusses the potency of corruption discourse in political conflict).

How, then, can this be conceptualised within a grander theory of society? History provides us with practical illustration, but what are the more general forces at work? What role does corruption discourse play in the bigger picture of societal stability, the social order and social change? Above, I made a distinction between corruption-related values on the one hand, and corruption discourse on the other. While the former is a more static concept concerned with shared understandings and ideas, the latter describes a process in motion, a dynamic of action, reaction and interaction. This differentiation is mirrored when comparing the work of Talcott Parsons and Jürgen Habermas. Addressing the Hobbesian problem of social order, of what essentially held society together and made it orderly and predictable, Parsons (1951, 1970) famously emphasised the role of culture for 'pattern maintenance' as well as

'pattern change'. In this reading, the social system (of which the political system was part) could only be fully functional if it was supported by the norms and values of the cultural system that gave it legitimacy. Habermas (1981) takes a similar view, but is indeed – and this makes his work particularly relevant for this thesis - more interested in the communicative processes through which these understandings, ideas and values are shared, in discourse¹⁴. It is thus through what he calls communicative action that the legitimacy of social institutions and arrangements is constructed in the first place, and with it the very stability or instability of the social and political order. Within this meta-theoretical context, Habermas specifically addresses questions of legitimacy. As he defines it:

Legitimacy means that there are good arguments for a political order's claim to be recognised as right and just; a legitimate order deserves recognition. *Legitimacy means a political order's worthiness to be recognised*. This definition highlights the fact that legitimacy is a contestable validity claim; the stability of the order of domination (also) depends on its (at least) de facto recognition. Thus, historically as well as analytically, the concept is used above all in situations in which the legitimacy of an order is disputed, in which, as we say, legitimation problems arise. (1979: 178f., emphasis in original)

As the case studies in the following chapters show, corruption discourse does this particularly well. In both Britain and Germany, it was used to challenge, undermine and delegitimise existing political arrangements. Using the framework of Habermas' theory, the centrality of corruption discourse for the very order, and orderliness, of society, becomes particularly evident: As an organiser of legitimacy it is at the heart of social order itself, and by challenging existing institutions it can be central to what Habermas has called a legitimation crisis (1975), leading to shifting perceptions of the legitimacy of the existing order and ultimately its transformation.

Building on the ontological foundations of social constructionism, a discussion of the existing work on corruption discourse thus further lays the theoretical foundations for the study. Breit offers an initial definition of corruption discourse and sets out some clearly defined research goals that illustrate the kinds of questions an analysis

¹⁴ A useful discussion of how Parsons and Habermas address the problem of social order – in German - can be found in König 2012, 6ff.

can apply. Kajsiiu's poststructuralist version adds theoretical thickness to the debate and discusses the ways in which corruption discourse is politically constituted as well as constituting. Zurnić contemplates ways in which discourse interacts with institutions, and how change in the institutional framework might be related to the transformative powers of discourse. Recent historical literature adds illustration to these theoretical deliberations, and hypothesises about how corruption communication has been intrinsically connected with modernisation processes in 19th century Europe. Habermas' theory of communicative action finally provides some meta-theoretical deliberations that can help integrate the topic in a more general theory of societal stability and change. Writing in 2016, I thus have the great privilege to be in the first generation of corruption discourse students that can build on this growing and expanding body of research.

Conclusion

The conventional definitions of corruption, expressed through Heidenheimer's three-way distinction, do the jobs they have been assigned to do. Public office and market-centred definitions build on essentialist definitions of corruption and seek out those acts and behaviours that fall within the parameters of the category. Public good-centred definitions are more interested in the underlying ideals of the democratic state and the common good that said state is supposed to promote. Corruption is then seen as a violation of these principles of the state, not just an isolated act that happens to break the law. To illustrate how my own research relates to these conventional approaches, I have suggested to re-organise them along a spectrum that runs from objectivist approaches to subjectivism. This rearrangement shows a certain short-sightedness that was built into Heidenheimer's typology, and importantly makes space for more subjectivist approaches such as the social constructionist one followed here.

More recent corruption research has turned to the context in which corruption is embedded, and connects its negative with the positive of anti-corruption, expressed

in such concepts as integrity, quality of governance, ethical universalism and deep democratisation. While these constitute a 'turn to context' in the sense of *broadening* our understanding of corruption and placing it in the *wider* context of governance, I have argued that social constructionist approaches themselves provide a turn to context, but in the sense of *deepening* our understanding of what corruption is and why it is what it is.

The theory of corruption discourse as advanced in this study starts with the acknowledgment that corruption is a socially constructed concept, a classification of behaviours rather than a specific behaviour itself. What counts as corruption and what does not depends on a shared understanding of it, and my interest here is to look at the factors behind this shared understanding, the different interests and ideas that underlie it, and in particular the struggle over legitimacy that lies at its heart. This social constructionist approach is the foundation on which corruption discourse can then be conceptualised.

Building on this foundation, the concept of corruption discourse itself, in the way I understand it, is more focussed on the dynamics that these construction processes take. 'Corruption' is subject to social and political construction processes, a dependent variable if one likes, but it then also becomes an independent variable, and as a discourse can have an influence on institutions – social, political, legal – and contribute to change. As the following chapters will show, these dynamics become particularly evident when taking a longer-term view and applying an historical and comparative perspective.

Building on the theoretical considerations of this chapter, the following definition can be advanced for the purposes of this study: Corruption discourse is a form of social practice in which political actors use the signifier of 'corruption' to signify the illegitimacy of either (a) types of behaviour, (b) political personnel and/or (c) political institutions. Corruption discourse is made up of the total of what is written and said on corruption within the public sphere it takes place in. It is socially and politically constructed through the interactive communication of whoever takes part in the

discourse. It moves beyond a mere socially constructed social phenomenon and becomes a discourse by developing its own communicative dynamic in which political actors react to one another's use of the signifier corruption. This dynamic can trigger shifts in perceptions of legitimacy, which can lead to *calls* for change, which can then lead to *actual* social and political change. Within corruption discourse, corruption allegations can be used strategically to undermine the perceived legitimacy of political opponents or political systems or institutions one opposes. Corruption discourse functions thus as an important organiser of legitimacy.

Chapter Three: Research Design and Methodology

This chapter deals with the research and methodology decisions taken in the planning, designing and carrying out of this study. It proceeds from the more general to the more specific, from the comparative framework to the case selection within the framework to the data collection and analysis within the case studies. The first section thus discusses the choice of the two countries and the reasons for a focus on Britain and Germany. In what ways can this particular comparison add insight to the debate? Part two then goes into more detail on the three case studies that were selected for each country. What is their function for the overall investigation and how do they fit into the bigger picture of the paired comparison? The third part goes into the details of data collection, the archives used and the data selected from the vast material available. Finally, in a fourth part, this chapter is rounded off with a discussion of how the data was analysed in line with the theoretical approaches illuminated in the previous chapter.

Why Britain and Germany?

In her 2014 *Falling Walls* speech to an audience of researchers, politicians and civil society activists¹⁵, Alina Mungiu-Pippidi argued that there were essentially two ways in which corruption control could be achieved, and particularism be transformed into ethical universalism: On the one hand, an enlightened authoritarian leader could take the initiative and implement top-down reforms of the state's bureaucratic apparatus, in what she called an *authoritarian/traditional path*. Denmark in the 18th century provided the blueprint for this (expanded in Mungiu-Pippidi 2013b and 2015: 57-82). Botswana, Bhutan, Qatar and Rwanda served as contemporary examples of this path. On the other hand, anti-corruption reforms could be implemented through a *democratic path*, in which some level of democratic representation and pluralism existed, and increased corruption control was the result of a shift from particularist

¹⁵ Available at <https://www.youtube.com/watch?v=3EMHk7EBgDQ> (last viewed 06/06/2016)

pluralism to universalist pluralism. Some contemporary examples of this were Uruguay, Estonia and Taiwan.¹⁶

Britain and Germany indeed represent examples of these two poles. The various states that pre-dated Germany, in particular Prussia and Bavaria, as well as Austria, were among the early adopters of a centralised and well-drilled bureaucracy that served the purposes of the monarchy. Prussia's development in particular shows strong parallels to Denmark's: In both cases, by the time they introduced first elements of democratic representation in the second half of the 19th century, as Mungiu-Pippidi states for the Danish case, "the fundamental elements of control of corruption were already in place by the absolute monarch" (2013b: 1273, drawing on Frisk Jensen 2008). As early as the end of the 18th century, Prussia had established an elaborate, hierarchically ordered civil service, with the king seen as the "first among a vast number of officials" (Poggi 1978: 76, for a general overview see *ibid.*: 74ff.). Indeed, the Germanies and Austria can be seen as "leading examples" of early bureaucratisation (Anderson/ Anderson 1978: 92). And as in the Danish case, this "was done in a top-down manner in an effort to strengthen the state" (Mungiu-Pippidi 2013b: 1273).

Britain on the other hand is an example of a democratic path towards corruption control. Indeed, some of the anti-corruption measures taken here were directly tied in with democratisation processes, such as the 1832 Electoral Reform Act that forms one of the case studies discussed in this thesis. As Mungiu-Pippidi puts it, "Under [...] representative democracy, where the size of both government and the citizenry increases exponentially, the solution chosen is the modern state [...]" (2013: 1280). In Britain, this was achieved through a succession of reforms, of the electoral system on the one hand, to control what was perceived as electoral corruption, and to the

¹⁶ While this speech was delivered to a (partly) lay audience, in her academic publications Mungiu-Pippidi adds a third type, republicanism (2013: 1278ff. and 2015: 80ff.), which to an extent is situated between the poles of absolute monarchy and representative democracy, with some specified additions. Examples of this third type are the city states of Italy and the Netherlands in the 16th to 19th centuries (*ibid.*). I decided to follow the two-way distinction laid out in this speech, however, as it nicely contrasts the different paths that Germany and Britain did indeed take.

administration on the other hand, with reforms to the Civil Service from the 1780s onwards (cf. *ibid.*: 1274, Cohen 1965 for a comprehensive overview). The 1889 Corrupt Practices Act, also one of the case studies in the succeeding chapters, forms the end point of this development.

Thus, while the administrative reforms implemented in the 18th century Germanies served to strengthen and enforce state power against the population, in Britain they were driven by a movement for democracy, and the desire for a fairer administration. In this contest it is interesting to note the symbolism of the fact that the German equivalent of 'Civil Service' is 'Staatsdienst' – 'State Service', a telling linguistic reflection of how the administrative apparatus of the state was historically implemented in the two countries, and whose interests it primarily served.

More than just being a top-down versus a bottom-up implementation, the two state developments differ in another important aspect: While Britain evolved in a more or less linear way from constitutional monarchy to democracy – albeit the intricacies of the 'more or less' are subject to intense historical debate – Germany presents one of the least linear and most ruptured developmental paths of any modern state in Western Europe. And indeed, the three case studies chosen for Germany are situated in three very different state systems, from the pre-World War One Kaiserreich to the failed democratic attempt of the Weimar Republic to the successful democracy of the Federal Republic after World War Two. The British cases in contrast are part of an evolving sequence of corruption discourses that unfold over time, and take place within the same, although equally evolving institutional framework.

The choice to focus on the role of corruption *discourse* adds another layer of difference to the comparison. As the analysis will show, corruption discourse in Britain went hand in hand with, and became one of the driving forces of the implementation of measures against corruption. In Germany on the other hand, the relevant legislation was already in place when press freedom was implemented in the 1870s, and thus corruption discourse could take off. The comparison is thus between corruption discourse under the conditions of an initial lack of existing legal framework

and a subsequent development of anti-corruption laws alongside discourse on the one hand, and a pre-existing comprehensive legal framework on the other.

Britain and Germany are interesting case studies in their own right. But it is their historical comparison, their juxtaposition, their contrasting and measuring up against one another that opens new lines of inquiry: Did for example the different legal frameworks make a difference in how corruption claims were typically presented and framed in public discussions? Did this in turn change the ways in which these debates were able or not to shape subsequent political processes? Did the top-down and bottom-up histories of state institutionalisations have an impact on the relationship of state officials and the nominally free press? These are just a few questions that arise from the comparison, but that would not necessarily arise from looking at just one of the countries on its own.

There are two ways in which the comparison can thus be made fruitful. One lies in what Theda Skocpol and Margaret Somers (1980: 178ff.) call a *contrast of contexts*. The aim here is to find cases that are maximally different but which have one factor in common. The purpose then is to “bring out the unique features of each particular case included in their discussions, and to show how these unique features affect the working-out of putatively general social processes” (Skocpol/Somers 1980: 178). Examples for this are Clifford Geertz’s *Islam Observed* (1971) which looked at how the same religion, Islam, manifested itself in the most different contexts of Morocco and Indonesia, or Reinhard Bendix’ *Kings or People* (1980) which examined the common theme ‘power and the mandate to rule’ across the very different cases of Germany, Russia, Japan and Britain (see Skocpol/Somers 1980: 178ff.). In my own study, Germany and Britain have in common, first, that they produced at some point in their history corruption discourse, and second, that they both historically achieved a relatively strong control of corruption. They did this, however, in very different contexts. The point of the comparison as *contrast of contexts* is thus to observe how these common themes interacted with and developed alongside these very different institutional contexts, how they were shaped by them and in turn shaped them.

However, the comparison also has elements of Skocpol and Somers' *parallel demonstration of theory*. With this strategy, "the reason for juxtaposing case histories is to persuade the reader that a given, explicitly delineated hypothesis or theory can repeatedly demonstrate its fruitfulness" (1980: 176). Indeed, as they continue, these studies "intend above all to convince their readers of the validity of certain theoretical arguments" (ibid.). Examples of this are S.N. Eisenstadt's *Political Systems of Empires* (1969) which argues that 'The Rise and Fall of Historical Bureaucratic Societies' can best be explained with a structural functionalist theory, or Jeffery M. Paige's *Agrarian Revolutions* (1975) which develops theoretically a typology of four kinds of rural class conflict and then uses a large-N comparison to demonstrate that this model applies universally. The theoretical claims put forward in my own thesis - as elaborated in the preceding chapter - are that corruption discourse is socially and politically constructed and can be used for strategic purposes to undermine the legitimacy either of political personnel or institutions, and that corruption discourse thus can have an effect on the development of institutions and lead to change. Implied in the choice of a *longue durée* historical comparison is also the hypothesis that looking at the longer term historical developments of social and political phenomena adds new insights to the debate. These are general theoretical statements, and the point of the comparison as *parallel demonstration of theory* is to show that they hold true across the cases chosen. The comparison chapter of this thesis will revisit these two strategies, and look at their achievements within the comparative research design of the cases.

On a final note, this section would not be complete without an autobiographical statement. The author of this study is indeed culturally rooted in the two countries he is examining, and has a long-standing special interest in understanding and explaining these particular two countries and their institutional set-ups. I hope, however, to have argued the merit that lies in comparing the two states and their development independent of this fact.

Case Study Selection

This section looks at the three different case studies that were selected for each of Germany and Britain, and the rationale that lies behind the choice of each. Due to the different structure and availability of data for the two countries, the selection of case studies proceeded in quite different ways. In Britain, any 19th century newspaper that might be relevant for the investigation has been made available in fully digitised online archives. Significantly, these allow for word searches, produce numbers, and consequently even permit a quantitative analysis of corruption discourses. The German data on the other hand, is much thinner. Although there have been digitisation projects in a number of archives in recent years, these have been selective both in the publications as well as the time frames chosen. And while this still allows for in-depth studies of the different cases themselves, it makes it significantly more difficult to arrive at a global and comprehensive overview as compared to the British data. As a result, UK case selection has been mostly data-driven and German case selection has been mostly literature-driven. The following looks at them in turn.

Britain

The case selection for Britain starts with an explorative quantitative analysis of the frequency of keywords. Figure 2 shows the frequency of the expressions 'corruption', 'public interest', 'public office' and 'public good'. This word selection is based on the typical definitions given to corruption in the literature, as an abuse of either public office or the public interest, and I have added 'public good' as a commonly used related term. The archive used here is the British Library's online *Newspaper Database* which includes 48 publications selected for their representativeness, political and regional, of newspapers in 19th century Britain more generally.¹⁷ I have chosen to use absolute numbers in this graph and throughout the thesis whenever the help of quantitative data was enlisted. This has the advantage of representing the growth of public discourse more generally. It shows that for example the signifier

¹⁷I go into more detail on this below, in the discussion of the different archives used.

'corruption' indeed started floating around the public sphere in increasing frequency from around 1830, and with slowly declining frequency from its peaks in the 1850s and 60s. The alternative would have been to work with weighted data that takes into account what percentage of documents contain the search words rather than taking the absolute numbers at face value. This would have been better if the aim was to represent how much relative attention was paid to issues such as the Duke of York affair in 1809, relative to other issues at the same time. My focus, however, is the absolute attention paid to corruption, and therefore absolute numbers make sense.

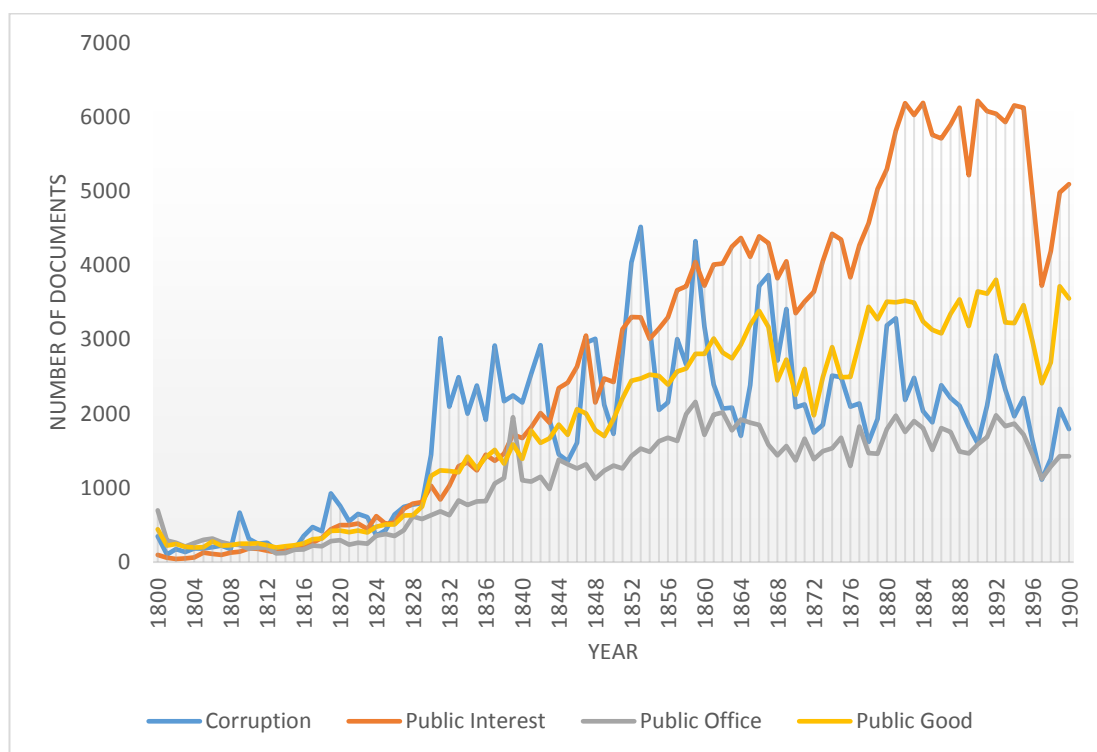


Figure 2. Corruption, Public Interest, Public Office, Public Good, 1800 to 1900

Before going into detail on how this quantitative exploration aided my case study selection, a quick look at some correlations is instructive. Over the century as a whole and on a year-by-year basis, corruption correlated with public interest at 0.64, with public office at 0.79, and with public good at 0.73¹⁸. This means that in years in which

¹⁸ All correlations in this thesis use the Pearson product-moment correlation coefficient:

corruption featured prominently in newspapers, there was also a prominent discussion of matters of the public good, interest, office, and vice versa. And while these high correlation values are to some extent due to the general intensification of discourse over the 19th century – all the terms were mentioned more frequently in absolute terms as the circulation of newspapers increased – these high scores should not be dismissed easily. A look at the graph more locally, at the up and down movements within shorter time periods, does show that the trajectories mirror each other significantly, at least in some sections of the graph. This therefore adds empirical substance to the theoretical idea that corruption is generally understood as the abuse of public office at the expense of the public interest.

For the case study selection, however, the shape of the ‘corruption’ variable is of particular interest. Clearly visible here is a change around 1830, which saw an explosion of corruption debate, with little abating in the following years. This seems like the manifestation of what some historical institutionalists, building on Max Weber, refer to as a ‘critical juncture’ (Lipset/Rokkan 1967) – a watershed moment that sets the direction for a number of years of what is to come, and forecloses other avenues of development, leading to an effect that is often labelled ‘path dependence’ (David 1985). Closer qualitative inspection of some of the newspapers of this time reveals the reason for the explosion – 1830 is when a big debate takes off over the electoral system of the House of Commons, leading to the 1832 Electoral Reform Act. This is then our first case study, and at this point it is interesting to note that the critical juncture in discourse preceded the critical juncture in institutional development. A first, superficial look at the numbers thus gives us a first indication of how at least this particular discourse seems to have had an effect on this specific institutional development towards a modern democratic state. The qualitative analysis in the following chapter will go into more detail as to if and how exactly this was the case.

$$r = \frac{\sum(x - \bar{x})(y - \bar{y})}{\sqrt{\sum(x - \bar{x})^2 \sum(y - \bar{y})^2}}$$

Looking at 1830 to 1832 as a critical juncture in corruption discourse, however, begs the question of what was before. Discourses of corruption did not suddenly emerge out of nowhere, and to understand where 1830 came from, what ideas it was building on and how it compared to preceding discourses, an earlier case study is needed. The period from 1800 to 1830 offers few, and comparatively low peaks in Figure 2. One spike can be seen in 1809, however, and a closer study of some newspaper articles in this year offers a glimpse of what in my view is a particularly intriguing case, the Duke of York scandal. The then commander-in-chief of the armed forces – this was during the Napoleonic wars – had been caught selling officer patents through his mistress, Mary Clarke. The historian Phillip Harling discusses this case at some length (1996a), but concludes that it is not of particular historical importance but for one aspect: It illustrates the role of patriotism in times of war and the regime-stabilising effect it has (1996a: 984). However, re-examining the case as an example of corruption discourse unearths some fascinating aspects previously neglected: It serves as an excellent snapshot of the growing cleavage between the emerging middle and working classes with their reformist and radical movement on the one hand, and the ‘old elites’ and what was then called ‘old corruption’ (Harling 1995, 1996b) on the other. Corruption discourse was indeed the arena in which this conflict was played out. As the qualitative analysis of this case in the next chapter shows, whether the Duke was seen as unforgivably corrupt or had simply committed a forgivable act of folly depended to a great extent on what side of this cleavage one was on. The House of Commons voted decisively against disposing of the commander-in-chief, but significantly the vast majority of newspapers wanted to see him sacked. The Duke of York case thus illustrates how the institutions of the state were still firmly in the hands of the aristocracy and their patrimonialism, while outside parliament, the newspapers were rattling at the gates.

The year 1809 thus sees an early example of how corruption discourse became a battleground for the implementation of what Bratsis (2003) called a bourgeois ontology, based on the distinction between private and public and the assertion that the two shall not be mixed. 1830 to 1832 then brought reforms to the electoral

system that allowed more people from the middle classes to cast a vote in general elections. Further reforms followed that made the institutions of the state more democratic and accountable, in an era known as the Age of Reform, lasting from ca. 1815 to around 1870¹⁹. It thus makes sense to choose a third case study that comes at the end of this long and drawn-out process. How did corruption discourse look after the fights and conflicts of the 19th century and the resulting bourgeois takeover of the state?

One notable piece of legislation in the last third of the 19th century is the Public Bodies Corrupt Practices Act of 1889. It formed the centrepiece of anticorruption legislation for UK state institutions, and with its update in 1916 was valid until 2010, when replaced by the Bribery Act. In many ways, the Act was the endpoint of a half-century of anti-corruption legislation, and repealed a number of more limited corruption acts to unite them into one that applied to all Public Bodies. Unlike the 1809 and 1832 cases, this was not triggered by a specific scandal but rather by a concern in government and Parliament about how to better regulate the Civil Service and prevent corruption in the different ranks of the administration. Unlike the earlier case studies, this piece of legislation was not subject to contest, and the Bill passed both Houses of Parliament with almost no opposition. And unlike those cases, the press, too, had little to write about the Act, and it hardly seemed to register as more than an everyday occurrence. It is precisely this lack of discourse that makes this case interesting. While in 1809 the anticorruption movement was mostly an outer-parliamentary opposition movement, in 1832 it contested the political institutions, took over the House of Commons and eventually pressured the Lords into submission, in the later 19th century anti-corruption is uncontested. Bratsis' bourgeois ontology is now well established, and Mungiu-Pippidi's ethical universalism the accepted standard for governance.

What then, is the bigger picture in this development over time? The three case studies show a snapshot of discourse, but as I argue in the case study discussions in

¹⁹ The different definitions of this Age, how long it lasted and the kinds of reforms it included are discussed in more detail in chapter 3.

the following chapters, they also represent specific phases of corruption discourse: 1800 to 1830 saw the discovery of corruption allegations as a weapon in political conflict. While these allegations were not used very extensively, the examples in which they were shown the beginnings of a weaponisation of corruption discourse, and an expression in them of underlying societal cleavages. This period of time can therefore be conceptualised as a *discovery phase*. It was followed by an era of intense political upheaval and conflict from 1830 to around 1867 (the date of the second Electoral Reform Act). Corruption discourse here was routinely mobilised to undermine the existing political institutions and call for reform. This can therefore be thought of as a *contestation phase*. With it came reform, and with reform came the institutionalisation and consolidation of the modern, semi-democratic state towards the end of the 19th century. The question of anti-corruption measures was now not of whether there should be any, but of how they should be implemented. This I suggest to call a *consolidation phase*.

These three phases built onto one another. Contestation, at least in the case of Britain, was not possible without being first discovered, and consolidation was not possible without prior contestation. Corruption discourse thus came as a sequence of different phases that developed gradually over time. Whether or not this was or is also the case in other places is a matter of debate (and future research). Germany in particular, with its breaks and ruptures, has the potential to critically challenge this notion, and enables us to test if and how this phase model might have more general value.

Germany

The structure and easy availability of digitised newspaper archives in Britain allows for an explorative quantitative analysis of discourse that helps identify different phases and highlight case study candidates. For the German cases, however, this archival splendour does not exist. The German case studies were hence selected on the basis of historical considerations, based on a review of some of the relevant

literature. Case study selection here follows the same line of questioning though: What periods of time, and what case studies within these periods of time best illustrate the ways in which corruption discourse was shaped by and in turn shaped contextual political processes? How do they connect to one another, and is there a sequential development similar to the one in Britain, despite the very different macro-historical developments?

Identifying a starting point for German corruption discourse is relatively straightforward: It was only in the newly formed 1871 state of Germany that wide-ranging press freedoms, the indispensable precondition for public corruption discourses, were granted by the state, regulated through the *Reichspressgesetz* (Imperial Press Law) of 1874. If there was such a thing as a *discovery phase*, a critical juncture at which corruption discourse was first instated, the early *Kaiserreich* had to be it. Indeed, this period of time boasts a number of prominent corruption cases that were widely discussed in the media: In the 1870s, Bismarck's private banker Gerson von Bleichroeder (who also happened to be involved in public financing – a typical breach of the public-private distinction) came under the crossfire of large sections of the press. In particular, the secret – through its discovery less secret - *Welfenfonds* (Welf fund) he was administering came under scrutiny. This was a large sum of money that had been confiscated from the House of Welf by the Prussian state in 1868 to be used against 'Welfian conspiracies' (*Welfische Umtriebe*) – code for any political activities the government disapproved of (Stöber 1996). One section of this fund in particular was controversial, the so-called *Reptilienfonds* (reptile fund). This was established to pay secret agents and journalists, for providing information on the one hand and for influencing public opinion through benevolent reporting on the government on the other (Stern 2008 [1978], see also Engels 2006: 337f.). Its name was derived from Bismarck's publicly stated comment on its use for "pursuing malicious reptiles right into their caves so we can see what they are up to"²⁰ – a rather

²⁰ My translation. The often-quoted excerpt from this statement, addressing the House of Welf, is "I believe we owe you gratitude when we dedicate ourselves to the purpose of pursuing malicious reptiles right into their caves so we can see what they are up to." ("...ich glaube, wir verdienen Ihnen

telling quote in regards to Bismarck's view of the free press and opposition to his regime more generally.

Further prominent scandals of the empire were the allegations against the railway baron Strousberg in 1873 (Borchart 1991) and the Kornwalzer²¹-affair in 1912/13, involving the arms manufacturer Krupp and the Imperial Ministry of War (Boesch 2005). According to Engels, by around 1900, corruption discourse had become "code for a general critique of society" (2006: 339, my translation), with an emphasis on the "moral degeneration due to greed and unlawful enrichment" (ibid.: 340). From the 1890s onwards, this increasingly contained anti-semitic elements (Boesch 2009a: 447, also Engels 2006: 340).

The case selected to represent this first phase of corruption discourse, the Tausch scandal of 1896/97, showcases some of the problematic features of press interference that could already be seen in the Reptile Fund controversy: The secretive manipulation by state authorities of what in theory (i.e. according to law) should have been the emergence of a free press sector, public political discourse and, if Britain was taken as the yardstick, the development of the press into a 'Fourth Estate' that could hold government to account.

The *Reptilienfonds* itself would be worthy of a closer look (and indeed has been the subject of a number of studies such as Philippi 1959 or Brosius 1964). However, it is also worth showing that this pattern of authoritarian manipulation – of power trumping legality - was not just manifested in the Reptile Fund but materialised in other instances as well. In addition, the Tausch case provides a more focussed and less secretive case study than the Reptile Fund, and can be assessed in its entirety with an analysis of two court cases and the surrounding newspaper discourses. I refer to it as the Tausch case or affair for simplicity - in the literature it is usually listed as

Dank, wenn wir uns dazu hergeben, bösartige Reptilien zu verfolgen bis in ihre Höhlen hinein, um zu beobachten, was sie treiben.").

²¹ This roughly translates as 'granulating roller'

the *Tausch-Leckert-Lützow scandal* (discussed in detail in Bösch 2009a: 329 – 364, Fricke 1960, Hall 1977).

Eugen von Tausch was a high ranking officer in the Politische Polizei, a domestic intelligence branch of the police, and responsible for gathering information on opposition movements and dissidents. In the 1890s, however, unbeknownst to his superiors, he made it his calling to spread false information through his network of journalists about political figures and official dignitaries. This could for example be reports about the ill health of the Kaiser or indiscretions of politicians. These dealings came to light in a spectacular and widely reported court case in 1896/97. As many of Tausch's inventions were allegations of corruption, what can be seen here is the manipulation, and if one wants, 'corruption' of corruption discourse by authoritarian intervention. While the discovery phase in Britain saw the early blossomings of a free and largely uninhibited corruption discourse, in Germany its expression was thus deliberately manipulated. This connects to a wider concern with the Kaiserreich, as it was authoritarianism, and the failure of the state to implement reforms to modernise and democratise that eventually contributed to its downfall, and led to its destruction and dismantling in and through the Great War.

For a second case study, a look at the Weimar Republic is instructive. This first attempt in Germany at a full-blown democracy failed for a number of different reasons. The factors typically listed are: (a) It was a democracy without democrats. The political actors did not understand the rules of the game, and instead of valuing pluralism, political opponents were routinely vilified (e.g. Bulla 1973). (b) The defeat in war, the humiliation of the Versailles Treaty and the war reparations Germany was supposed to pay into the 1920s further fanned the flames of radicalisation (Price 1999). (c) This radicalisation led to paramilitary groups in the streets of cities across Germany, and to attempted coups from both left and right-wing organisations (Diehl 1977). (d) The judiciary, still wedded to the idea of the authoritarian Kaiserreich, failed to deal with right-wing violence and was 'blind on the right eye and overly clear-sighted on the left' (Jasper 1982). (e) While suffering from economic problems before (in particular the 1921 to 24 hyperinflation), the eventual downfall of the Republic

came with the global economic crisis triggered in 1929. The National Socialists came to power in 1933 and abolished any democratic freedom and pluralism that had existed (for all these points, cf. e.g. Abraham 1986, Kolb 1988, Nicholls 1991, Peukert 1993).

The role of corruption discourse in this period of extremism is in some ways the opposite of the role it played in Britain's contestation phase. While in the UK, corruption discourse was a driving force behind reforms towards a more universalist state and the development of new democratic institutions, in the Germany of Weimar it played an important role in bringing down these institutions, and leading the bourgeois state to failure. Allegations of corruption, whether justified or not, became the weapon of choice in the radicalised political disputes of the era (cf. Klein 2011, 2014). And not just political opponents were seen as corrupt, but society as a whole, and in particular the political system that had been borne out of defeat and national humiliation in the Great War. This culminated in the National Socialist propaganda that promised to rid the country of the 'corrupt' and 'degenerate' system that had been stifling Germany since 1919 (Ludwig 1998). It is thus clear that the Weimar Republic has a particular significance when looking at the connection between corruption discourse and state formation.

The Erzberger-Helfferich case of 1919/20 offers a microcosm of many of these problems. Indeed, coming at the outset of the Weimar Republic, it can be seen as a prototype (and possibly a critical juncture) in the development of corruption discourse in this particular period of time. Matthias Erzberger as the new Republic's Minister of Finance was one of the most prominent members of the then Bauer government. However, as he had played a prominent role in the peace process towards the end of the war, he was extremely unpopular with right-wing press and politicians. Karl Helfferich on the other hand was a prominent right-wing politician and had been vice chancellor in the war-time government from 1916 to 1917. The dispute started with a range of articles in the newspaper *Kreuzzeitung* in the summer of 1919, summarised in a pamphlet named 'Erzberger Must Go' in August of the same year. Helfferich accused the minister of mixing private business interests with his role

as a wartime minister. This triggered a sequence of events: Erzberger sued Helfferich for libel. The court found Helfferich guilty of some of the points raised but not of others, effectively confirming that some of Erzberger's actions constituted corrupt behaviour. Erzberger consequently resigned from office in March 1920. He was later assassinated by the right-wing terrorist *Organisation Consul* in August 1921.

Manifested in this case is therefore almost the entire catalogue of problems that would haunt the Weimar Republic throughout its history, the legacy of defeat in the Great War, the radicalisation and violence, the problematic role of the judicial system. Corruption allegations here were used to attack the person of Erzberger, but through him, the entire new order of the state and its political system. This too is thus a *contestation phase* in which corruption discourse was used to contest the legitimacy of existing political structures. However, compared to Britain the conflicts were sharper, and the demands were not for reform to some of the state's institutions but for the overthrow of the entire system. It thus makes sense to think of this as a phase of *hyper-contestation*.

While historians have documented that the Third Reich (1933 to 1945) was rife with corruption (most notably Bajohr 2001), due to the *Gleichschaltung* of the media (lit. synchronisation, a euphemism for censorship), little corruption discourse was allowed to take place. And while this phase in German history is certainly an interesting case study of how the clientelist structures of the Nazi Party helped stabilise the regime (ibid.), it offers little in terms of understanding how corruption *discourse* manifested itself²².

The *Bundesrepublik* (Federal Republic) finally represents Germany's successful attempt at a liberal democracy. It, too, has had its fair share of high-profile corruption cases. The 1970s saw the Lockheed scandal involving the ill-fated Starfighter plane procurement, and the 1980s Flick Scandal uncovered illegal donations to the major political parties by the Flick consortium. As a case study for this period, however, I

²² An interesting analysis here might lie in looking at outsiders' discourses such as the German services of the BBC, the American Broadcasting Station in Europe or Radio Moskau. Did they use corruption allegations strategically in an attempt to undermine the regime's perceived legitimacy?

decided to take a slightly different approach, by focussing not so much on one isolated corruption scandal itself, but on the role of a news magazine in uncovering scandals more generally, and the way authorities attempted to stamp down it. The *Spiegel-Affair* of 1962 is widely known and recognised as one of the turning points in the young Bundesrepublik towards a more decisively democratic state (cf. Gimbel 1965, Bunn 1966, Schoenbaum 1968). The weekly magazine had published a report on the German armed forces that documented its lack of preparedness in the case of an attack – the famous headline *bedingt abwehrbereit* loosely translates as ‘limited capacity to defend’. This led the Adenauer government to order the raid of the Spiegel offices in Hamburg and Bonn, as well as the arrest of several of the responsible editors. In the end, however, the Bundesgerichtshof found no grounds on which to prosecute, the government’s actions were declared unlawful, and the minister for defence, Strauss, who had pulled the strings in this persecution, was sacked. In 1966, the Bundesverfassungsgericht, Germany’s Supreme Court, reiterated in the so-called Spiegel Ruling the important role of the Free Press in the democratic process. On its 50th anniversary in 2012, the Spiegel-Affair was celebrated as a ‘Milestone of Democracy’, and featured in many special broadcasts and publications (e.g. BPB’s special edition²³ and Doerry / Janssen 2013 book), as well as earning its own TV drama in 2014, featuring Sebastian Rudolph as Rudolf Augstein and Francis Fulton-Smith as Franz Josef Strauss.

The Spiegel-Affair is not a corruption affair in itself. Yet it is best understood if seen in the context of a number of much lesser known corruption scandals that preceded this showdown with the government. Der Spiegel had been instrumental in the Capital Scandal in 1950, uncovering vote-buying in the decision to move the German seat of government to Bonn rather than Frankfurt, in the 1952 Schmeißer affair surrounding a French secret agent allegedly connected to chancellor Adenauer, in the 1958/59 Leihwagen scandal that brought to light the all-too-close links between the federal government and the car industry, and finally in the Fibag affair in 1962 that

²³ Accessible at <https://www.bpb.de/politik/hintergrund-aktuell/145749/50-jahre-spiegel-ffaere-10-10-2012>

exposed Strauss's involvement in a bid to win a multi-million dollar construction contract with the US armed forces in Germany. The magazine with its investigatory journalism tactics was the key driver of corruption discourse in the Federal Republic, and the 1962 events were an attempt to shut down this discourse. There are certain parallels here to the Tausch case in 1897, and the Reptile Fund of the *Kaiserreich* more generally. Once again, an authoritarian government attempted to manipulate corruption discourse. The difference here, however, is that it failed rather spectacularly. Like the third case study of the UK, this case is thus representative of a *consolidation phase*. The institutions of the modern democratic state had been stabilised, and the rule of law could be defended against the attempt by power to overrule it. Similarly to Britain in 1889, corruption discourse here had become the defender of the existing political system, rather than attacking it.

Data Collection

One of the practical challenges of this self-funded part-time PhD has been to make the best use of a limited budget in both time and money. Luckily for this researcher, the project has taken place in an era of digitisation, in which more and more libraries and archives have discovered the value of digitising their catalogues, and making them available online for researchers worldwide. This section discusses the data collected both for the British cases – a more straightforward operation - and the German ones.

British Cases

The broad aim at the outset of looking for data in Britain was to get an overview of how corruption was discussed both in newspapers as well as in Parliament, throughout the 19th century. This proved to be spectacularly easy and straightforward. The British Library had then (2010) recently digitised and published its 'Nineteenth Century Newspapers' database – by today (2016) expanded to 'British Newspapers 1600 to 1950'. According to the Library, the 19th century section of this database contains "[...] 48 titles [...] [that] comprise 2.2 million pages in total. The

selection follows a logical mix of UK-wide coverage with nationals and regionals, and includes 17 national and 29 regional newspapers from North, South, East, West and central England, Scotland, Wales, and Ireland, and one specialist sub-cluster.”²⁴ This database formed the backbone of the research and served as the starting point for any enquiries into case studies, as well as providing the quantitative data that has been used in some places. However, two important newspapers are not featured in this catalogue: The Manchester Guardian, and significantly, as one of the most prominent newspapers in much of the 19th century, The Times. Both, however, are also available in similarly digitised archives, and were consulted in addition to the 19th century database whenever necessary.

All these archives were easily accessible through the Edinburgh University Library website, and as discussed above, allowed not just for searching by keyword but also listed the numbers of hits, which could then be further processed into analytical statistics. While this was done ‘by hand’ in the early stages of my research, transferring the numbers meticulously into *Excel* files, the British Library at some point decided to provide this service itself, and now allows the option to download search results as Excel files from its website. This is only possible for year-by-year data, however, and in the cases where I have looked at monthly variations of discourse, numbers were still compiled ‘by hand’.

In terms of parliamentary debates, a similar picture of abundance quickly emerged. Hansard Online offers easy internet access to its archives under its section ‘Historic Hansard 1803-2005’²⁵. This contains all parliamentary debates and like the newspaper archives can be word-searched. Using Hansard became almost unnecessary in some cases, however, as newspapers in the 19th century routinely reproduced verbatim the official reports of the Parliamentary debates. Hansard mostly helped me with cross-checking these reports. Some additional information was obtained mostly for the 1889 case that did not feature strongly in newspapers.

²⁴ Available at http://find.galegroup.com/bncn/bncn_02.htm (last accessed 13/06/2016)

²⁵ <http://hansard.millbanksystems.com/commons/> for the House of Commons and <http://hansard.millbanksystems.com/lords/> for the House of Lords, last accessed 13/06/2016

German Cases

The archives used for the three German case studies are different from one another. I therefore discuss them case-by-case.

The Tausch Affair is centred on a court case. In addition to newspaper debates, it was therefore important that, rather than parliamentary proceedings, court proceedings could be accessed. These were provided by the *Berliner Gerichtszeitung* available in the *Staatsbibliothek zu Berlin – Preussischer Kulturbesitz*. This official newspaper was published three times a week and specialised in verbatim reports of court proceedings. Its records of the Tausch case are comprehensive. In addition to this, I was able to find online a small but significant number of publications located in a number of different archives. The *Teltower Kreisblatt* can be found in the *Staatsbibliothek Berlin*, the *Henneberger Zeitung* has its own archive in the *Stadtarchiv Suhl*, and the *Staufener Wochenblatt* and *Freiburger Zeitung* can be found in the *Universitätsbibliothek Freiburg*. To my delight, while I proceeded with my data collection, the *Staatsbibliothek Berlin* made available a number of further publications (such as *Volkszeitung*, *Berliner Boersenzeitung*, *Berliner Tageblatt und Handelszeitung*), and their online newspaper collection continues to be in a state of growth.

For the *Erzberger/Helfferich* case the archival situation was significantly more comprehensive and accessible. This is owed to the efforts of the *Deutsche Zentralbibliothek für Wirtschaftswissenschaften*, Leibniz- Informationszentrum Wirtschaft (*Central Library for Economic Sciences, Leibniz Information Centre Economy*) which curates an archive on numerous personalities of the economic sciences and of economically relevant politicians. One of them is the erstwhile Finance Minister Erzberger. Their collection includes a great number of newspaper articles written on him, and covers both the newspaper dispute and the Helfferich court case extensively.

The Spiegel-Affair and the different corruption scandal discourses that preceded it, finally, were the easiest to reconstruct. Most of the print media main players in the

1950s and 60s were the same as today, and current newspapers such as *Der Spiegel*, *Die Zeit*, *Die Sueddeutsche*, *Frankfurter Allgemeine* or *Die Welt* have their own archives, easily accessible and searchable on their respective websites. The same goes for the various court proceedings of the Federal Republic, which have been digitised and are available in the various archives of the Bund and the Lander.

Data Analysis

In some ways, my analysis of the data is akin to what is widely known as critical discourse analysis. According to van Dijk (2001: 352), “[c]ritical discourse analysis (CDA) is a type of discourse analytical research that primarily studies the way social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text and talk in the social and political context.” Fairclough and Wodak (1997: 271-80, summarised in van Dijk 2001: 353) identify as the main elements of CDA:

- (1) It addresses social problems,
- (2) Power relations are discursive,
- (3) Discourse constitutes society and culture,
- (4) Discourse does ideological work,
- (5) Discourse is historical
- (6) The link between text and society is mediated,
- (7) Discourse analysis is interpretative and explanatory,
- (8) Discourse is a form of social action.

While this study shares a focus on the power relationships that constitute the discourse, and aims to deconstruct and unmask the power struggles behind it, there are some differences: The CDA project, and the many studies that are produced under its banner, mostly focus on the use of discourse by social and political elites to manipulate top-down what the wider public think. In this sense, they are primarily wedded to Marx’s notion of domination knowledge (Marx 1970 [1846]). However, many of the examples in this study relate more to what Marx called ‘revolutionary knowledge’ (ibid.), ideas that were not produced by the ruling classes but by whoever was challenging them. Corruption discourse as a means of delegitimising existing power structures is in fact a stand-out example of an effectively revolutionary idea.

There are also overlaps with the Sociology of Knowledge Approach to Discourse (SKAD) propagated by the German sociologist Reiner Keller (2011). Like this study, it builds on the social constructionist premises of Berger and Luckmann, and combines

it with elements of (in his case Foucauldian) discourse analysis. SKAD claims “to take seriously Foucault’s interests in discourse as practice of power/knowledge” (ibid.: 63), emphasising that discourses are not just manifestations of social construction but take on a life of their own, with their own “*practices and dispositifs*” (ibid.: 64). While this is similar to the ideas developed in this study, of corruption discourse both shaped by as well as shaping political processes and institutions, there are some notable differences: Keller rejects the critical approach of CDA as building on a “hermeneutics of suspicion” (2011: 61, referring to Ricoeur 1970: 32-35), which “locates the ‘true’ meaning of a text (e.g. a book) in something outside the text: as the class position or habitus of its author, or, in psychoanalysis, in its unsolved early childhood development experiences” (Keller 2011: 62, footnote 11).

In many ways, my own analysis is thus located somewhere between these two approaches, or more precisely, combines different elements of both. It builds on the ontological assumptions of social constructionism. Unlike SKAD, however, and more akin to CDA, it does focus its analysis on ways in which these social constructions are manipulated and influenced by power struggles, something that is indeed ‘outside the text’. It then moves back to SKAD, and looks at the ways in which discourses are not just shaped by, but in turn shape political processes, by facilitating shifts in the perceived legitimacy of existing power structures and political personnel.

Another departure from these two approaches, and from what usually runs as ‘discourse analysis’ is a stronger focus on the context of the discourse, and less focus on the text itself. This is owed to the macro-historical ambition of this study, which makes it important not to get too lost in the details, and to keep a steady eye on the bigger picture, the context emerging in the background. But it is also owed to a mistrust of the jargon that is all too often employed in discourse analysis, to identify and categorise and dissect the different elements of a text or utterance, but all too often simply states the very obvious and dresses it up as something out of the ordinary. This study thus does not trade in such things as *deontic modalities*, *transitivity in Systemic Functional Grammar* or *instrument-for-agent metonymies*.

The analysis of the documents typically follows a roughly three-step-process, moving from text to context to wider context. Step one involves reading what the text says: What acts and behaviours were classed as corruption? What kind of language was used to present the story? How was the argument framed? In the sensationalism of the Duke of York case for example, there is initially a strong focus on the moral failing of the individual, and only little attention to any idea of reform. This, however, changes over time, and the dynamic of this discourse indeed develops from an individual 'moral failure' frame, to a more systemic 'reform' frame that blames aristocratic power more generally. The 1830 to 32 discourse on the other hand, starts off as systemic critique, and ends in an almost unanimous condemnation of the 1832 reform as not going far enough. The Spiegel affair of 1963 sees an almost universal condemnation of the German government, and is framed more widely as an attack on democracy and the freedom of press. The concept of frame is thus of particular importance here. In Nelson, Oxley and Clawson's definition, "framing is the process by which a communication source, such as a news organization, defines and constructs a political issue or public controversy" (1997: 221). As the above examples show, framing can serve as a connection between the micro-level of the text and the macro-level of the political framework, by using elements of that framework for making sense of the 'political issue or public controversy' at hand. The text itself thus already points to the wider context, to reforms that should be initiated, laws that should be respected and democracy that should be defended. This goes to show that the three steps of the analysis – text, context, wider context - cannot entirely be separated, and indeed their separation – like the one of micro and macro levels – is merely an analytical one.

Step two goes into more detail on the immediate context, and what could be called the meso level: Who is the accuser? Who the accused? Who defends the accused? And, moving beyond the single publication, what do the others say? This step is about identifying the political affiliations of the different papers, and any agendas they might be following, and putting them in relation to the political constellations that can be found for example in Parliament. It is significant that with one exception, all

the newspapers in 1809 called for the Duke of York to resign, but the parliamentary motion was crushed decisively. This points to how the political institutions were still firmly in the hands of the aristocracy and their supporters, who defended the Duke, while the newspapers were becoming a mouthpiece for the reformist movement. This second step thus maps out the political constellations within which corruption discourse was produced, and also has an eye in what kinds of changes, if any, it contributed to.

Step three finally looks at the wider context, the political and legal institutions, the macro-historical developments taking place at the time. As discussed above, this often finds its expression in the frames employed on the text level. But it can also be observed in the different ways in which scandals are played out. In the Duke of York case for example it is curious that the papers at the outset of the scandal limited themselves to a series of relatively neutral reports on parliamentary proceedings and largely refrained from publishing opinion pieces. This is easily explained by the fact that at the time, newspaper editors were routinely charged and imprisoned, in particular for insulting the monarchy. This is therefore an example of an effect the legal context had on the shape of the discourse. Another example of the effects of the political and legal institutions on discourses can be seen in the coincidence that all the German case studies are played out in a court of law, whereas all the British cases are staged in the Houses of Parliament. It is no coincidence, it is a reflection of the fact that anti-corruption laws were firmly in place when German discourses started – cases of corruption could thus be brought before the courts. In Britain on the other hand, this legislation developed alongside discourse, and this is reflected in discourses that are enacted in the arena of the legislative branch of government, not the judiciary.

It is in this consideration of all the three levels, micro, meso and macro, and an eye on how they are connected and combine, where in my view this discourse analysis has its strongest potential, and where insights can be gained from comparing the different cases and their different contexts.

Conclusion

A number of decisions needed to be taken that inform the ways in which this study has been designed: Firstly, a comparison of the two countries Britain and Germany was deemed appropriate as they have both historically achieved a relative strong control of corruption, but the ways in which they have done so has been very different. While in Germany, anti-corruption legislation was implemented top-down by the various predecessor states in the 18th and early 19th centuries long before democratic pressure and the corresponding public corruption discourses had any significant influence, in Britain it was the opposite. Reforms to the state system and legislation against corruption were implemented here in a more bottom-up fashion, throughout the 19th century and as a result of continued pressure from an ever-expanding public on the governing elites. The two thus represent what Mungiu-Pippidi calls an *authoritarian/traditional* and a *democratic* path towards corruption control. The historical comparison of the two countries thus allows what Skocpol and Somers (1980) call a *contrast of contexts* in which the common theme of corruption discourse can be analysed within two very different contexts. But it also makes possible a *parallel demonstration of theory* in which some of the theoretical tenets of the preceding chapter, most notably the hypothesis that corruption discourse is shaped by contextual social and political factors as well as shapes these contexts, can be put to the test in these very different scenarios.

Within Britain and Germany, three case studies each were selected, and the claim has been developed that they represent distinct phases that build onto one another in a sequence of gradual development. In Britain, the Duke of York affair was chosen to represent a discovery phase of corruption in which political actors started to experiment with corruption allegations as a weapon in political contest. The 1830 to 1832 Electoral Reform Act debate was selected for its rich illustration of a contestation phase in which corruption discourse became the weapon of choice to undermine the legitimacy of the political system and build pressure on governments

to implement reforms. And the 1889 Corrupt Practices Act was chosen to show how towards the end of the century, in line with a more democratic and impartial state, anti-corruption was well established, and the role of discourse was to consolidate the existing order rather than challenge it. Similar phases could be observed in Germany, however, the ways in which these phases manifested themselves was very different. The Tausch scandal of 1896/97 represents a discovery phase in which public discourses were routinely manipulated by the authoritarian state. The Erzberger versus Helfferich case brought to light the radicalisation and violence that was to plague the Weimar Republic throughout and eventually led to its downfall, a phase of hyper-contestation. And finally, the Spiegel affair of 1962 - on a more positive note - represents the failure of authoritarian state actors to manipulate media discourse, and the settling out into a consolidation phase in which, like in Britain, corruption discourse's role was to defend the existing democratic state rather than undermine it.

The data available for the analysis of the cases varied significantly. While for the British cases, both newspaper and parliamentary archives had been fully digitised and were accessible online through one centralised search portal, this was not the case for the German data. While some of it was available in digitised form, it lacked both the coherence and the comprehensiveness of the UK data. And while it did allow for in-depth study of the cases themselves, the bigger picture of corruption discourses more globally was compromised.

The analysis of the texts followed what can be seen as a combination of some aspects of critical discourse analysis (CDA) and a sociology of knowledge discourse analysis (SKAD). While it worked with the ontological foundations of the sociology of knowledge, it also paid ample attention to power struggles and hierarchy that was expressed in discourses, following more closely the CDA model. The data was approached with a three-level analysis that looked at the micro-level of text, the meso-level of context and the macro-level of wider context, and how the three were connected. In particular, attention was paid to how the macro-level of political and

legal institutions manifested itself on the micro-level of what was written, in the form of the frames employed by those partaking in corruption discourse.

Chapter Four: Corruption Discourse in Britain

This chapter maps out and analyses corruption discourse in the United Kingdom throughout the 19th century, exemplified by the three case studies chosen to represent it, the Duke of York scandal of 1809, the Electoral Reform debate of 1830 to 1832 and the Corrupt Practices Act of 1889. I argue that the three cases are representative of three different phases through which corruption discourse develops, from discovery to contestation to consolidation. For each of the phases, I discuss how discourses manifested themselves, and how the case studies are representative of them. They also represent different *arenas* of corruption discourse, in the sense that they address legitimacy questions in different areas of the state: The Duke of York case, representative of the *discovery phase*, starts as a *person-centred* corruption case, in which one individual of the political elite is singled out. It then, however, broadens out into a more general critique of the electoral *system*. The drive for what became the Electoral Reform Act of 1832, representative of the *contestation phase*, is an example of a *system-oriented* corruption discourse, aimed at the institutions of democratic representation. And the 1889 passing of the Corrupt Practices Act in Public Bodies, symbolising a *consolidation phase*, represents the end point of a number of anti-corruption reforms in the administrative sector, targeting the *behaviour* of public officials. All three areas, political leaders that adhere to some notion of integrity, electoral systems that allow democratic representation, and a state administration that is impartial, are important elements of what is today seen as a 'modern democratic state'. The three cases thus show not just the different phases through which corruption discourse developed over the century but also how it shifted ideas of legitimacy in these important arenas of the state. Through re-organising ideas of what constituted legitimate behaviour and what did not, it thus functioned as an important driver of modernisation processes.

Discovering Corruption Discourse: The Duke of York Case 1809

The Duke of York case was not *the* case in which modern corruption discourse was literally discovered for the first time ever (this accolade probably goes to Sir Francis

Bacon's 1621 case, at least as far as Britain is concerned). Rather, it should be seen in context with other prominent corruption cases of the early 19th century, and indeed with an overarching discourse on what contemporary radicals such as William Cobbett or John Wade called 'Old Corruption' (Rubinstein 1983, Harling 1995, 1996a, 2003). It is here where Harling's observation, quoted in the introduction, becomes relevant:

During and after the Napoleonic wars, popular radicals such as William Cobbett routinely drew attention to what they called 'Old Corruption' or simply 'Corruption' or 'The System' or 'The Thing'. They used such words interchangeably to describe a parasitic political system that took an unprecedented amount of tax money out of the pockets of Britons and transferred it to those of a narrow band of well-connected insiders through a wide variety of nefarious means (Harling 2003: 98)

This referred to...

...the widespread use of pensions, sinecures, and gratuitous emoluments granted to persons whom the British government, between the earlier eighteenth century and the Age of Reform, wished to bribe, reward or buy. It was an all-pervasive feature of British politics in this period [...](Rubinstein 1983: 55).

In other words, Britain's constitutional monarchy at the turn of the 19th century was largely still organised along the lines of clientelism and patrimonialism. What is new here is that the voices calling for change were increasing, and, among others, they were now gathering around the flag of 'Old Corruption'. Political reformers were thus discovering corruption allegations as a means of challenging the legitimacy of traditional authority. Further putting pressure on this situation was the fact that Britain was at war with France, and in the course of the Napoleonic wars, taxes had increased four-fold, to reach a level of over 30% of national income (Harling 2003: 98, see also Mann 1986: 115f.), increasing the stake taxpayers had in the expanding central state.

It is in this context - the growing state, the War effort and the Radical challenge - that the Duke of York affair, but also other scandals of the time need to be understood. On a quick side note, the Henry Dundas case of 1805 for example showed interesting parallels: It too was centred on the military, and in this case indeed on the misappropriation of tax money (whereas the Duke of York case was more concerned

with the incompetence of military leadership). Lord Admiral Dundas was forced to resign due to his complicity in what was seen as the misappropriation of public funds for private purposes by one of his subordinates. And while it triggered some corruption debate, it did not have the impact of the Duke of York case.

The Duke's case routinely earns a nod, indeed a side note, in historical volumes that cover the era more generally, but monographs or book chapters that focus explicitly and in detail on this case are few and far between. Most prominently, Harling (1996b) looks at how the case demonstrates the complexities of war-time patriotism, and Spence (1996) analyses it in the context of the Romantic Radicalism movement and the reforms it was advocating. Spence's reading of the case is thus of particular relevance here: For him, the Duke of York case proved to be "a final confirmation of the romantic radical agenda, and as a result radicalism rebounded with a vitality and popular degree unmatched since at least the days of the Corresponding Societies" (Spence 1996: 109). The following analysis provides further illustration as to how and why this was the case.

While there had been rumours as to the conduct of the Duke before, the scandal proper was triggered in January 1809 by the Welsh Member of Parliament Gwyllym Lloyd Wardle who claimed to have evidence that one of the Duke's mistresses, Mary Clarke, had been running a thriving business in army commissions in the years 1803 to 1806. The Duke had awarded the commissions, and Clarke and he had shared the profits from the sales. Frederick Duke of York at the time was the commander-in-chief of the armed forces of the United Kingdom, and thus one of the most important public personae entrusted with running the country's war machinery, which at the time was on the brink of defeat to the French (Spence 1996: 109). Yet, the case rose to such prominence that, as Harling observed, it "virtually monopolised public attention for nearly two months" (1996: 963).

According to Winterbottom, in his somewhat biased pro-Duke of York biography, the "disastrous" decision to hear the whole case in the House of Commons rather than in a private inquiry, was due to the House Leader Spencer Percival's assumption that

the allegations were so “ludicrous” they would be quickly thrown out. Thus, Winterbottom continues, “[...] the House of Commons switched from being a legislative body to its other function of a high court of law. The rules of an ordinary law court did not apply: the accused was neither present nor represented, and evidence was not taken on oath” (2016)²⁶. While some might find this regrettable, however, for corruption discourse it was favourable. The decision provided the forum on which this corruption case could unfold as a public debate.

For the following, I have found it helpful to divide the Duke of York corruption discourse into three distinct phases: Firstly, the time from the publication of the allegations until the vote in the House of Commons on March 15. In this period, newspapers restricted themselves mostly to reporting what had been said in Parliament. The second phase starts with the vote in the House of Commons on March 15 in which the Duke was acquitted of the charges by a significant majority. However, the vote itself was seen as a scandal by a large majority of press publications, and this period saw an outpouring of corruption allegations against both the Duke and the parliamentarians who had supported him. The resignation of the Duke on March 25 somewhat ameliorates the situation, and this phase of outrage slowly – there is no fixed date that marks the transition - gives way to an only slightly more measured debate that focuses on electoral reform more than on the Duke of York. In the third phase of this scandal there are large-scale public meetings across the country that congratulate Wardle and his fellow campaigners, and increased calls for reforms to the electoral system that had produced this Parliament.

Figure 3 shows how this manifested itself in the frequency of the words ‘corruption’, ‘reform’ and ‘Duke of York’ in newspapers between January and July 1809, broken down into 15-day cycles. The different phases as I see them are demarcated by vertical lines. Phase one, starting with the breaking of the scandal on January 26th, sees an explosion of ‘Duke of York’ discourse. It is notable, however, how ‘corruption’ only shows a very slow increase. This reflects the reluctance and restraint

²⁶ No page number provided in this e-book version, quote can be found through word-search.

of many papers to brand the Duke as corrupt. There is no increase in 'reform' at this stage. In phase two, starting with the Commons vote on March 15, 'corruption' peaks for the first time in the two-week period following the vote, while 'reform' at this stage still lags far behind. As a quick look at some individual-level data reveals, corruption discourse at this stage is indeed mostly attached to the Duke of York case: 76% of articles that problematize corruption in the period between March 16 and March 31 – corruption's first peak - also have a mention of the Duke of York in it. Reform at this stage only occurs in 20% of corruption articles.

It is only after the Duke's resignation on March 25th that 'reform' takes off properly, while interest in the Duke himself wanes. As mentioned above, the transition to this next phase cannot be pinpointed to one exact date. However, the graph does suggest a potential cut-off point, namely the point where 'reform' becomes more important than 'Duke of York'. I have drawn the line in figure 3 there, but it is not a demarcation in absolute terms. The focus of critique shifts slowly from the Duke of York to those MPs who defended the Duke, and the electoral system that made them Members of Parliament in the first place. This shift in emphasis is again reflected in individual article-level data: At corruption's second peak between May 1 and May 15, 74% of 'corruption' articles also feature 'reform', and only 12% are still concerned with the Duke – a clear reversal of 'fortunes'. It is also not clear when exactly this period ends. On the graph, I have chosen to go for the point at which the three terms go back to pre-scandal levels, around July 1 to 15.

It is this switch of emphasis, the transition of the Duke of York into a reform debate that underlines the significance of the case: The Duke of York scandal was not a stand-alone event but fed into, and was utilised by newspapers specifically, and by reformers in the streets and meetings more generally, to demand changes to the political system. And while Harling rightly concludes that the pressure for reform was not substantial enough and had little effect (1996: 964), the very fact that it did materialise and found strong popular support, at least in the short term, in my view is in itself significant. What figure 3 illustrates is the weaponisation of a corruption scandal to be used in the battle for more general systemic change. The free-floating

signifier ‘corruption’ with its potential for challenging legitimacy was first used reluctantly, then attached to the Duke, and then to the electoral system – what is visualised here is thus the discovery of corruption discourse in action.

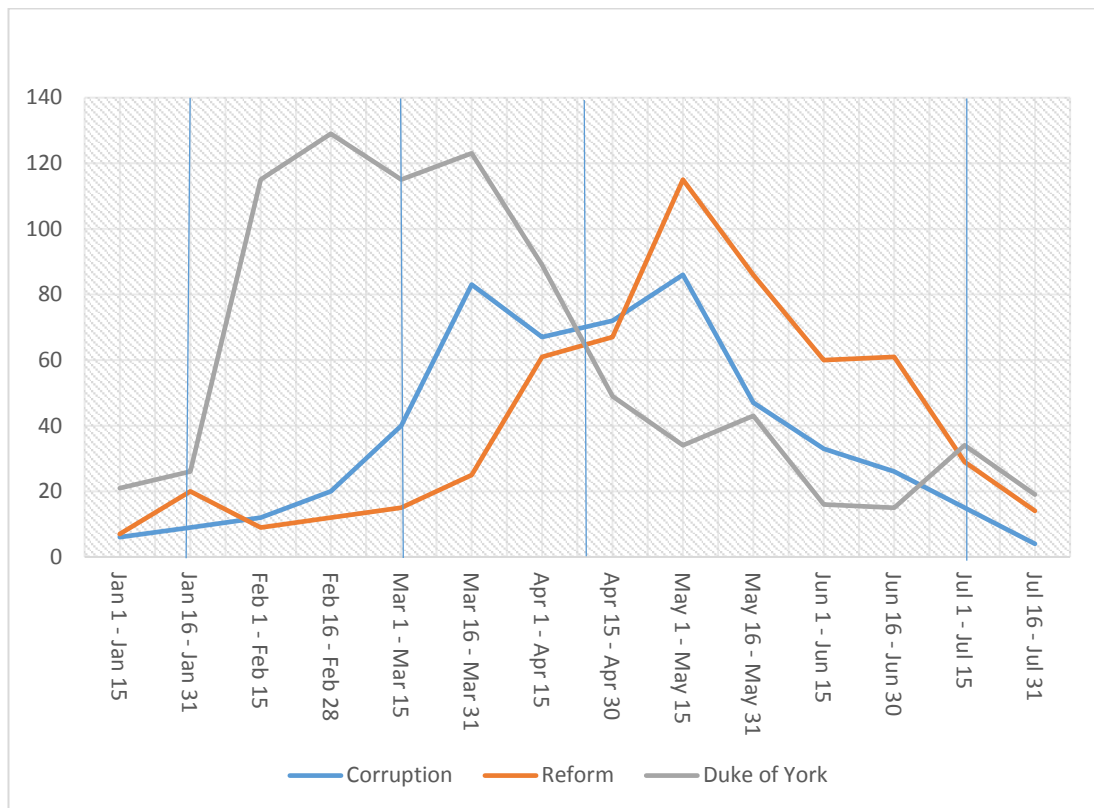


Figure 3. Corruption, Reform and Duke of York, January to July 1809

It is notable that these three phases to some extent mirror those of the macro-phases of corruption discourse that were premised for the 19th century as a whole in chapter three. An initial, slightly reluctant discovery phase is followed by a phase of contestation and conflict. There is a difference in phase three, however, as rather than settling into consolidation, here we can see a second contestation phase, one that contests the electoral system not just the person of the Duke. This 1809 discourse thus moves from discovery to contestation-of-personnel to contestation-of-electoral-system. The following provides a qualitative analysis of these three phases.

Discovery Phase

Mr. Gwyllym Lloyd Wardle rose, pursuant to his notice, and spoke to the following effect: Fully aware, Sir, of the great importance of the subject I am about to submit to the consideration of the House, I most sincerely lament that my abilities are unequal to do it complete justice. — But yet I trust that an ardent zeal for the welfare of my country, supported by facts strong and incontrovertible, will enable me to surmount every difficulty, and eventually to rescue the state from the baneful influence of a power which has long been exercised for the worst of purposes, and which, in fact, tends to endanger our ultimate security. To stand forward the public accuser of a man so high in rank and so strong in influence as the Commander in Chief, may very naturally be deemed no less a bold than an arduous undertaking. (Hansard, 27/01/1809)

As these parliamentary minutes record, reproduced in almost any press publication either verbatim (e.g. Morning Chronicle 28/02, Cobbett's Weekly Political Register 04/02/1809) or summarised in detail (e.g. Morning Post 28/01, Examiner 29/01, Caledonian Mercury 02/02/1809), Colonel Wardle was fully aware of the gravity of his accusations. In the same session, he presents in some detail a handful of cases in which commissions had been sold, and concludes by calling for the “appointment of a Committee to investigate the Conduct of his Royal Highness the Duke of York, the Commander in Chief, with regard to Promotions, Exchanges, and Appointments to Commissions, in the Army and in raising Levies for the Army” (Hansard, 27/01/1809).

During the rest of the debate, fully recorded in Hansard's report (*ibid.*) (but significantly shortened in most newspaper reports as they tended to focus on the more sensational accusations), it becomes evident that there is little sympathy for Wardle's accusations, at least from those MPs who speak. Most contributions to the debate come to the defence of the Duke and question Wardle's motives (such as William Wilberforce's or the Chancellor of the Exchequer's, Spencer Percival). As the minutes further show, there grows a consensus, however, that the matter should be dealt with in public, due to the importance of the person accused, and the gravity of the claims. The impression is that indeed Members of the House seemed convinced that the claims were unfounded. Whether they really were, or only paying lip service to His Majesty, or secretly looking forward to the drama that was to unfold, is a matter of speculation. What followed was a spectacle that had all the hallmarks of a 21st century tabloid scandal, and thus generated interest wide and far. Key to this was

the main witness to the case, the Duke's former mistress Mary Clarke, who did not hold back with details. As Spence observes, "Perceval's hopes that this [committee] would end the accusations directed at the commander-in-chief were dashed by Wardle's key witness, Mary Anne Clarke [...] [who] captivated the House of Commons" (1996: 118).

The committee went through a number of initial sessions to gather evidence and hear witnesses (documented in Hansard: The Conduct of the Duke of York, 15/02, 03/03). The findings of the committee were then presented on March 8, and discussed in the subsequent days (*ibid.*: 08/03, 09/03, 10/03, 13/03, 14/03, 15/03). In the end, the vote on March 15 squashed Wardle's motion for the Duke's dismissal by 364 votes to 123. The committee hearings, however, had exposed the dealings of the Duke and Clarke to the public, and the wide reporting of the parliamentary proceedings in newspapers up and down the country had triggered an outrage and fury against the behaviour of the commander in chief, discussed below in the second phase of this discourse.

In this first phase, however, almost all the newspapers showed remarkable constraint and did not position themselves either for or against the Duke. Even radical papers such as the *Morning Chronicle* (London) - one of the leading publications of the time that had had some of their editors jailed for being too outspoken on the monarchy in previous years (*Georgian Index*, n.d.) – seemed too reluctant to directly attack the commander-in-chief. The *Times* featured one opinion piece on January 30, three days after the allegations were made public, defending the Duke against the 'unjust' attacks by the press, and questioning recent excesses of the free press more generally. Interestingly, this remains the *Times*' only opinion piece on the case²⁷. It is a matter of speculation why newspapers, especially the more radical ones, remained relatively cautious at this stage, but it is likely owed to a combination of trying to avoid any 'seditious libel' cases that this could potentially entail, and the fact that the

²⁷ And it was well-advised to remain silent. The only other major publication that supported the Duke, and did so throughout the case, the *Morning Post*, according to Harling (1996b: 977), suffered a significant loss of readership as a result of its support.

case as reported through House of Commons debates, protected against libel accusations, was juicy enough. The facts spoke for themselves, and there was no need to add much to Wardle's allegations and Clarke's witness statements. It is therefore no coincidence, that in this first phase, the public discourse was mostly one that took place in Parliament, and the role of the papers was merely to transmit proceedings to their readerships. This changed radically in the second phase.

Contestation of the Duke of York

Two more parliamentary sessions were held on the *Conduct of the Duke of York* on March 17 and 20, to pass amendments and decide on details. The damage, however, had been done. In Spence's words, "The parliamentary vote was inflammatory, for the popular perception was that the duke was guilty. Hence, parliament was equally corrupt to have voted in this way" (1996: 119). It did not help that MPs kept defending the Duke, famous for his incompetence even before the scandal. Bathurst's proclamation is exemplary of the sound bites that were still emanating from the chamber, and showed how at odds with public opinion the majority of the Commons seemed to be: "[T]here is no person more sensitive than I am of the loss which the public will experience and sustain by his royal highness the Duke of York retiring from the command of the army [his 'voluntary' resignation had already been decided at this stage]. The many institutions which he was instrumental in commencing and promoting, and the regulations which he thought proper to adopt, have produced many salutary benefits;" (Hansard 20/03/1809).

The verdict in the press could not have been more different. The Political Examiner (19/03/1809) claims that "one man perhaps in ten thousand [is] in favour of the duke", and sees this as emblematic of democratic misrepresentation:

It has ever been the opinion of our greatest politicians that nothing could ruin this country but its own Parliament; that is to say that when the Parliament was so corrupted by the Crown that it should forsake the people, or in other words be no longer the *representative* of the great, active, efficient, and enduring part of the nation [...]. (Political Examiner, 19/03/1809, emphasis in original)

Clearly identified here is the enemy, the patrimonialism that bound the Commons to the Crown instead of serving the good of the wider public.

The Morning Chronicle takes a closer look at the MPs who did vote for Wardle's motion, but instead of lamenting their defeat in the House, see the motion as a success:

It may be hailed, therefore, as a new *era* in the history of Parliament, for it is without precedent that one hundred and twenty-five gentlemen should thus come forward on a question springing from no party, but solely on the conviction of its importance, or yielding to the sense of their electors. [...] It is a death-blow to the system of corruption, and will be felt in all its most secret recesses. (Morning Chronicle, 17/03/1809, emphasis in original)

This stage also sees the beginning of some – at this point still relatively small - meetings of political societies for the purpose of thanking Wardle and those MPs who had voted in favour of the motion. The organisers of these rallies made sure their addresses were publicised, and the following are two typical examples, as they appeared in the 'Hampshire Telegraph and Sussex Chronicle etc.' on March 27, 1809, addressed to a George Thomas MP:

TO GEORGE THOMAS, Esq.
Dolphin Inn, Chichester, 29th March, 1809.

SIR,

AT a full Meeting of the "*Choice Spirits*" convened for the express purpose of offering their tribute of respect and regard for your manly and independent Conduct relative to your VOPE, on the important Enquiry instituted by Colonel Wardle, on the shameful Abuses existing in the Duke of York's Office, which must tend in so material a degree to damp the ardour and energy of our Army—the example of the fall of the Romans should stimulate every true Englishman both to public and private Virtue, and at this eventful period to stem the torrent of Corruption.—May the PEOPLE, at the next CHANGE of Parliament, be strenuous in chusing Members *who dare Act like yourself*.—An unanimous Vote of Thanks was passed, and your Health given, which may you long enjoy, and to Represent those who beg to express their Friendship and Regard through their Chairman.

Resolved, That the Thanks of the Meeting be given to the Chairman, and that he be requested to Publish the same in *The Day*, *The Hampshire Telegraph*, *The Lewes Journal*, and *The Brighton Herald*.

To GEORGE THOMAS, Esq.
Unicorn Inn, Chichester, March 24, 1809.

SIR,

AT a full Meeting of a Society denominated the "*Corporation of St. Pancrass*," convened for that purpose, it was resolved unanimously, to offer you their respectful tribute of gratitude, for your manly and independent Conduct, in a late Enquiry instituted by Colonel Wardle, relative to the shameful Abuses existing in the Office of the Commander in Chief—Abuses so flagrantly calculated to damp the ardour of the British Army, and to diminish the regard which is due to public and private virtue; and it is the earnest wish of this Society, that the People of this Country may be always anxious to elect, as their Representatives in Parliament, Men who shall dare to think and Act like yourself. It was also resolved, that the sentiments of the Meeting should be communicated to you.

Resolved, that the Thanks of the Meeting be given to the Mayor, and that he be requested to publish the same in *The Globe*, *The Hampshire Telegraph*, *The Brighton Herald*, and *Lewes Journal*.

Two major points are illustrated here: First of all, while it is clear that newspaper discourses are never an exact, if at all a representation of public opinion, there is at least a strong *indication* that public opinion was indeed strongly against the Duke. We do not know if only one in 10,000 people supported him, as the Political Examiner claimed, but in combination with similar claims from other publications it can safely be assumed that this was grounded in some notion of realism. This is further backed

up for example through the claims in the two addresses in the *Hampshire and Sussex* that they had *unanimously* supported the vote for the removal of the Duke.

Secondly, we can see the emergence of a common framework within which the case was interpreted – as the discussion below will show this becomes increasingly important in the second contestation phase of this case. The Political Examiner and the Morning Chronicle, while arriving at different conclusions, both frame the case as a question of democratic representation. The two letters in the Hampshire and Sussex make references to the armed forces, and how the Duke's conduct was bound to have an impact on morale – the war-time frame of patriotism. Both praise the independence of the voters. *The Corporation of St. Pancrass* in their address emphasises the importance of “public and private virtue” and the *Choice Spirits* in theirs spin a narrative of general decline averted, invoking the “Fall of Rome”. There is thus an explicit separation of public and private, and reference here, too, is made to the representation of the “people of this country”. What is still missing at this point, however, are calls for reforms, and the representation frame is as yet focussed on the individuals who did act in the interest of the people, rather than those who did not.

Support for the Duke in the press at this stage is almost non-existent. Harling (1996: 977) finds only the Morning Post to be supportive, and my own research, apart from the early Times article mentioned above, comes to the same conclusion. The British press are almost unanimously opposed to the Duke of York staying in power, in stark contrast to Parliament, where the large majority supported the commander-in-chief. This is a snapshot of the balance of power, of how the institutions of the state in 1809 were still firmly in the hands of the aristocracy, while the free Press was becoming a mouthpiece of the emerging powers - a bourgeoisie whose wealth was based on trade and industry, not so much on land, and who were by now making a substantial contribution to maintaining the state through their taxes.

Contestation of the Electoral System

The second contestation phase of this discourse was heralded by a number of mass meetings and addresses all over the United Kingdom. The first of these mass events was staged in the City of Westminster on March 29th, and featured prominently in most newspapers²⁸. This Westminster meeting sets the tone for this debate, and subsequent meetings all seemed to follow a similar pattern. A number of speakers addressed the crowd, railed against the corruption of government, and ended by calling for reforms. In Westminster for example, a Mr. Sturch addressed the crowd, claimed to be voicing “the feeling and conviction of 999 out of every 1000 of all the inhabitants of Great Britain and Ireland” (Morning Chronicle, 30/03/1809) and concluded that

[...] he [Sturch] would take leave to add that if all the Members of the House had been elected in the same free and constitutional manner in which the City of Westminster, to its lasting honour, and as an example to the whole nation, elected that Worthy Baronet, the decision of that House would have been nearly unanimous. (ibid.)

The object of the scandal had clearly shifted here. Having resigned from office, it was no longer the Duke of York who was under fire, but the MPs who had supported him, and through them, Parliament itself was now under attack. Jackson’s Oxford Journal reports on a similar meeting of the Livery-men of London, and the resolutions they passed:

Resolved unanimously – that it has long been a manner of notoriety, and has lately been proved, beyond the possibility of doubt, that abuses of a most corrupt nature

²⁸ E.g. Morning Chronicle and Morning Post on 30/03, Examiner 02/04, Caledonian Mercury 03/04/1809. The Morning Post featured a neutral report on the meeting but, rather entertainingly, also an opinion piece, in which it describes those who attended as

“[...] about 2000 people (*at most*), composed of strangers who go to such places out of curiosity; fifty or one hundred demagogues who are instigators of such assemblages, and a number of idle and profligate persons of the lowest orders in society, the scum of the metropolis, who, instead of devoting two or three hours usefully to the barrow or the hod, find their noise and folly more usefully employed in applauding the speeches from the erected scaffold. [...] “Down with the tree of corruption!” is the cry; or, in other words, “Down with the British Constitution!” *under that pretence*. [...] we prefer the British Constitution with all its faults (though we sincerely wish them speedily rectified), even to a *National Directory*, composed of Burdett and his disciples, supported by all the abilities of their admired *Goddess of Reason*, the virtuous and immaculate Mars. Clarke.” (Morning Post, 30/03/1809, emphases in original)

and ruinous tendency have existed and still exist in various branches of the administration of Public Affairs [...] Resolved unanimously – that these abuses form only a part of a wicked and corrupt system, which has been long acted upon, and no permanent good can arise from the late investigation, unless followed up by a general reformation of public abuses in every department of the state. (Jackson's Oxford Journal 08/04/1809)

Again, the system of corruption rather than any individuals come under attack. And what is needed is nothing less than a 'general reformation' – not, then, revolution.

Spence goes into painstaking detail into what seems like a comprehensive list of all such public addresses and resolutions all over the country, by local authorities, boroughs, counties and self-appointed societies. If I have counted correctly, he lists 120 altogether (Spence 1996: 123f.). He concludes:

They all thanked Wardle and his allies for their dedication to their country [...]. Every one of them noted their loyalty to the Crown and constitution. [...] Each went on to condemn the corruption that now self-evidently had infected the parliament, so that only a minority in the House of Commons had been independent enough to vote against the government. (ibid.: 124)

In this phase, unlike at the breaking of the scandal, newspapers did not just neutrally report on these meetings but actively took positions in the debate. The Morning Chronicle for example, in an opinion piece on May 17th connects a call for Electoral reform with the increasing tax burdens resulting from the war effort:

We do most sincerely desire to see an end put to that most infamous traffic which is now avowedly carried on at the Treasury *under every Administration*, in the purchase and sale of boroughs, by which the taxes paid by the people are first employed to pollute the fountain of Representation, and the fruits of corruption afterwards converted into instruments of still farther increasing the public burthens. (emphasis in original)

The Chester Chronicle makes a normative argument (12/05/1809):

No longer can the shield of party be interposed between the public offender and the justice due to his crimes, and after the mass of depravity and corruption that has been exposed, in so many of the public departments of the state, what honest and upright man will not say, that Reform is absolutely necessary to the salvation of the country, and the well-being of the commonwealth.

The metamorphosis from the first to this second phase of contestation is thus unmistakable. While then, the emphasis had been on the individual level of the protagonists – the Duke of York on the one side, Wardle, Clarke and anyone who had

voted for the motion on the other – this has now decisively shifted. The question has now become a systemic one, and while many stress that they are still loyal to Crown and constitution, reforms to the political system are seen as necessary to overcome this ‘corruption’.

What was an isolated corruption case at the beginning of the scandal has thus broadened out to a more general debate, and has docked onto the prevailing contextual issues of the time – the war effort, the growing state and the Radical challenge. Wardle was not just seen as a hero, he was seen as a *national* hero, who out of *patriotism* had brought forward the charges – this ‘war effort frame’ was used in many of the resolutions and addresses such as the two addresses in the Hampshire Telegraph and Sussex Chronicle etc. (27/03/1809). The growing state and increased taxation frame was explicitly used in such pieces as the Morning Chronicle’s May 17th, but is also implicit in a number of articles that emphasise representation issues and the differentiation between public and private. This differentiation itself points to a growing sense of ownership by the wider public of a growing state that it increasingly was financing. The radical challenge frame finally can be seen in the growing calls for reform.

The Duke of York Case as Discovery

In what ways, then, does this case overall serve as an example of a ‘discovery phase’? As discussed in chapter two, corruption discourse by definition has the potential to challenge the perceived legitimacy of political personnel, institutions or the system as a whole. And within discourse, allegations can be used strategically by political actors to undermine understandings of what is legitimate and what is not. We can see this clearly at work here: both the person of the Duke of York as well as the institution of the electoral system were put into question, the person successfully undermined, the system challenged. The discovery that took place here is the one expressed in figure 3, and further illustrated through the qualitative analysis: The reformist challengers discovered that they could use the signifier of corruption to

attach it not just to the person of the Duke of York but to the political system more generally, and that it could be used for their purposes of undermining the legitimacy of the existing institutional order. As Harling explained, discussed at the beginning of this case study, this had been done before by some Radicals (2003: 98). But as Spence asserts, with the Duke of York case indeed “radicalism rebounded with a vitality and popular degree” not seen for a long time (Spence 1996: 109). Finally, this discovery is further illustrated by the peak that the mention of ‘corruption’ experienced in 1809 (figure 2 in chapter three). The Duke of York scandal was indeed one of the biggest scandals pre-1830, and as the analysis has shown, it set the tone for the contestation phase that was to come post-1830, by attaching the free-floating signifier of corruption firmly onto the issue of electoral reform.

Contesting the State: The Drive for Electoral Reform 1830 to 1832

If the 19th century in Britain was a gradual takeover of the state by the middle classes from the aristocracy, the 1832 Representation of the People Act, widely known as Electoral Reform Act, was one of the main events through which this happened. Unlike the Duke of York case, this act is amply covered by numerous books and journal articles²⁹. The role that corruption discourse played in the unfolding of events, however (to the best of my knowledge) has yet to be directly examined. My approach to the Reform Act therefore does not try to compete with the many detailed historical analyses that have been so expertly written, but tries to offer some starting points for a different kind of conceptualisation: as an example of a corruption discourse, and set into context with other corruption discourses.

The debates surrounding the Act draw out over a period of close to two years. Compared to the Duke of York case study, this is both a longer period of time as well as a more complex course of events. To take account of this, it needs a somewhat

²⁹ From Seymour’s 1915 classic to Ferguson 1966, Brock 1973 Evans 1994, Norris 1995, Phillips & Whetherell 1995, LoPatin 1998, Lizzero & Persico, Ertman 2010, Aidt & Franck 2015, to name but a few.

different approach, and indeed I have found the use of quantitative data to employ a pronounced numbers-based content analysis as part of the investigation particularly helpful here. The case study of the 1832 Electoral Reform Act thus proceeds in four steps: It starts with a summary of how developments unfolded from the 1830 French Revolution to the passing of the 1832 Electoral Reform Act. This is then followed by a quantitative analysis of newspaper discourses from the period. I then go into some of the qualitative details of the case. And lastly, the context of the contestation phase more generally, and how the 1830 to 1832 discourse relates to it, is considered.

Summary of Developments

Calls for Electoral Reform had been a prominent feature of political debate for decades preceding the eventual reform, flaring up every now and then, as exemplified in the Duke of York case. The 1820s had seen a slowly simmering reform debate, but it was in 1830 that mentions of reform in newspapers virtually exploded (visualised in figure 4 below). One of the main reasons for this sudden increase in reform discourse was exogenous: The 1830 revolution in France (Charles X had been ousted with little bloodshed in very few days, July 16 to 29) had, in the words of Woodward, “caused considerable excitement in England and brought a revival of interest in parliamentary reform” (1988: 77). However, as my own quantitative analysis below shows (figure 5), this was until later in the year mostly still an elite conversation. For it to become this prominent, reform discourse needed the catalyst of elections, and the almost accidental Whig government of Earl Grey. The elections in the aftermath of the revolution (polling took place from July 29 to September 1) had led to another Tory majority, meaning little progress on reform could be expected – as late as November 2, two weeks before his resignation, Wellington still proclaimed his opposition to any reform (Ertman 2010: 1007). However, the party was split, and by mid-November, it became clear that the Wellington government had failed, paving the way for Grey to take over.

Grey had for some time argued that in order to secure stability at least moderate reform was needed (Evans 1994: 59). He thus made it one of his conditions for forming a government that electoral reform was to be implemented, triggering what can only be described as a two-year tug-of-war: On one side, his government was pulling towards electoral reform, spurred on by popular support, on the other side Conservatives, aided by some Whig MPs and a significant majority in the House of Lords, were pulling against. In an eventful two years, for the Reform Act to become reality, several hurdles had to be overcome. The first hurdle to be taken was indeed the appointment of the reformist Earl Grey government. Without it, history would likely have taken a different turn. Grey was not a committed reformer by any means. Rather, as Woodward observes, “he described himself as ‘aristocratic both by position and by nature’ and ‘with a predilection for old institutions’” (1988: 79). The government he formed with his fellow Whig and a number of collaborating Tory MPs is considered to have been one of the most aristocratic of the 19th century (Ertman 2010: 1007). It was thus the threat of revolution that convinced him and his cabinet that reform was necessary.

In the House of Commons, the Electoral Reform Committee, chaired by John Russell, presented its suggestions on March 1, 1831. This is where hurdle number two presented itself, the reluctance of many of the MPs to agree with the proposed legislation. And while the bill was never formally defeated, it got into so many difficulties, both on Chamber and Committee level, that Grey decided to call for early elections to seek a clearer mandate for reform (Phillips/Whetherell 1995: 412). He got it in the 1831 General Election (28 April to 1 June), which was fought “with all the earmarks of a referendum” (ibid.) and produced a landslide victory for the reformist Whigs (370 Whig to 235 Tory MPs).

The third hurdle was posed by the House of Lords. A second attempt to pass the Act in the Commons had succeeded with a large majority in July 1831, and after some committee work and a number of amendments, the bill had been passed by majority of more than 100 votes in September. However, despite hopes that its opponents in the Lords would see the necessity of the bill and at least abstain from the vote, the

House rejected it. This in turn sparked riots in several parts of England, most notably Nottingham, Derby and Bristol (Woodward 1988: 83). Public Meetings were held up and down the country, and it saw the emergence of Political Unions (LoPatin 1998: 66ff.), and an attempt, led by the Birmingham Political Union, to form a National Political Union, a kind of extra-parliamentary opposition (ibid.). The unions were subsequently declared unconstitutional by the government – underlining its credential as being reluctant rather than enthusiastic reformers. However, the Unions remained active, and continued to play an important role in the coming months, in fact playing an active role in peace-keeping from October to December (ibid.: 87ff.).

In December 1831, the Bill was again put to the House of Commons, and after further committee work and amendments was passed in March 1832 with an even larger majority. How, then, to win over the Lords? Grey turned to King William IV and lobbied him to create additional peerages for reformers so that they could outnumber their opponents (Woodward 1988: 85). William refused this request, the Whig government resigned, and a minority government led, once again, by the Duke of Wellington was instated by the King (ibid.).

This triggered what later became known as the ‘Days of May’. Various campaigns were started, again led by the Political Unions, aimed at undermining the state’s very functionality. Among others, citizens were encouraged to stop paying taxes and to withdraw money from the Bank of England (Royle 2000: 74ff.). Revolution was in the air, and it was in these Days of May, according to some historians (most notably E.P. Thompson 1968: 75f. and Eric Hobsbawm 1968: 55), that the country came closest to a popular revolution in modern times³⁰. As Hobsbawm notes:

No period of British History has been as tense, as politically and socially disturbed, as the 1830s and early 1840s, when both the working class and the middle class, separately or in conjunction, demanded what they regarded as fundamental changes. From 1829 to 1832 their discontents fused in the demand for Parliamentary

³⁰ How close the country really was to revolution is a matter of debate. Other historians such as Brock (1973) and Cannon (1973) claim that the situation was less dramatic.

Reform, behind which the masses threw their riots and demonstrations, the businessmen the power of economic boycott. (1968: 55)

Eventually, King William IV gave in to this pressure from the streets, and recalled Grey on May 15. He accepted his demands for creating peerages, but also convinced the Lords to pass the Act regardless, making new peerages unnecessary (Woodward 1988: 86). The last hurdle was taken. The Representation of the People Act was finally passed in the Lords on June 4 and given Royal Assent on June 7, 1832.

The Reform targeted two problems: The so-called rotten boroughs which had tiny numbers of electorate, allowing MPs to hold on to them rather too easily, most notably by bribing the handful of electors; and the lack of representation, especially of some of the newly emerging industrial cities of the North (for details as to the new provisions see e.g. Ertman 2010: 1007f.). The electorate in absolute numbers, however, was not actually expanded by much (while a rise from about 400.000 voters to 650.000 does amount to roughly a 60% expansion, this was still low in relation to the overall population of the United Kingdom of around 25 million), and it is therefore a matter of debate among historians whether this reform constituted any significant change.³¹

Quantitative Analysis

To understand how corruption discourse was embedded in, and interacted with these developments, some quantitative approaches offer some initial insights. The data is analysed on three levels, starting with macro-level per-year data, secondly breaking this down onto the meso-level of monthly frequencies of key words, and lastly looking at how this manifests itself on the micro-level of individual newspaper articles.

³¹ Rather than increasing representation to any significant degree, its merit may lie, as Phillips and Whetherell (1995) argue, in producing for the first time a nationally unified system with equal rules in each constituency. And subsequently, as they claim, this brought with it some identifiable changes in how politics were conceived after 1832 – as a national endeavour rather than a representation of provincial interests (ibid.: 414).

As demonstrated in chapter three (figure 2), the years 1830 to 1832 appear in the year-by-year data as a launching pad for corruption discourse in the 19th century, for key expressions such as ‘corruption’, and to a lesser extent, ‘public good’ and ‘public interest’. Figure 4 adds ‘reform’ to this equation, and we can see an even more radical transformation.

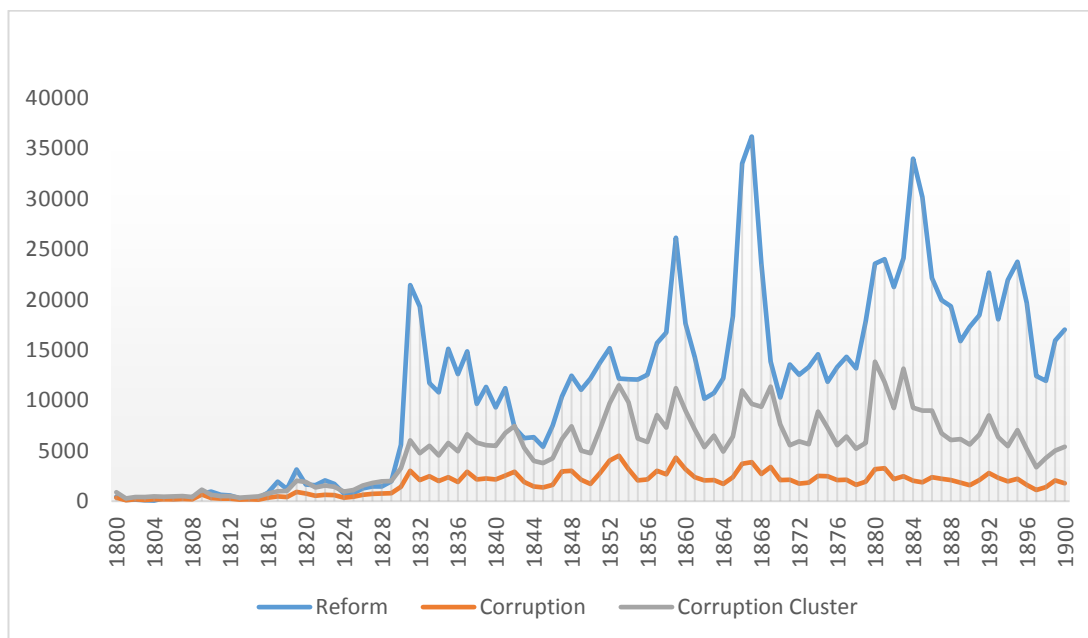


Figure 4. Reform, Corruption and Corruption Cluster, 1800 to 1900

From being relatively marginal before 1830, ‘reform’ skyrockets, starting in 1830, but particularly the year after. To represent corruption in relation to reform, I have chosen to cluster a number of key words in what can be called the ‘corruption cluster’. This is based on the search combination of ‘corruption’, ‘corrupt’, ‘bribe’, ‘bribery’, ‘rotten borough’ or ‘rotten boroughs’, combined as an ‘OR’ search – it compiles the number of newspaper articles that contains at least one of these word. The particular combination of keywords is derived from the more detailed work on the individual-level data below, and here serves the purpose of visualising corruption discourse in relation to reform, showing that it was indeed less prominent than

reform discourse, but not quite as marginal as the sole search word 'corruption', also included in the graph, would suggest.³²

The correlations between the terms over the century as a whole are highly significant: 'Corruption' and 'reform' correlate at 0.78, the corruption cluster and 'reform' comes in at 0.85. In other words, in those years in which corruption was an important theme of newspaper discourse, there were also increased discussions of reform. Narrowed down to the time period 1825 to 1840, the correlation of 'corruption' and 'reform' increases to 0.91, and of the corruption cluster and reform to 0.87. The micro-level data discussed below goes into further detail on how they were connected.

On a meso-level, breaking down the year-based data into monthly entities allows a more nuanced look at how the Electoral Reform Act debate unfolded over the almost two years it took, and the different waves of themes that were prominent in newspaper debates. Figure 5 thus shows the frequency of some key terms, broken down into monthly units. In addition to 'corruption' and 'reform', I decided to include 'rotten boroughs', 'revolution', 'democracy' and 'representation', in order to capture the main themes of the political discourse of the time and to map them out more locally over months rather than in global year-by-year numbers. What this can illustrate is the dynamic interaction process of discourse and the events that were summarised in the previous section. At first glance, certain patterns become apparent: 'Revolution' seems to trend relatively independently from the others, peaking in August and September 1830, just after the events in France, and then flattens out. All the other terms, however, seem connected to one another, and follow similar trajectories.

There are three clearly distinguishable peaks: Firstly, the period from March to May 1831 – this coincides with the Grey government's first attempt to get the Bill passed, introducing it to the House on March 1, and the subsequent early elections that were called due to the difficulties it was encountering, polling from April 28 to June 1. The

³² The correlation of 'corruption' with the corruption cluster per year 1800 to 1900 is 0.93. In the time period 1825 to 1840, this correlation reaches 0.98. The two can therefore be taken as a very accurate representation of one another.

second peak is in October 1831 – this signifies the period of unrest that followed the House of Lord’s rejection. The third peak is in May and June 1832 – this coincides with both the unrest of the Days of May, as well as the aftermath of the passing of the Reform Act on June 4th, in which its effects were still hotly debated.

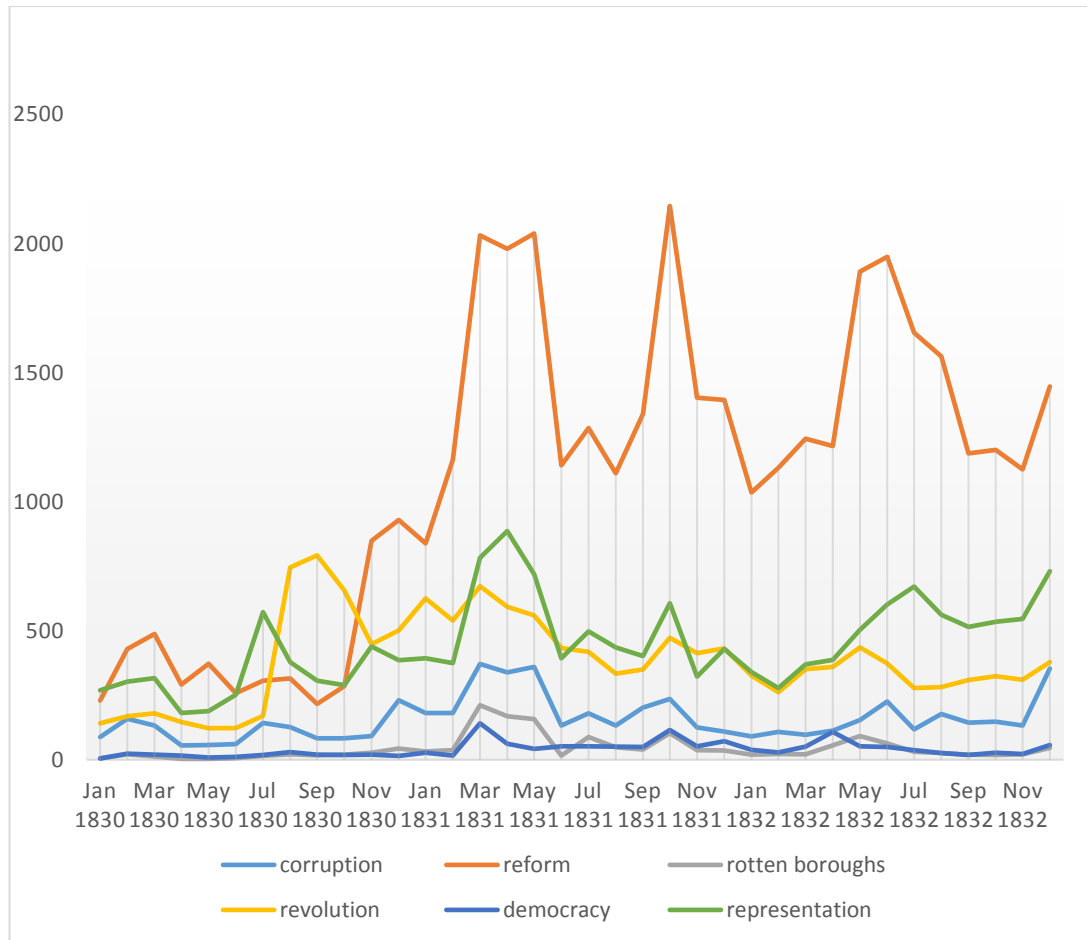


Figure 5. Corruption and reform terms per month, 1830 to 1832

What becomes visible here is the dynamic interaction between what was happening inside the political institutions and what was happening outside, in the newspapers specifically but also in the streets of the country and the public sphere more generally. As discussed above, Earl Grey and his government of aristocrats was acting out of fear of revolution. This graph however demonstrates that it was not just those inside who reacted to outside events, but also vice versa. The highest peaks in the curves always *followed* rather than preceded events in the Houses of Parliament. The first peak was triggered by the introduction of the bill in Parliament, the second by

the Lord's refusal to approve it, and the third by the resignation of the Grey government. Figure 5 thus, juxtaposed to the course of events as described in the previous section, is a visualisation of action and reaction, and the dynamic *interaction* between discourse and institutions.

A visual interpretation of the graph suggests a connection between the terms, with the exception of revolution. To specify the extent of this, I have assembled a table of correlations. Table 1 shows that indeed revolution has less, but not insignificant covariation with the other search words, correlating at between 0.25 and 0.47 with the other terms. All others show a significant to highly significant correlation between 0.51 (corruption and democracy) and 0.81 (corruption and representation). This means that these themes – corruption and rotten boroughs, democracy and representation, as well as reform) were indeed discussed together. This points once more to the state formation processes that influenced the ways in which corruption discourse specifically, and reform discourse more generally were constituted, and framed in newspaper debates.

	Reform	Rotten B's	Revolution	Democracy	Represent.
Corruption	0.68	0.81	0.40	0.51	0.81
Reform	-	0.73	0.25	0.67	0.76
Rotten B's	-	-	0.47	0.70	0.73
Revolution	-	-	-	0.33	0.31
Democracy	-	-	-	-	0.51

Table 1. Correlations of corruption and reform terms, 1830 to 1832

What exactly, however, was the role of *corruption* discourse specifically, the focal point of this study, in what was primarily a discourse on reform? How central, if at all, was it to the idea that the electoral system needed to be changed? If corruption allegations could aid in undermining the legitimacy of the old order, how much use was made of it? The micro-level analysis that breaks down the data further onto the level of individual newspaper articles, helps answer these questions. The aim of this is to measure the extent to which the dominant reform discourse was supported by

corruption discourse. This can be achieved by looking at articles that feature ‘reform’ and determine how many of these articles also featured ‘corruption’ or any of the other key words that make up what I call the corruption cluster (corruption, corrupt, bribe, bribery, rotten borough, rotten boroughs)³³. Table 2 presents the frequencies of these keywords for the time period January 1830 to December 1832. The left column shows the frequency of the dominant ‘reform’ (A). On the right-hand side, the frequencies of a number of different terms associated with corruption are listed individually and summarised in the corruption cluster (B). The central column shows the intersection of these terms with reform ($A \cap B$), flanked on either side by the percentages of the search word or search word combination that makes it into the intersection. For example line one shows that 19% of newspaper articles that feature ‘reform’ also include the words ‘corruption’ or ‘corrupt’. On the right-hand side of the intersection, we can see that 86% of articles that mention ‘corruption’ or ‘corrupt’ also feature ‘reform’.

A = Reform	% of A in intersection	Intersection $A \cap B$	% of B in intersection	B
39,481	19%	7467	86%	Corruption OR corrupt 8731
	9%	3882	90%	Bribe OR Bribery 4308
	5%	2029	95%	Rotten Borough OR Rotten Boroughs 2143
	28%	10,928	92%	Corr. Cluster: Corruption OR corrupt OR Bribe OR Bribery OR Rotten Borough OR Rotten Boroughs 11,932

Table 2. Frequencies and intersections of ‘reform’ and corruption cluster

³³ In addition to these terms, I tested whether ‘fraud’, ‘extortion’ and ‘graft’ were part of this cluster. They turned out to be insignificant, however, measured in the extent to which they intersected with ‘reform’.

Without thorough qualitative analysis, figures like these can only ever offer an indication. What they do indicate here, however, is quite powerful: First of all, more than every fourth (28%) newspaper article that had the word 'reform' in it also featured one or several of the key words associated with the corruption cluster. This indicates that while corruption concerns did not *dominate* reform discourse, they were certainly an important feature, appearing in 28% of articles that were written on reform. On the other side of the intersection, however, it becomes clear that corruption discourse was *completely dominated* by concerns of reform. This is expressed in the 92% of the corruption cluster that also feature the key word 'reform'. The signifier corruption in this period of time was thus almost exclusively used to signify something that needed to be reformed. It denoted an object – the electoral system – as illegitimate, and at the same time pointed towards that which was legitimate – the reform that led to more representation and democracy (if the above table 1 is correct which suggests strong correlations of corruption with these terms of democratisation).

The quantitative analysis of the Reform Act discourse thus suggest three points: (1) On a macro-level it shows how the years of 1830 to 1832 indeed served as a critical juncture for debates around corruption as well as reform (figure 4). But it also gives us an initial idea of the connection of the different debates, expressed in the correlation of the key terms 'corruption' and 'reform'. (2) On the meso-level, it becomes apparent how newspaper discourse interacted with the events taking place within the institutions of the state, in what looks like a two-way dynamic of action and reaction (figure 5). It also shows the clustering of key expressions (table 1) that combine into a discourse of political reform. (3) A micro-level analysis sheds further light on the interconnectedness of the different themes of this discourse. Specifically, reform discourse was strongly supported by corruption discourse, and corruption discourse was almost exclusively used to argue for the reform of institutions that were seen as illegitimate.

Qualitative Analysis: Selected Newspapers in more detail

While the numbers tell us something about the overall content of the discourse and how it evolved over time, a closer look at a selection of newspapers adds more insight into who was arguing what, and why. For this, I have analysed a sample of papers, ordered along party lines. Publications that supported primarily Whig positions are thus juxtaposed to ones that argued predominantly for Conservative positions. Some more radical papers were considered. And an effort was made to represent both centre and peripheries of the state. All the publications offer a mix of parliamentary protocols, opinion pieces and editorials, and reports from various meetings of political unions, societies and town halls. The following is merely an overview of the positions of the different papers, and the way they 'did' corruption discourse in times of the Electoral Reform Act debate.

As expected, Whig-leaning newspapers, such as the *Examiner*, *Morning Chronicle*, *Caledonian Mercury* or *Liverpool Mercury*, were all in favour of electoral reform. A piece in *The Examiner* (London, June 10, 1832) in the aftermath of its passing through Parliament eloquently sums up this position. It saw the Act as a "first step to a greater good" and the "axe of authority laid at the roots of corruption" (*ibid.*). It also supported the continuation of political unions, even after the passing of the Act, going further than the Whig government which advocated their dissolution. In the piece, the connection to taxation is invoked once more, claiming that it should be a "constitutional principle, that taxation was not legal while the Commons house was confessedly not representative of the people." *The Morning Chronicle* (London) took a similar stance. While it supported the Bill, it also raised questions as to whether it went far enough. In a detailed article on the suggested changes for the district of Birmingham, one of the emerging cities to be enfranchised by the Bill, and also one of the hotspots of the ongoing Days of May demonstrations, the paper concluded that "[e]very person experienced in elections knows that the existing corruption [referring to vote buying] is inherent in the system that the Reform Bill will ultimately extinguish" (May 7 1832). Up in Scotland, the *Caledonian Mercury* (Edinburgh) equally supported the Reform Bill, and equally proclaimed that it did not go far

enough. The Mercury went into great detail about what the Bill meant for the different districts in Scotland, and reports from the numerous Reform Meetings, for example one in Kirkcaldy from which many attendants went home “unsatisfied” (Kirkcaldy Reform Meeting, May 3 1832). The Liverpool Mercury sets a slightly more radical tone, but takes a similar position. For example in an editorial on the *Reformed House of Commons* (June 22, 1832), the hope is put forward that the House will form “a body of freely elected representatives, who will be actually, not virtually, the Commons of England” (sic). It then adds calls for further reforms such as legislation against bribery. While it is unsurprising that these Whig papers supported reform, it is also interesting to note that none of them seemed overly content with the outcome, and called for further measures to be implemented. The perception that the reform had not gone far enough indeed set the tone for the rest of this contestation phase, as I will discuss below. The dominant framing employed in all these papers is representation and democracy, further underlining the findings from the quantitative analysis.

The inspection of the Whig papers yields few surprises, but a look at more Conservative-leaning newspapers shows a less straightforward picture. The following are a mix of leading Conservative-leaning publications from different parts of the United Kingdom, the Morning Post, The Times, the Glasgow Herald, the Essex Standard or the Royal Cornwall Gazette. The Morning Post (London) indeed and predictably opposed the Reform Bill. Their reasons to do so showed the defensiveness of the aristocracy, their core readership, as it questioned the motives of those who called for reform: “To impute improper or dishonourable motives to public men, unless they can be clearly and indisputably proved, is ungenerous and unmanly” (*Snatches of Thought*, 28 June 1832). The Times (London), on the other hand, had supported Electoral Reform ever since the Peterloo Massacre in 1819, and had since then earned a reputation of being one of the most prominent advocates of reform among the papers. This is not, however, contrary to the Times’ general political conservatism. Rather, its editor John Walter II insisted on the independence of the paper, and consequently it did often not fall in line with Tory party politics

(Morison 1952). The Essex Standard (Colchester) took a similar stance to the Morning Post's, and attacked the reformers' motives for reform. In an article on Earl Grey's proposal to create extra peerages for a reformist Lords majority, the King's refusal to do so and the government's resignation, it comes to a dramatic conclusion: "The proceedings in the political world during the last week have developed many circumstances of great interest, and have abundantly proved that a most relentless tyranny is the real end and object of those who stimulate the country to disturbance in the name of liberty." (May 19 1832). The Royal Cornwall Gazette (Truro) took an equally hard-line position. Based on the assumption that "the revolutionary spirit feeds on concession", it suggest to the House of Lords to take the Bill apart in the committee stage (*What the Lords should do*, May 5 1832). The Morning Post's frame employed for defending the old order is reminiscent of Max Weber's (1924) ideal type of traditional authority. And the Essex Standard's idea of fending off 'revolutionaries' with motives of 'tyranny'³⁴, similar to the Cornwall Gazette, seems to emphasise stability for its own sake.

On the more radical spectrum, the Poor Man's Guardian and Cobbett's Weekly merit some attention. William Cobbett, who had already played an important role in the 1809 Duke of York discourse, continued here to agitate against government and Old Corruption. Cobbett's Weekly Political Register had the appearance of an extended pamphlet rather than a newspaper in the conventional sense. It typically addressed the readers as 'friends', and directly, for example 'To the Reformers of Lancashire and Yorkshire' (July 31 1830) or 'Manifesto of the Industrious Classes of England' (Sep 18 1830). Cobbett campaigned for more radical reforms, such as giving the vote to every man aged 18 or above, and with no pecuniary restrictions (e.g. Plan of Parliamentary Reform, Addressed to the Young men of England, Oct 30, 1830). The Poor Man's Guardian (London) on the other hand represented a radical, working class vision of politics, and was indeed an illegal, unstamped underground publication at this time.

³⁴ Earl Grey certainly makes an odd revolutionary leader, as an aristocrat 'both by position and by nature' (see above, Woodward 1988: 79).

For its editors, the reforms could not go far enough. Its reaction to the defeat of the bill in the Lords and the resignation of Lord Grey sums up this position:

We are monarchists, essentially monarchists; but if monarchy can only subsist with Wellingtons, Cumberlands, Lyndhursts, ambitious bastards and German women for its ministerings and its love, and with rotten boroughs, enormous pensions and desolating taxes for its appendages, in the name of all that is just and dignified, and free in humanity, let monarchy go to the right-about, and the lesser evil of Republicanism become dominant in England. (May 19 1832)

It is in these kinds of radical publications that working class interests were more explicitly proclaimed, from the right to vote for every man, to the removal of the monarchy itself, a truly revolutionary pursuit, as compared to the rather vague proclamations of the Whig papers that the reforms did not go far enough. Again, the frames employed here were concerned with democracy, but in a more radical version than in the Whig papers.

The 1830 to 1832 Electoral Reform discourse thus clearly displays the underlying struggles of ideas and interests. While the defenders of the old system invoked a sense of traditional entitlement, those critiquing the system challenged it on the grounds of not being democratic enough, not allowing representation despite taxation, and thus being illegitimate, corrupt. Both used ideas as well as interests (to use another of Max Weber's (1946) distinctions) to justify their positions. Traditionalists emphasised the noble motivations of those in power as well as the real material threat of instability that a revolution would bring. Reformists on the other hand appealed to the idea of fair and equal representation as well as pointing to who actually financed the state through their taxes, the material base, if one likes, of its existence.

One interesting difference to the 1809 case is that unlike then, newspapers here showed support for a range of different positions. With the Duke of York, all papers (except the Morning Post) seemed to be against him, and then also either supported reform or at least did not voice any opposition to it. This difference might be owed to the fact that 1809 came hot on the heels of a very concrete corruption case in which the Duke had been found guilty (by popular opinion) of what was seen as an

undeniable case of misconduct. The debate in 1830 to 32 did not have this emotional trigger, and was more general - possibly it was this that allowed for a wider spectrum of opinions to be expressed, without fearing the backlash of an angry mob.

Outlook: The Contestation Phase post-1832

As discussed in chapter three, the research design of this thesis premises that the Electoral Reform Act discourse is representative of a contestation phase that runs from 1830 to roughly the second Reform Act of 1867. To understand in what ways this is the case, once again a turn to numbers is instructive. Figure 6 focuses once more on corruption discourse proper (leaving 'reform', 'representation' etc. aside). It shows the key words 'corruption' and 'rotten boroughs', as well as the combinations of the term 'corruption' with 'election' and 'reform'. These two combinations show how many of the newspaper articles that mentioned corruption also problematized election or reform, or more broadly speaking, how much of corruption discourse was also concerned with issues of elections and reform.

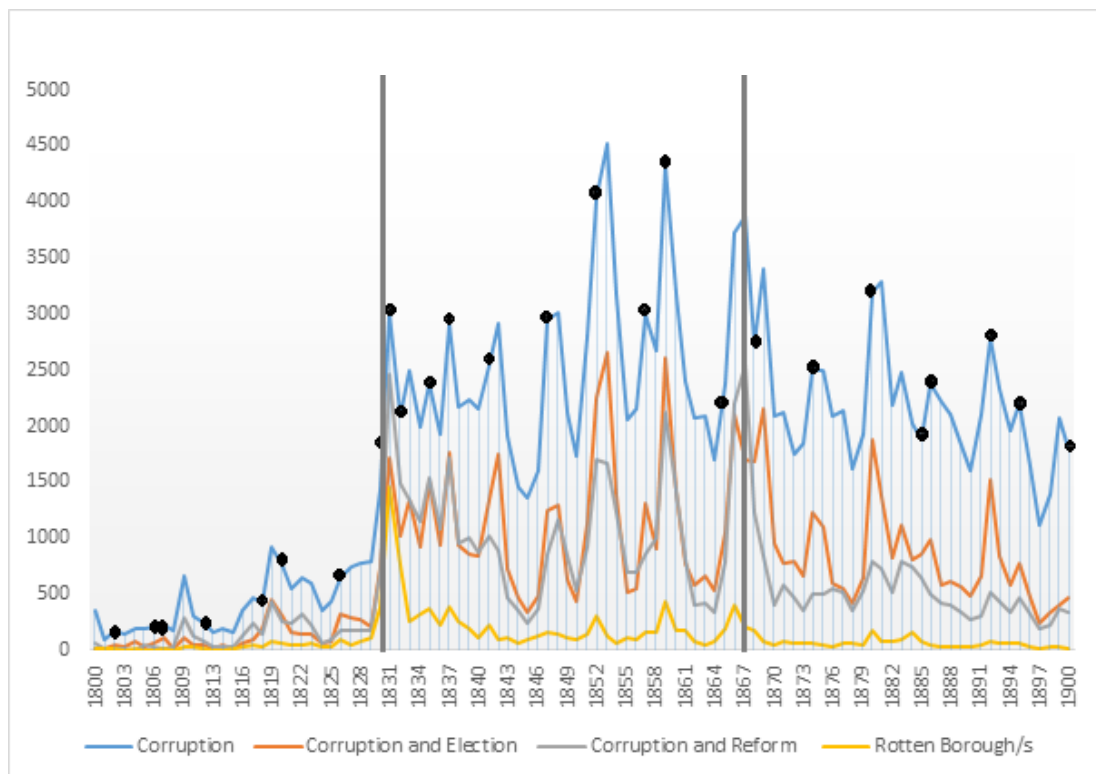


Figure 6. Corruption word combinations, 1800 to 1900, election years added

In addition, to determine if there was a connection between corruption discourse and general elections, imposed on this graph as black dots are the years in which general elections took place.

In my view, this graph is a visualised confirmation of the three phases of corruption discourse, marked here by two vertical lines in 1830 and in the 1870s. The key to this lies in both the alignment of election dates with the peaks in corruption, as well as the degree to which 'reform' was part of corruption discourse. Before 1830, the peaks in 'corruption' are unconnected to election years. But as of the 1831 election they are connected significantly, with almost all peaks appearing in years of general elections (the highest peak in 1853 owes much of its substance to the 1852 election which took place late in the year in November). Also, between 1830 and 1867 corruption discourse is to a large extent dominated by concerns of both 'election' and 'reform', shown in the graph in the prominence of the lines 'corruption and election' and 'corruption and reform' during this phase. In addition, we can see here peaks in 'rotten boroughs' in the same years as the other lines peak. What can be concluded from this is that corruption discourse in this period of time – in its contestation phase - indeed followed a similar structure, digested similar issues, followed similar themes to corruption discourse in 1830 to 1832. The latter was thus indeed representative, and in many ways a prototype for the kinds of debates that followed in the decades to come.

What changes after 1867 (the one high peak that was not caused or accompanied by a general election but by the debates surrounding the second Electoral Reform Act) is a slight decrease of corruption debate in absolute terms, as well as a slightly less pronounced alignment with election dates (while general elections still caused spikes, the distance between the peaks and the valleys are less pronounced). It is clear that electoral corruption here is still an issue - general election years are still accompanied not just with peaks in 'corruption', but also in the combination of 'corruption' and 'election'. What changes significantly after around 1867, however, is the frequency of 'rotten boroughs' as well as 'reform' as part of corruption discourse. Both these terms refer to systemic issues, they indicate a corruption discourse that is focussed

on critiquing what is wrong with the electoral system and that calls for changes to it. Their flattening out after 1867 therefore points to a change of focus, away from corruption as a signifier of systemic issues, and towards, as the next case study will show, a signifier of situational issues, of certain kinds of behaviours of individuals in the public offices of the administration that are seen as illegitimate.

Consolidating State Administration: The Corrupt Practices Act 1889

The 'Act for the more effectual Prevention and Punishment of Bribery and Corruption of and by Members, Officers, or Servants of Corporations, Councils, Boards, Commissions, or other Public Bodies', in short Public Bodies Corrupt Practices Act (PBCPA), made active or passive bribery a criminal offence. On a mere three pages, it defined what exactly counted as 'corrupt practice' and what punishment courts should use in case of violations (up to two years, with or without hard labour and/or a fine of up to 500 pounds³⁵). As shown in its long title, it applied to officials in any public bodies, with the notable exception of Parliament itself which had been covered by a separate Act in 1883 (cf. Oliver 1997:542). The PBCPA consolidated previous laws that had application only to some of the bodies it covered, and remained valid until repealed by the Bribery Act in 2010.

This case study discussion looks first at the context in which the Act was conceived, and on how it built on and consolidated other reforms that had been passed during the so-called Age of Reform in the preceding decades. Secondly, it looks at the discourses surrounding it, or more precisely the *lack of corruption* discourse that accompanied the Act, and the significance of this lack. As a result of this absence of discourse, the analysis of this case is significantly shorter than of the previous ones. This does not, however, mean that the case itself is any less significant.

³⁵ A copy of the original print can be found at http://www.legislation.gov.uk/ukpga/1889/69/pdfs/ukpga_18890069_en.pdf

The Age of Anti-Corruption Reform, 1832 to 1889

The PBCPA needs to be seen in the context of other reforms. Historians have written widely and broadly about Britain's 'Age of Reform', which lasted either from 1780 to 1850 (Burns/Innes 2003), 1815 to 1870 (Woodward 1988), 1830 to 1852 (Mandler 1990) or, on the more generous end of the spectrum, 1790 to 1885 (Jaggard 1999). In light of this conceptual eclecticism, I want to take the liberty to suggest another Age of Reform: The Age of Anti-Corruption Reform. It spans from the Electoral Reform in 1832 to the Corrupt Practices Act in 1889.

In addition to the three Electoral Reform Acts (a third one followed in 1884), some of the reforms that were instrumental in establishing a stronger control of corruption during this period were: The Municipal Corporations Act 1835 which built on the 1832 Electoral Reform and addressed similar issues of representation and electoral corruption on local government level (Sweet 2007). The Northcote Trevelyan report 1854 and the resulting reforms to the Civil Service in 1856 introduced entry exams and clearer criteria for promotion in the civil service, replacing a system based largely on patronage (e.g. Greenaway 1985). Also in 1854, Parliament passed a Corrupt Practices Act, defining bribery and criminalising it for MPs. The 1872 Ballot Act, following the 1867 Reform that had enfranchised skilled working class men, made votes secret – landlords could now no longer pressure their tenants into voting for a certain candidate (e.g. Woodall 1974). The aforementioned 1883 Corrupt and Illegal Practices Prevention Act elaborated on the 1854 Act, and set caps on the money allowed to be spent on election campaigns (Rix 2008, Blaxill 2011). A third Representation of the People Act in 1884 further extended the right to vote to wider sections of the male population. The 1889 Public Bodies Corrupt Practices Act itself was to an extent an add-on to the Local Government Act of 1888, which had succeeded, and updated, some of the reforms of the 1835 Municipal Corporations Act.

This list of Acts and Bills demonstrates the reformist fervour of this Age of Anti-Corruption Reform. What makes the 1889 legislation stand out against many others, however, is its longevity. While it was updated and amended in 1906 and 1916, its

core remained intact throughout the 20th century and was only repealed as recently as 2010 by the Bribery Act (a result of the expenses scandal in the House of Commons). It therefore formed the basis of much of corruption legislation throughout the 20th and into the 21st century. It is thus clear that the passing of this law represents a consolidation of corruption *legislation*. In what ways, however, does this case also represent a consolidation of corruption *discourse*?

The Lack of Corruption Discourse surrounding the PBCPA

The process from the inception of the Act in July 1888 to its Royal Assent in August 1889 was relatively uneventful. In addition to this, both in terms of academic literature as well as parliamentary and newspaper corruption discourse, this was and is almost a non-event. While the Act frequently merits a mention in the historical literature (e.g. Boesch 2009a: 424, Engels 2006: 333), and in recent years has been routinely referenced as the piece of legislation that was repealed by the 2010 Act (e.g. Yeoh 2012, Kirk 2011), there is to the best of my knowledge no detailed analysis of the history of this particular piece of legislation, of why and how it came into being. And this is unsurprising. As the following analysis shows, there was little debate surrounding the act, and no significant controversy attached to it. In a way, this is boring. But exactly herein lies the significance of this case. It is this boringness, the lack of controversy and the broad consensus across the political parties, public opinion and the different sectors of the press, that make this case significant.

The following maps out the corruption discourse that did take place. The minutes provided by Hansard record the parliamentary history of the Bill. The initiative in the House of Commons thus came from Lord Randolph Churchill who, referring to the recently passed Local Government Bill, pointed out that it would not be in the scope of this Bill to deal with cases of corruption (Hansard, July 13, 1888). He therefore asked the House for leave so he could come up with an additional bill (*ibid.*). The three-page draft, authored by Lord Churchill, Sir Robert Fowler, a Mr Jennings, a Mr Whitbread, Sir Henry James and a Mr Richard Power, was then introduced to the

House on July 19. The Commons at this stage seemed ready to sign it off and refer it to committee. However, in a rather strange footnote of history, a certain Mr. Conybeare managed to derail the motion, somehow leading to its postponement for several months³⁶. On March 13, 1889, the Bill was presented to the Commons again, and this time processed successfully. On July 29th, the Bill was passed by the House of Lords, and after some amendments finally approved on August 26. On August 30, 1889 the Act got its Royal Assent.

If parliamentary debate was uneventful and lacking in contest, so was newspaper discourse. While most papers covered the Bill as it proceeded through its different stages in the two Houses, they did so through their daily 'Imperial Parliament' section and used the standard protocols provided by Hansard (or their own 'gallery reporters' if they afforded themselves the luxury). No single paper could be found that opposed the proposed Bill, in fact its usefulness seemed so self-evident that few even saw it necessary to publish any kind of comment on it. The few opinions that were communicated tended to appear in little snippets: The York Herald showed "concern" that the bill, which it deemed "highly necessary" would not go through in the present session but taken into the next (July 16 1888). The Morning Post, on the other hand, expected the Bill to pass without opposition (July 18, 1888). A little more explicitly, the Manchester Times thought it would "go far to eradicate a serious and growing evil" (Mar 23 1889), the Newcastle Weekly Courant simply added the phrase "which it is hoped will be passed" to the Parliamentary minutes (June 1, 1889), and Reynold's Newspaper, in concluding its report on a local case of corruption, emphasized that this case showed that it was necessary that the bill was passed quickly (Mar 24, 1889). An interesting detail is added by the Glasgow Herald which records a petition from the Convention of Parliamentary Burghs of Scotland that was presented to the House of Commons in support of the passing of the bill (May 8, 1889), further indication of widespread support from throughout the United Kingdom.

³⁶ A rather strange character in this affair, Conybeare seemed to be some troublemaker, which in fact earned him the suspension from the House on a different matter, on the very same day. The Cornwall Royal Cornwall Gazette Falmouth Packet, Cornish Weekly News, & General Advertiser (July 26, 1888) reports in detail about this rather entertaining parliamentary session.

The frames of reference employed here indeed manifest a different kind of corruption discourse. No longer is parliamentary corruption the focus. There are now references to smaller-scale scandals that have made the news recently, either directly (the Reynold's newspaper piece) or indirectly ("highly necessary", "eradicate a serious and growing evil"). Indeed, as Boesch argues, the 1880s had seen a proliferation of corruption scandals in the UK following the establishment of mass media (2009a: 424). And these new scandals now problematized areas that are still typical for corruption scandals today, such as construction contracts or sport (ibid.). Some of the scandals of the years preceding the Act had for example been the tennis-focused 'Wimbledon scandal' in 1880 or the 'Cricket scandal' in 1882 (ibid.: footnote 12). Doig (1984: 70 ff.) goes into more detail on some construction-related corruption cases of the time, such as the Music Halls scandal, and Fennel and Thomas (1983) elaborate on corruption as an everyday phenomenon (cf. Boesch 2009a: 424, footnote 12). While during its contestation phase, corruption discourse had attached itself to systemic issues, it now seemed more concerned with a higher number of situational cases rather than systemic corruption. The reforms that had taken place in the institutional framework over the preceding decades indeed had found their way into the frames employed by the newspapers. Within this settled legal framework, perceived as largely legitimate, corruption discourse now attached itself to the misbehaviours of individuals who did not follow the norms and rules that had been established for them through the changes in this framework. This is what Bratsis (2003) called the *bourgeois ontology* in action. As a normative project, it had established its ideas of what behaviours were legitimate and which were not, and the focus could now shift to the *prevention* of the illegitimate rather than the codification of the illegitimate in law.

A further illustration of this shift is provided by a quick look at some of the numbers that show the relatively small role the bill played for corruption discourse overall. The time frames July 13 to July 30 1888 and March 12 to September 15, 1889 – the time periods in which the Bill was discussed in Parliament plus some ten days afterwards to account for further debate and evaluation – show this: While there are 1949

mentions of 'corruption' or 'corrupt', there are a mere 99 hits for 'bribery public bodies' (before it went into the history books as 'Public Bodies Corrupt Practices Act', it was at the time discussed as 'Bribery (Public Bodies) Prevention Bill' – this search combination covers it generously). This accounts for no more than 5% of corruption discourse in these periods. In absolute numbers this is small, in relation to the 92% of corruption discourse that concerned itself with matters of 'Reform' in the 1830 to 1832 case, the PBCPA is dwarfed into insignificance. In other words, while a change in legislation was almost the exclusive focus of corruption discourse in 1830 to 1832, in 1889 it is marginal, the relevant changes had already been achieved.

As argued above, it is this lack of significance that makes the case significant. Corruption discourse has thus settled down, corruption control - referring to 'corruption' as defined in the modern bourgeois sense - has become the new normal. The role of corruption discourse, then, has become to police the new normal, and to defend the order of the modern semi-democratic state against behaviours that are seen as violating the 'public interest' on which this state is supposedly built. It thus has a consolidating effect for the political system, and corruption discourse has developed from being a challenger of the existing order in the contestation phase to the role of consolidator of the existing order in its consolidation phase.

Conclusion

This chapter has provided an overview of corruption discourse in 19th century Britain, highlighting its development through three distinct phases using three case studies for exemplification. To summarise, it makes sense to look at the trajectory of the anti-corruption movement, and at where the personnel that carried the anti-corruption movement was located.

The Duke of York case in 1809 showcases how a situational corruption scandal, the Duke's selling of officer commissions through his mistress, was transformed into a more fundamental critique of the electoral system. Corruption discourse was weaponised, discovered as a political weapon, to undermine the legitimacy first of

the Duke, then of parliamentarians and the system that got them elected. In this discovery phase, as exemplified in the Duke of York case, the conflict line between reformers and traditionalist ran between a largely conservative House of Commons and the largely reformist extra-parliamentary opposition.

In 1830 to 1832, the reformist movement started to take over the Commons. Reluctantly first, with the aristocrat Earl Grey, himself seeing reform as a concession rather than enthusiastically supporting it, struggling to find a majority in the initial Parliament: but more decidedly so once the early elections had been conducted and had produced a clear reformist majority. The conflict line thus shifted from being between a majority of the Commons and a majority outside the Commons as in 1809, to a majority of the Lords against a now reformist majority of the Commons. Reformism in this contestation phase was thus contesting and taking over the political institutions. Again, corruption discourse served as a means of questioning the legitimacy of the existing institutional arrangements, undermining them, and justifying the need for reform.

This process continued throughout the Age of Anti-Corruption Reform, in particular until the second Electoral Reform Act in 1867. After this reform, and further enhanced by a number of other reforms, corruption discourse entered its consolidation phase. By 1889, the time of the Public Bodies Corrupt Practices Act, the conflict line had shifted further: Whether this piece of legislation was necessary or not was not a matter of contest. Anti-corruption norms had indeed been normalised. In combination with the 1809 and 1832 cases, the Public Bodies Corrupt Practices Act thus showed how the anti-corruption movement had run its course from being an extra-parliamentary opposition movement in 1809, to being somewhat established but strongly contested in Parliament in 1832 to being well-established and unquestioned in 1889.

By 1900, Britain had become a more democratic, more meritocratic, and in a modern sense less corrupt country as compared to 100 years before. What this analysis has shown is that corruption discourse, through its questioning of authority, its shifting

and re-organising of ideas of legitimacy, its contesting of undemocratic institutions and its consolidating of the new semi-democratic institutions, had played an important part in this process. Democratic reforms and the development of the institutions of the modern state in Britain came into existence on the back of corruption discourse. It was its reorganisation of legitimacy that paved the way for its emergence.

Chapter Five: Corruption Discourse in Germany

What, then, can Germany add to the equation? As pointed out in chapter three, Germany represents an authoritarian/traditional path to corruption control, compared to Britain's democratic path. While modern state institutions in the United Kingdom were formed through a dynamic interaction process between state and civil society, driven, as demonstrated, in no small part by corruption discourse, reforms to the state administration in the Germanies in the 18th and 19th centuries were primarily introduced top-down, driven by the state's need to raise taxes and armies. The equivalent to Britain's Civil Service here was the *Staatsdienst*, State Service.

These different paths of development find an expression in the case studies available for selection. While the cases chosen for the UK were all played out in the arena of the legislative branch of government, the German cases shift the focus to the judiciary. This was not intentional at the point of case study selection. But at close inspection this shift is anything but a coincidence. While British corruption discourse unfolded within a largely absent legal framework, to then become one of the drivers for establishing this framework, it was already firmly in place when German corruption discourses came to the fore. For every case of perceived corruption here, a law that could be applied was already firmly in place. The first big difference between corruption discourses in Britain and Germany thus manifests itself at the very outset of the German analysis: the pre-existence of a legal framework that determines fundamentally the kinds of corruption cases on offer to the researcher.

This chapter proceeds similarly to the equivalent UK chapter: It looks in turn at the three case studies chosen, and contextualises them within corruption discourses in the different eras more generally. The Tausch affair of 1896/97 represents a case of authoritarian manipulation of corruption discourse that reflects a wider trend observable throughout the Kaiserreich. This, too, is a discovery phase for corruption discourse, but while in Britain it happened largely uninterrupted and the press was able to establish itself as a self-styled Fourth Estate that challenged government authority, in the Germany of 1871 to 1914, this freedom always remains curtailed.

The second case, the *Erzberger v Helfferich* case of 1919/20 showcases many of the problems the Weimar Republic was to struggle with in its short existence from 1919 to 1933. It, too, was a contestation phase in which corruption discourse was used to challenge a political system that was perceived as illegitimate. However, in a reversal to the UK case, the challengers here were anti-democratic forces, and the system that was undermined was a democratic one. Finally, the Spiegel Affair of 1962/63 represents another attempt by authoritarian state actors to manipulate corruption discourse and press freedom. However, in this case the attempt failed, and corruption discourse was then able to settle into the role of consolidator of the democratic order. Before going into the details of these three cases, however, a short excursion to the time before 1871, and its lack of corruption discourse, is instructive. As I will argue, it offers further insights into the ways in which corruption discourse is embedded into state formation processes.

While this chapter proceeds through a similar structure as the one on the UK cases, there is a marked change in the methodological tools available. Due to the absence of a comprehensively digitised archive that provides any quantitative data of note, there is no corresponding numerical analysis. The investigation of the German cases thus relies entirely on a qualitative evaluation, and the interpretative input of both the historical literature on the cases and myself.

The curious absence of corruption debate before the 1870s

A number of historians have noted the absence of corruption scandals in the years preceding German unification in 1871, but then do little to investigate why this might be the case (e.g. Boesch 2009a: 424, Engels 2006: 335). The obvious explanation is that press freedoms were largely restricted in the Germanies before the 1870s, and critique of authority was routinely prosecuted. However, there is one period of time in particular in which this was not the case: Following the 1848 March Revolution, far-reaching freedoms of the press were indeed granted. Newspapers flourished, and new publications started emerging all over the German territories. In a number of

ways, this period of time was similar to Britain in 1830 to 1832. In both there was a strong mobilisation of a broad popular movement for democratisation, supported by a coalition of middle and working class interests. And yet, while 1830 to 32 in Britain saw an explosion of reform and corruption discourse, this failed entirely to materialise in Germany. A search of some of the digital archives available for the 1848 to 1850 years (I have looked at the extensive collection of the Bayerische Landesbibliothek) indeed shows almost no problematisation of corruption at all.

Given that similar conditions seemed to be in place as in Britain in 1830 – freedom of the press to criticise government, the existence of a strong popular movement – this begs the question of what was different. A clue to this may lie in some of the names of the newly emerging newspaper publications – these are just some examples from the Landesbibliothek Collection: *Der Freie Staatsbuerger* (*The Free Citizen*, Nuremberg), *Gradaus mein Deutsches Volk!* (*Onwards my German People!* Munich), *Teutsches Volksblatt* (*German People's Paper*, Wuerzburg), *Deutsche Constitutionelle Zeitung* (*German Constitutional Newspaper*, Munich).

Norbert Elias (1982) famously described the different phases through which modern European states had developed in their respective processes of state formation: First, a monopoly of violence was established. Secondly, the boundaries of its territory had to be defined and consolidated. Thirdly, administrative institutions were developed and power was diffused to include broader sections of society. What we can see in Germany in 1848 to 1850 is a political movement that is primarily occupied with concerns of territorial definition. Britain, on the other hand, had left this phase well behind in 1832 and was able to move on to institutional development and the diffusion of power. The revolutionary goals in Germany were national unity, freedom of the press and freedom of assembly. Corruption thus, with its association with later stages of state formation, simply was not on the agenda yet. If this interpretation is correct, the curious absence of corruption discourse in Germany in this period of time once again points to how underlying macro-processes of state formation shaped the

ways in which corruption discourse materialised. It is here its very absence that supports the hypothesis.³⁷

Discovering Corruption in times of Authoritarianism: The Tausch Affair and the Corruption of Corruption Discourse

It was after German unification in 1871 that home-grown corruption discourse was eventually, albeit slowly, allowed to unfold. The *Reichspressgesetz* (Imperial Press Law) of 1874 gave the newspapers some freedoms to critique authority and point out abuses of power by the powerful, as long as it did not either insult them (especially if it was majesty) or provoke unrest (*Volkshetze*, cf. Naujoks 1982). Not surprisingly, these exceptions were used liberally by state authorities – Bismarck himself was reported to have pressed libel and slander charges close to 10,000 times (Hall 1977: 66). In addition, freedom of speech was further limited through the Socialist Laws from 1878 to 1890, which among other provisions outlawed any socialist or social democratic newspapers (ibid.).

But it was not only this *legal corset* imposed on the freedom of the press that made sure the powers that be still had an influence on what could be written publicly and what could not. State actors also took *informal action* to influence what would appear in the papers. As discussed in chapter three, the so-called *Reptile Fund*, part of the infamous *Welf Fund*, was used to bribe journalists and gather intelligence on opposition campaigners³⁸. The case study chosen to represent this discovery phase

³⁷ Some corruption debate, however, did exist before the 1870s. Looking at the Bayerische Staatsbibliothek collection of Bavarian newspapers from 1800 to 1870, an interesting pattern emerges: Corruption debates here seemed to trend at exactly the same times as they did in British newspaper discourses. I have compiled the incidences and have run some correlations. The correlation of the Bayerische Staatsbibliothek 19th century press collection to the 19th century British library newspapers for the frequency of 'corruption' reaches a highly significant 0.80 for the years 1800 to 1870. A closer look at some of the newspaper articles reveals why: Rather than reporting on corruption in the Germanies of the time, German newspapers reported on corruption cases in Britain, and to a lesser extent, France. Many of the articles were in fact verbatim translations of the corresponding Times articles published in London. This goes to show that corruption was at least not a completely unknown quantity to newspaper editors in Germany before the 1870s, and that the modern concept of corruption that was emerging in Britain was exported to other countries from its inception.

³⁸ More detail for example in Nöll von der Nahmer 1968 and Stöber 1996

is an example of very similar authoritarian intervention, merely on a smaller scale. The dealings of the police Kommissar Egon von Tausch put on display a microcosm of what was happening in the Kaiserreich more broadly, and on the highest levels of the state. This case study proceeds in three steps: First, I summarise the main events of the trial and how it played out in the courts. Secondly, I analyse the Tausch case as a corruption discourse. And thirdly, the specifics of the Tausch affair are then put into context with the generalities of the discovery phase of the Kaiserreich.

Summary of the Case

The Tausch case is another one that has received relatively little attention from historians (Bösch 2009a: 347, footnote 82). The East German historian Fricke (1960) contextualised it within the governmental crisis of 1897, and Hall (1977) looked at the role the Social Democratic Press played in the scandal. More recently Frank Bösch has conducted an up-to-date in-depth study of the case (2009a: 329 – 364).³⁹ This summary is thus primarily based on Bösch's and Hall's accounts.

The scandal was preceded by growing suspicions since the early 1890s as to the origins of stories surfacing in the press. Newspaper articles had been appearing in a range of different publications which were unfavourable to government ministers and even the Kaiser himself (Hall 1977: 104). This included for example the supposedly bad health of the Kaiser, a change in the chancellorship of the government or indiscretions by members of the *Bundesrat* (Bösch 2009a: 345). Speculation was rife as to who was, or were, the sources of these stories. And while early suspicions focussed on rival politicians' attempts to undermine their political adversaries, the Tausch scandal showed that one of the key players was in fact the police, more precisely the political police (*Politische Polizei*), the domestic intelligence branch of the federal police apparatus. The scandal took off over the misreporting of

³⁹ Bösch refers to the case as the Tausch-Leckert-Lützow scandal (ibid.: 345). For simplicity, I refer to it as the Tausch scandal or affair, as Tausch was the man pulling the strings (Leckert and Lützow were the journalists who had been paid by Tausch to engineer the story, and who were persecuted in the initial court case).

a toast to the Russian tsar by the Kaiser during his visit in Breslau on Sep 5, 1895. What was supposed to be a friendly gesture to the tsar was reported in the *Welt am Sonntag* (Sept 28 and Oct 5, 1896) as an anti-Russian toast⁴⁰. This was political dynamite, and as a consequence, the state prosecutor began to investigate.

Ironically, the perpetrator of the crime, Eugen von Tausch, was in fact the police officer who was in charge of gathering the evidence of the crime. His attempt to deflect the blame onto exterior state secretary Adolf Marschall von Bieberstein backfired. Marschall, who over the previous years had in fact been one of the victims of smear campaigns, commissioned his own private investigation and was able to expose Tausch's doings. He did this very publicly in the rather dramatic initial trial against the journalists Leckert and Lützow in December 1896, who had been identified as the sources of the Kaiser's toast misreporting. Both Marschall and Tausch were witnesses in this trial, and the former produced his evidence against the latter in the arena of the court, calling it 'seeking refuge in publicity' (*Flucht an die Öffentlichkeit*, Hall 1977: 107). In this first trial, Leckert and Lützow were both sentenced to 18 months in prison, but the revelation were also to have consequences for Tausch himself.

Tausch was arrested soon after, on December 5, 1896. Further investigations for his own trial, to take place in May and June 1897, uncovered an intricate network of press manipulation. With the help of some of his officers Tausch had fed numerous stories – some true, some fabricated - to a variety of different press outlets. His motives for this were not entirely clear, but it is likely that monetary reasons played a role, and that he had sold information to the press to finance his lavish lifestyle (Evans & Etges 1996: 617). Some of his efforts seemed to have been successful – the eventual failure of Bismarck's successor as chancellor, Caprivi, in 1894 and the resignation of Interior minister von Köller in 1895, as well as a number of other

⁴⁰ The actual toast "I can assure you, Sir, that I am motivated by the same traditional feelings [towards Russia] as his majesty" had been altered to "[...] as my father". Wilhelm's father was known to have little sympathy for Russia (Hall 1977: 105, Bösch 2009a: 347, footnote 82).

scandals of previous years, were now associated, at least in some sections of the press, with indiscretions fabricated or leaked by Tausch (Bösch 2009a: 352).

In the end, however, the case against Tausch collapsed. Similar to the Duke of York case in 1809, while it was clear to any observer that the accused was guilty of the crimes brought against him, the court (in the case of the Duke the House of Commons) found him not guilty. Tausch was initially allowed to continue in his role at the political police, but eventually suspended in November 1897. Disciplinary procedures were implemented in January 1898 but did not proceed very decisively, and he was retired on a full pension in December of the same year (Hall 1977: 111). Marschall on the other hand had fallen into disrepute among his government colleagues for breaking rank discipline and exposing the scandal, and by October 1898 was relieved of his ministerial duties (ibid.: 110f.). Much unlike the Duke of York case, however, the discourse surrounding this case developed a rather different dynamic.

The Tausch Scandal as Corruption Discourse

When the scandal broke, it immediately caught the attention of national and international media. German newspapers in the late 19th century were largely divided along party lines, and indeed more often than not saw themselves as mouthpieces for particular political parties. The social democrat *Vorwärts* for example used the scandal for a wider ranging critique of the Kaiserreich in general. It conducted its own investigations, ironically itself using methods similar to that of the political police (Bösch 2009a: 353). Liberal, Catholic and leftist publications all supported Marschall's actions and saw them as a "commendable and necessary act of purification" (ibid.: 354, my translation)⁴¹. Some sections of the conservative press however interpreted the case differently. In their opinion, it should have been handled behind closed doors rather than made public, as this damaged the reputation of the civil service and was thus only helping the Social Democrats (e.g. *Deutsche Zeitung* 02/02/1897, *Berliner*

⁴¹ All translations in this chapter are by myself, unless otherwise stated

Börsen-Zeitung 03/02/1897, cf. Bösch 2009a: 354). The following looks in more detail into the discourses surrounding the Tausch case, and in particular what kinds of framings the different publications used when reporting on it. There are three distinct phases in this case which are handled in turn: First, the trial against Leckert and Lützow in December 1896 which also included the publication of the allegations against Tausch; secondly, the widely reported debate in the Reichstag in February 1897; and thirdly, the court case against Tausch in May and June 1897.

From the very beginnings of the trial, the press was (unsurprisingly) less interested in the allegations against the small fish, Leckert and Lützow, but focussed on the revelations that the eloquent Marschall was presenting against Tausch. One of the notable features across many publications was here that rather than explaining the exposed dealings as 'corruption', 'bribery' or the spreading of falsehoods, they were framed as a much more systemic case of a 'parallel government' (*Nebenregierung*). The more liberal *Freiburger Zeitung* for example made it their lead story as soon as the news broke. On December 3, it reported on the ensuing trial on the *Secrets of the Parallel Government*, but also stated that it did not believe that the state attorney would be able to disentangle it. On December 8, it referred to the "corruption, lies and intrigue" and speculated on what more there was going to be revealed, as surely Kommissar Tausch could only be a small fish in the whole system – a thinly veiled critique of the well-known secretive dealings of the government through its reptile fund. A December 10 comment questioned what other cases Tausch was involved in 'solving' and why there was so much money for 'special police purposes' that was out with public control. The *Staufener Wochenblatt* (Staufen Weekly – another liberal publication from the South-West of Germany) reported similarly on the case. In a lead story on December 8, it lauded Marschall's efforts and encouraged him to "stick to his guns" ("nicht locker lassen"). On Tausch's proclamation after his arrest that he was going to talk, the *Staufener*, expecting further revelations on the parallel government, noted: "This could be promising!" (Dec 10). It also expressed its hope that Marschall continued with his anti-Semitic efforts (Leckert and Lützow were Jewish), its bourgeois anti-Semitism openly displayed.

An excellent representation of a conservative standpoint is provided by the *Henneberger Zeitung*. At the beginning of the trial, it decided to report it only marginally (Dec 5, 6 and 8) in a short report under 'miscellaneous' in the back pages. Only when public attention to the scandal began to escalate in other newspapers it published a lead that summarised the happening thus far (Dec 9). A strongly worded opinion piece on December 11 explained the initial reluctance: The author attacked the "excesses of the freedom of the press", blaming both the journalism of other papers and their readers who were only too eager on sensation and scandal. Also, it voiced its concerns that publicising this trial only helped the Social Democrats, referencing a recent *Vorwärts* article claiming that the conditions in the Reich were now almost exactly the same as before the French Revolution, and that, hence, revolution was near. On December 13, the *Henneberger* in another lead comment came to the defence of the political police. It bemoaned that the force was being criticised as a whole, again especially by the Social Democrats, because of Tausch. But actually it was a very important, "indispensable" institution, especially to keep Social Democratic Party (SPD) in check. The enemy, thus, could hardly be defined more clearly.

Indeed, this case was a field day for the SPD and its associated media outlets. As Hall (1977: 107) notes: "It was the sort of occasion which placed no further demands on the party other than intelligent reporting, and enabled them, moreover, to stand back and cheer on both sides from the touchlines." The leading Social Democrat publication, the aforementioned *Vorwärts* (*Forward*), on December 8 invoked the scenario of an impending revolution, and saw the scandal as the "stormy petrel announcing the forthcoming tempest" (ibid.). And the *Neue Zeit* (*New Time*) speculated that Tausch was just one small player in the network of a military that secretly undermined the state (Hall 1977: 108). The state prosecution reacted to these allegations by forbidding the mention of a *Nebenregierung* and criminalising the claim under the lèse-majesté law (ibid.).

The frames of reference employed in this debate point to the grander political processes and conflicts that were taking place at the time of the scandal. The liberal

papers' suspicions about the parallel government display an uneasiness as to the authoritarianism of the state of Germany, and the possibility that government was not what it seemed. In contrast to the social democrat publications who emphasised the possibility of a revolution, however, the liberal papers seemed to root for change from within the system, cheering on Marschall and his efforts rather than proclaiming that revolution was nigh. The Conservative papers emphasised the socialist threat, and defended the forces of order (the political police, a media that keeps quiet) that kept it at bay. An interesting detail is the Staufener's reference to anti-Semitic efforts, showing that this seemed a normal thing to say for a mainstream newspaper, also pointing to problematic underlying developments.

The Reichstag debate in February 1897, the second instance of this discourse, showed a very similar distribution of opinions: Leftists, liberals and Catholics in all their different ways supported Marschall, while some conservatives spoke out against him (Bösch 2009: 355). This equal lining up of opinion in political parties and newspapers is no surprise given the closeness of the two spheres.

The debate was started with a motion by the Conservative MPs Anker and Gen⁴² who asked the *Reichskanzler* (Imperial Chancellor) to make sure that in the future, there would not be any raising of suspicions against any of the state's institutions by any other state institutions (Berliner Gerichtszeitung Feb 6). This thinly veiled attack against Marschall gave way to an eloquent defence by the minister – and if the Staufener Wochenblatt (Feb 9) is to be believed, he enjoyed the vocal support of many parliamentarians. Marschall thus claimed that he had known at the time that the Social Democrats were aware of Tausch's doings, and that it was better if he himself published the allegations before they did. He also let it be known that he had not found any *Hintermänner* (background men) who might be standing behind Tausch. This prompted Bismarck's son to proclaim that his father had not even known Tausch. Similarly, the Berliner Gerichtszeitung on Feb 8 reported that despite the

⁴² These appear to be their names – this part of the old Gothic text has not aged well and was difficult to decipher.

motion from the Conservative Party all speakers supported Marschall. One thanked him for the anti-Semitic effect his actions had had.

The parliamentary debate thus shows the extension of the frames found during the initial trial in the newspapers. The general hostility against the Social Democrats seemed particularly dominant here. Both sides saw the question of whether Marschall should really have exposed Tausch's doings in public as a question of which gave the SPD less to feed on. Marschall's assurance that he had not found any background men, similarly meant that there was no danger to the existing political order. The casual antisemitism once again illustrated problematic developments that were to escalate further in the following decades.

Finally, the trial against Eugen von Tausch in May and June 1897, part three of this discourse, was not just widely reported in papers up and down the country but became some kind of society event – the *Hamburger Echo* (June 9) reported the appearance of well-heeled society women who added to the theatricality of the event, sporting their opera glasses (see also Hall 1977: 110).

Proceedings started with the unusual opening statement by the judge who voiced his disapproval of comments that had been written in the press before the trial had even started, let alone any judgement passed, either in support or against Tausch (*Berliner Gerichtszeitung* May 27), demonstrating the media attention and pressure he was already dealing with. Two days later, the *Staufener Wochenblatt* reported 'no progress yet' and that 'it's a complicated case' (May 29), concluding that those politicians who thought Tausch was a 'tool of the old course' would not see themselves confirmed, as no *Hintermann* had yet been found⁴³. On June 5, it noted that the Kaiser was unhappy about the revelations that were coming to light (the *Berliner Gerichtszeitung* claims the same on June 11). And on June 10, on the end of the trial, it concluded that "rightly the press demands that an end be put to the political police in its current form" (similar the *Straßburger Post*, see below). The

⁴³ certainly a change of direction by the paper considering its "this could be promising!" exclamation after the arrest of Tausch in December

conservative Henneberger on the other hand restricted itself to factual reports from the trial (May 27, 29 and 30, June 1 to 6) and refrained from further comments.

To add more substance to this map of press discourses in the absence of fully digitised newspaper archives, a look at some of the *Presseschaus* in the publications available – reviews of what other papers were writing - is instructive. The *Staufener's* review on June 3 featured the conservative *Nation* which picked apart Tausch's defence in which he had claimed to have acted "in the interest of the state" and called it a "roguery in all directions in the interest of the state" (*Gaunerei nach allen Richtungen aus Staatsinteresse*). The liberal *Straßburger Post* diagnosed chaos ("everyone against everyone") and called for reforms, claiming that even the parties in power were now acknowledging this necessity. The *Berliner Gerichtszeitung* in its review (June 11) observed that both the conservative *Schlesische Zeitung* and *Nationalzeitung*, while lauding Marschall for his conviction, criticized him for taking the wrong path and ignoring what they both called "old Prussian administrative tradition" (Marschall was from Baden in the South-West of Germany).

Did the Tausch case lead to any changes? There are conflicting interpretations of this. Bösch sees in it the collapse of the Bismarckian system of press manipulation. Established by Bismarck through his *Reptile Fund*, it had now spun out of control and turned against the authoritarian state that had given birth to it (2009a: 347). Hall on the other hand concludes: "Although the affair severely depressed government morale [...], it had little or no effect on the distribution of political power or the influence which the political police continued to wield" (1977: 111). In fact, as he points out, rather than reducing the role of the *Politische Polizei*, its budget was further boosted in the following years (ibid.: 112).

The extent to which corruption discourse had been 'discovered' during the Kaiserreich as a weapon for undermining the legitimacy of the existing order is expressed by the remarkable letter the SPD chairman August Bebel wrote to his comrade Adler (quoted in Hall 1977: 110):

The Tausch trial has ended in the best possible way for us; once again a splendid episode like that succeeds in shaking the credibility of the state and government. We are such lucky fellows. All that our opponents do works simply to our own advantage. And the tragic nature of it! The only man who has the courage to campaign openly for an honest form of government [Marschall] has to capitulate, and one of the representatives of the most abominable corruption triumphs. Long live corruption!

As Hall concludes: “For the first time, the seedier aspects of the country’s system of a political police had been illuminated from within. The affair had strengthened SPD suspicions of the corruptness of government and its various agencies” (Hall 1977: 111).

The two scandals that represent the discovery phase in Britain and Germany have some commonalities. They both problematize the misconduct of state personnel in high office. They both look not just at the individual but also at systemic issues. They both see the perpetrator acquitted despite their apparent guilt. But there lies a big difference in the role of *discourse* in the two cases, more precisely in how discourse was shaped by the legal framework and state actors. While in Britain in 1809, the press could develop its corruption discourse relatively uninhibited by state intervention and would soon act as a self-styled ‘Fourth Estate’ (Hampton 2004: 106ff.), in Germany this process was inhibited by authoritarian interventions. In a way, if one wants, this could be described as the ‘corruption of corruption discourse’, if the ideal that is being corrupted here is taken to be the press freedom that would have been necessary for discourse to freely unfold its potential.

Beyond Tausch: The Kaiserreich as a Discovery Phase

This section gives a short overview of some of the main corruption scandals of the Kaiserreich, in order to illustrate further the kinds of discourses that were typical for this phase in which corruption first became relevant in public debates in Germany. There had been some scandals before the 1890s, however, they were scarce. In 1873, allegations surfaced against the railway baron Strousberg (Borchart 1991), and throughout the 1870s, suspicions were raised against Bismarck’s banker von

Bleichroeder (Stern 2008). The fact that both these early targets of corruption allegations were Jewish is unlikely to have been a coincidence.

The turning point for corruption discourse came with the expiry of the Socialist Laws in 1890 which had put restrictions on what the press could report, and curtailed or downright outlawed any Social Democrat activities. It was only after their expiry that corruption scandals became a more frequent matter (Bösch 2005: 342). This suggests that they were not just a repression of socialism in general but also of the corruption discourse that in all likelihood – given the later history - would have been pursued by socialist politicians. As the Tausch case shows, this was certainly the case in 1897, as the SPD here experienced how useful corruption allegations were for undermining the perceived legitimacy of their political enemy. The manipulation of discourse in the 1890s was thus merely a continuation of its repression in the 1880s, and both were attempts to ‘manage’ the growing threat of the workers’ movement.

Two further big scandals in the later Kaiserreich are of note: One of its biggest was the Eulenburg affair of 1906. A famous aristocrat, Phillip Prince of Eulenburg-Hertefeld had been outed by a journalist as homosexual. Rather than being merely about what was perceived then as private vice, this became an attack on public figures which ultimately had the Kaiser himself and aristocrats more broadly as its aim (Domeier 2010). While not a corruption scandal in the modern sense of being about misconduct in office or bribery, this was seen as a case of moral corruption, and was used like other corruption allegations, as a means of challenging the legitimacy of persons in positions of power.

The Kornwalzer affair in 1912/13 revealed that the German War Ministry had leaked confidential data to the arms manufacturer Krupp, about the offers as well as technical details of rivals’ products in procurement processes (Bösch 2005). An interesting detail here is that this scandal was broken by the Social Democrat chairman Liebknecht, after he had received anonymous correspondence from a Krupp insider. It was thus once again the SPD that used corruption discourse strategically and weaponised it to challenge the existing political establishment.

The common theme of all these discourses is first, that they reflected deep-seated societal conflicts, in particular between the working classes and the aristocratic elite; and secondly that its use by the social democrats seemed strategically aimed at attacking government and state, as a fundamental challenge to their legitimacy. What this discovery phase then led to, was not an Age of Reform as in the British case. The authoritarianism that had prevented newspaper discourses from unfolding also prevented the reforms that would have been needed to transform Germany into a more democratic and pluralistic society in the mould of France or Britain. It had failed to address the workers' question and had instead radicalised the movement. What followed instead was the Great War, triggered by an aloof political elite that was not just unable to prevent it, but actively dragged the country into it.

Erzberger versus Helfferich and the Hyper-Contestation of the Weimar Republic

The Great War ended in defeat for Germany, and the peace treaty of Versailles that was seen as a humiliation by many. The so-called Weimar Republic, with its seat of government now in the small town of Weimar, symbolising the new beginning, was an attempt at democracy, but one that ultimately failed and led to the takeover by Hitler and his Nazi Party and the catastrophes of World War Two and the holocaust. The state failed because for too many of its citizens it lacked legitimacy. The question here, then, is what role corruption discourse, this organiser of legitimacy, played in these developments.

The Erzberger versus Helfferich case took place during the fallout of the unpopular Versailles Peace, and in Erzberger one of the protagonists of the peace process became the target of corruption allegations. Due to the prominence of the accused as well as the accuser (Erzberger had recently been promoted to finance minister, Helfferich had been treasury secretary, secretary of the interior, and at one point chancellor during the war), this case features prominently in the history books of the Weimar Republic (e.g. Abraham 1986, Kolb 1988, Nicholls 1991, Peukert 1993).

Erzberger himself has attracted the interest of a number of biographies (e.g. Epstein 1971 [1959], Eschenburg 1973). The most in-depth study of this case, however, comes from the German historian Annika Klein (2011, 2014) who has meticulously catalogued the sequence of events as well as the debates surrounding the case.

Matthias Erzberger had been an influential politician and a prominent member of parliament for the *Zentrum* (Centre) Party since the early 1900s (Epstein 1971: 61ff.), and was involved in high-profile propaganda efforts as well as the diplomatic service of the Reich during the Great War (ibid.: 96ff.). Erzberger had been an enthusiastic supporter of war when it broke out, but started shifting his position from 1916 onwards. It was following his initiative that the Reichstag passed a peace resolution in 1917 giving up on the idea of annexation of any of the territories it had occupied (ibid.: 182ff.). He was later appointed head of the Armistice Commission in charge of negotiating peace with the Allies, and on November 11, 1918 was one of the signatories of the Armistice of Compiègne that heralded the end of hostilities (ibid.: 257ff.). In the new republic, Erzberger was soon promoted to one of the most important positions the country had to offer, Finance Minister. It did not take long for the right-wing nationalists to start their attacks.

This case study proceeds in three steps: First, it analyses the exchange between Erzberger and Helfferich in the *Kreuzzeitung* and *Allgemeine Zeitung* in the summer of 1919. Helfferich started his campaign against the minister in the *Kreuzzeitung* in July, and published a number of aggressively worded articles, culminating in the August pamphlet *Fort mit Erzberger!* (Away with Erzberger). Secondly, it discusses the court case and how it was covered in different newspapers. Erzberger on September 1, 1919, finally decided to take Helfferich to court on charges of libel, a trial that was discussed extensively in the media. And thirdly, rounding off this case study, it is contextualised within corruption discourse in the contestation phase of the Weimar Republic more generally.

Away with Erzberger! Helfferich's public attacks on the Finance Minister Helfferich and Erzberger's very public quarrel started with the former's first article in the *Kreuzzeitung* on July 1, 1919, and the latter's reply in the *Deutsche Allgemeine Zeitung* on July 2 (written not by the minister himself but his assistants Hemmer and Driessen, as Epstein (1971: 352) points out). The exchange lasted for the entire month of July, and Helfferich later compiled both his accusations and Erzberger's replies, plus some additional material, in an 83-page pamphlet entitled *Away with Erzberger* – he clearly thought that even the minister's attempts to defend himself (mostly by going on the attack against Helfferich) discredited the minister rather than him.

As the stab-in-the back legend typically went, the German forces had not been defeated in battle but had been betrayed by politicians from within, brokering a disadvantageous peace with the Allies that had now ruined the Reich. What riled the nationalists about Erzberger in particular was the fact that he had initially supported the War. For some reason he had turned, and Helfferich and other right-wing agitators alleged that this was because of his personal business interests. In the pamphlet's closing remarks Helfferich states:

Erzberger was during the war one of the worst annexationists while serving on the board of directors of a steel firm. Yet after his sudden and involuntary removal from the board of directors he could scarcely find sufficiently strong words of condemnation to express his hostility to the steel industry and annexationism. [...] Erzberger has been accused of deliberate untruthfulness not two or three times but ten or twenty times. He has been accused of mixing his political activity with the pursuit of private financial gain. (Helfferich 1919: 81, Epstein's translation 1971: 352f.)

While the word 'corruption' is not explicitly used here, these allegations certainly fit the description of the crime, the misuse of public office for private gain. Erzberger was not just filling his own pockets, he was also, according to Helfferich, working for the Austrian (and in extension French) monarchy:

Erzberger stabbed German policy in the back with his July action at the decisive moment of the war, acting on the instigation of his Hapsburg-Bourbon employer. He destroyed the faith in victory and thereby the power to achieve victory of the German people, while re-stimulating the fading faith in victory and the will to victory among our enemies. [...] Erzberger's name very properly stands under the miserable

armistice. Erzberger helped the Entente in the period of the armistice to paralyze us financially and steer our entire merchant fleet into Entente ports. (Helfferich 1919: 82, Epstein's translation 1971: 353)

As this section clearly shows, Erzberger's corruption from this viewpoint was not just immoral in itself but had completely undermined the German war effort. The man now in charge of the country's finances was responsible for the country losing the war and being economically crippled. Helfferich concludes:

Erzberger will soon lead Germany to complete ruin by squandering the little moral, political and economic capital that has survived her collapse, unless his political power is finally broken. One thing only can save the German people. A single demand must be sounded with irresistible force everywhere in the country: Away with Erzberger! (1919: 83, Epstein's translation 1971: 354)

The allegations made by Helfferich were not new. Before, during and after his campaign, the right-wing sections of the press routinely attacked Erzberger. To list but few examples, the *Tägliche Rundschau* on April 12, 1919 voiced their suspicions about his change of position during the war in *Erzberger then and now*. The *Hamburgischer Correspondent* on July 2 wrote about *The Spoiler (Der Verderber)*. The *Stader Tageblatt* on July 11 reported on *How Mr Erzberger celebrated the ignominious peace* ("the goblets were circling, laughter lined the faces, and flowering roses had been tucked into the button holes of the dining party", my translation) and the *Hamburger Nachrichten* on August 1 once again pointed to the change from war supporter to peace traitor in *Erzberger from yesteryear*. Indeed, as Domeier states:

As a 'November Criminal' [referring to the maligned November 1918 truce], an 'Erfüllungspolitiker' [lit. compliance politician, complying with the harsh demands of the Allies after the war] and 'Reichsverderber' [lit. spoiler of the Empire], the Imperial Finance Minister Matthias Erzberger became a focus of the New Right, after the danger of a bolshevist revolution (Spartakus revolt) in Germany had passed, and his finance and tax reform threatened the accumulated wealth of the rich. (Domeier 2015: 4, my translation)

Erzberger's defence in the *Allgemeine Zeitung* was initially based on explaining some of the details of how events unfolded. For example he (or more precisely Hemmer and Driessen) pointed to the fact that Erzberger's truce initiative in July 1917 had been put forward in cooperation with the government, and in fact with Helfferich himself (July 4 in *Allgemeine*). As the dispute proceeded, however, Erzberger

increasingly resorted to the counter-attack. In a Reichstag debate he questioned Helfferich's fiscal policies during the war (July 8, 1919, cf. Klein 2014: 79), and eventually he threatened to have him put on the list of people to be extradited to the Allies (Helfferich himself refers to this threat, 1919: 76).

The frames employed in this debate are all connected to the national demise and humiliation that followed the Great War. It is easy to grasp the strength of feeling that is contained in the commonly used expressions of 'November Criminal' and 'Reichsverderber'. 'Corruption' here does feature in some of the discourse, but it is overshadowed by references to destruction and decline. Corruption discourse once again is thus shaped by wider societal developments. Had this case not been connected to the war, 'corruption' would likely have been one of the key terms with which Erzberger had been challenged. But the fact of the defeat in war and the appeal to national sentiment was an even stronger weapon in this battle for the legitimacy of Erzberger as a leading minister, and the new post-war elites more generally.

Helfferich had deliberately tried to provoke Erzberger to sue him for libel. In his pamphlet he complains: "[...] Erzberger refuses to sue for libel to refute these accusations, preferring instead to escape by muddying the waters in the manner of a cuttlefish" (1919: 81, Epstein's translation 1971: 353). Under German law at the time, a court case meant that the court would conduct an examination as to the veracity of the allegations – Helfferich was confident they, or at least some of them, would be accurate (cf. Epstein 1971: 352). In September 1919, he had his wish granted – after publication of the pamphlet, Erzberger decided to take the matter to court.

Taking it to Court: Erzberger's Own Goal

The trial started on January 19, 1920 and lasted until the verdict on March 12. Epstein paints the picture of a hostile atmosphere in the courthouse in Berlin. Most of the audience seemed to be from the upper classes of the city, and they openly showed their disdain for the minister: "The spectators frequently cheered Helfferich and

laughed at Erzberger” (Epstein 1971: 355). But it did not stop there. The judiciary itself seemed to have little sympathy for the claimant:

Judges and prosecutors alike had been raised in a strait-laced bureaucratic tradition which was utterly ignorant of the realities of parliamentary life. They did little to hide their contempt for a party politician, and were horrified by any conduct on the part of the deputy that did not conform to their accustomed bureaucratic code of honour. They were, specifically, hostile to a deputy engaging in business affairs that would be unbecoming in a state official. (ibid.: 356)

The court divided the allegations into four different themes: The mixing of public office and private business interest, untruthfulness, impropriety and, lastly, political activity to the disadvantage of the German Reich (Domeier 2015: 5). And while the last point was excluded from the court case for not falling under the responsibility of the court, the question of what role Erzberger’s activities played in the development and the eventual outcome of the war remained, implicitly, one of the leading motifs of the proceedings to follow (ibid.: 6).

While Erzberger was the accuser and Helfferich the accused, the way the court case was put on stage, as Epstein observes, made the roles appear in reverse:

The day’s session usually opened with a carefully prepared statement of accusation by Helfferich, which was distributed to the press in advance. [...] Helfferich’s accusation would usually be followed by a defence by Erzberger – a procedure that effectively concealed the fact that Helfferich was the man who, technically, stood on trial. (Epstein 1971: 356f.)

Erzberger then was subject to an assassination attempt by the radicalised officer candidate Oltwig von Hirschfeld. On January 26, the 19 year-old who had followed proceedings in the court that day approached Erzberger’s car and fired two shots. One hit Erzberger in the shoulder, the second was deflected off a gold chain of his watch (Klein 2014: 86). The minister recovered and was able to resume the trial. However, this serves as further illustration of how explosive the atmosphere was. Hirschfeld was later tried, and he revealed that it was Helfferich’s pamphlet that had convinced him of Erzberger’s guilt as the *‘Reichsverderber’*. His patriotism was lauded by the court and he was sentenced to a mere eighteen months in jail for aggravated assault rather than attempted murder (more detail in Epstein 1971: 357ff.).

Erzberger, of course, like a number of other high-profile politicians in the Weimar Republic, did not survive for long, and another assassination attempt, this time by the right-wing terrorist group *Organisation Consul*, was sadly successful in August 1921.

The court's verdict on March 12, 1920 found Helfferich guilty of libel and sentenced him to a penalty of 300 Deutschmarks, a comparatively small sum for this kind of case (Klein 2014: 87). In the judge's explanation, the 'guilty' verdict was based on the allegations by Helfferich that could not be proved to be correct, on the personal insults, and on those attacks that had clearly been made to force a trial and could not be counted as self-defence (ibid.). However, it also noted that some of Helfferich's allegations were true, namely "three cases of impropriety, six of perjury, and seven of mixing politics with business" (Epstein 1971: 367). Erzberger's position as finance minister had become untenable, and he resigned on the same day.

Unsurprisingly, the court case was a big story in the young republic's newspapers, and equally unsurprisingly, coverage continued much along the established lines. The right-wing press lauded the court for the "objective and impartial" verdict on Erzberger's questionable character (Hamburger Fremdenblatt, Mar 12). The Rheinisch-Westfaelische Zeitung published a lengthy essay on Erzberger's history, framing his autobiography within the development, and decline, of Germany more generally. It concluded that "this today has become more of a trial against the parliamentary system than a trial against Erzberger" (Mar 13). Left-wing publications like *Vorwaerts* (March 6), *Rote Fahne* (Red Flag, Feb 27) and *Freiheit* (Freedom, March 13) also used the case as a more fundamental critique of bourgeois politics, whether in the Kaiserreich or in the Republic (see Klein 2014: 94). The *Rote Fahne* for example claimed, "It is in the nature of parliamentarianism in the capitalist state that bourgeois representatives all too easily overstep the boundaries across which politics becomes dependent on economic interest" (Feb 27, quoted in Klein 2014: 94, footnote 91, my translation), and went on to lament the double standards of other bourgeois politicians who had made the allegations.

While this last example is a far cry from the aggressive challenge to the political system that could be observed by the right-wing press, it is still that, a questioning of the political system per se, not just the politicians acting within it. This is a frame that was employed throughout the Erzberger/Helfferich case – corruption was not just an individual act but a product of parliamentary democracy. In this contestation phase, the political system *as a whole* was in question. In Britain’s contestation phase by contrast, it was primarily the *electoral system* that was challenged, but the aim was to improve it rather than to dismantle it altogether. As Klein concludes:

One of the features of corruption scandals in Weimar is, however, this attack against not only the scandalised person or party, but against the political system as a whole: from the beginning, in the press reports as well as in the parliamentary debates on federal and state level, as well as in the courtrooms, the concrete allegations of corruption are coupled with a far-ranging critique of political decisions, into an overall picture of moral corruption. (Klein 2011: 61, my translation)

Another main difference between the two contestation phases lies in who challenged the system and who defended it. In Britain in 1830 to 1867, a reformist coalition of middle and working class interest combined to challenge the old order of the aristocracy. In the Weimar Republic, the existing system already was a democracy, and the challenge came from reactionary forces from the right and the left wing of the political spectrum. In the case of the right wing challenge, this was mixed with monarchist motives, and in a way it thus presents a reverse case to the UK’s: Here, a democratic order was challenged by authoritarian monarchism, there, the monarchy was challenged by democratic reformers.

Beyond Erzberger versus Helfferich: Corruption Discourse in the Weimar Republic

Indeed the Erzberger versus Helfferich case was a mirror of what was to come. According to Geyer, “corruption was one of the weapons in political discourse for both the left and right-wing opposition in the Weimar Republic” (2014: 333, my translation). And Klein adds:

The enemies of the republic on the other hand used cases like Zeigner's or Erzberger's to establish a 'corruption continuity' and through it to provide proof for an all-pervasive and hopeless corruption of parliamentary democracy as such. Both lines of argument carry in them in the form of emotionalised catch-words like 'political justice' or the 'corrupt republic' a strong – and deliberately used – potential for scandalisation. (Klein 2011: 64, my translation)

Domeier connects the case with similar ones during the preceding Kaiserreich. If the latter was the phase in which corruption discourse was discovered as a weapon for political contestation, in Weimar the battle over legitimacy, under conditions of democracy, pluralism and freedom of press, was fully unleashed. In his words:

The court case of Erzberger-Helfferich can be seen as a typical extension of politics by legal means. As in the Kaiserreich against the monarchy, sensational political trials after 1918 could be turned against the republic. Even more so given the fact that the Weimar judiciary had to a considerable extent been socialised in times of the monarchy, and treated the democratic regime sceptically, mistrustfully, and even with hostility. [...] Another new feature of the judicial and press coverage was the extent to which political language had become polarised, radicalised and brutalised. This contributed to the disappearance into the far distance of any societal 'common sense' that could have carried the republic in the long term. (Domeier 2015: 10, my translation)

As discussed in the case study selection in chapter three, the Weimar Republic failed because of a combination of factors: It was built on the ruins of the defeat in the Great War, its citizens did not value the pluralism of democratic politics, there was an increasing radicalisation of the left and right wings of politics culminating in paramilitary groups and coups, the judiciary was 'blind on the right-hand side, all too clear-sighted on the left', and finally, the global economic crisis after 1929 and its mass unemployment eventually led to its collapse.

Apart from the economic problems, all of these issues found their expression in the Erzberger-Helfferich case: political opponents were vilified, the defeat in the Great War escalated the situation, the employees of the judiciary were biased in favour of right-wing nationalism. And while there were no paramilitary street gangs as yet, there was a murder attempt and later a successful assassination of Erzberger, illustrating the brutality of political contest even then. It is clear to see how this instance of corruption discourse was indeed shaped by greater, underlying political

processes, and expressed problems that went on to haunt the Weimar state as a whole.

Corruption discourse in this contestation phase, however, also had real effects on how the state developed and ultimately collapsed. Right-wing politicians continued to attack the political system and continued undermining its legitimacy using corruption allegations. While in Britain, democracy and the modern state came into existence on the back of corruption discourse, in Germany it was the National Socialists who came into power in 1933, and to a considerable extent, they, too, did so on the back of corruption discourse (Ludwig 1998 goes into more detail on this). Erzberger versus Helfferich might have come at the beginning of a new era, but in many ways it also signalled the beginning of the end of this era.

Consolidating Democracy: *Der Spiegel* in the early Bundesrepublik

It is worth bearing in mind that West Germany's fate in the 1950s and 60s was far from a foregone conclusion. Its first attempts at democracy had failed spectacularly, and there were doubts about whether or not it would now embrace the parliamentary democracy installed by the Western Allies after World War Two. In their now classic study on Civic Culture in five countries, Almond and Verba, writing in 1963, claimed:

It has been argued that while Germany developed both a Rechtsstaat [state authority based on the rule of law] and a subject political culture, the experiments with democratic participation in the late nineteenth century and in the Weimar period never developed a participant political culture necessary to sustain these democratic institutions and give them force and legitimacy. (1963: 38)

And at the end of their investigation they conclude:

In Germany, a passive subject orientation persists and has not yet been balanced by a participant orientation. Our German respondents appear more at ease in dealing with the output side of governmental activity, where government becomes administration rather than politics. [...] [T]he balance of the political culture is weighted in the direction of the *subject role and the passive forms of participation*. (ibid.: 495, my emphasis)

As this case study will *show*, the Spiegel Scandal provoked, possibly for the first time, more *active forms of participation*. The student protests that that played out throughout the 60s and culminated in 1968, first manifested themselves as demonstrations that supported the Spiegel against government interference. And all sections of the press, including the more conservative and right-wing ones, came to the support of their colleagues, defending together press freedom.

The Spiegel Affair itself was triggered by the article *bedingt abwehrbereit* which was on matters of national defence. It was thus not directly a corruption affair. However, its significance for corruption discourse becomes evident when put into context with corruption discourses that preceded 1962. The Spiegel had been not just involved in reporting cases of corruption in the years before, but had in fact been the driving force behind a number of prominent cases in which members of the federal government, including Chancellor Adenauer himself, but most importantly Strauss, the minister for defence, had been implicated. The magazine had been on Strauss's list of enemies for some time, and it seemed that it was in its 1962 article that he saw the chance to finally retaliate.

The following looks first at the main corruption cases that the Spiegel had been involved in prior to 1962. This illustrates the role the magazine had played in holding the government of the young Bundesrepublik to account, and the way it had enforced corruption discourse, not to attack the political system, but to defend it against its own supposed custodians, the politicians and the federal government of the time. Having established this context, I then move on to the Spiegel affair itself, to look at how it unfolded, what the press and the wider public made of it, and how this attempt at authoritarian intervention eventually failed against the resistance of the press, civil society, parts of the government and the judiciary.

Democracy's Self-Styled Assault Gun

The Spiegel was and still is a weekly magazine in the format of Time or Newsweek. Under its editor-in-chief Peter Augstein, it became a thorn in the side of the German

government almost from the inception of the new state. Many of the big scandals of the 1950s had initially been investigated by the Spiegel's vast corps of specially trained investigative journalists. The following takes a brief look at four different corruption scandals preceding the 1962 affair.

The new Bundesrepublik's very first corruption scandal could hardly have been more symbolic. The outcome of the vote for where the new seat of government was going to be located was anything but certain. In the end, on November 3, 1949 it went in favour of Bonn against Frankfurt by 33 to 29 votes. Ten months later, however, in September 1950, Der Spiegel obtained documents that exposed irregularities. An internal party arbitration report of the *Bayernpartei* (Bavaria Party) had documented that some of their MPs had received money for voting for Bonn. The MP Hermann Aumer was quoted in the Spiegel:

Aumer: A sum of overall about two million Deutsch Mark has been paid to MPs of all fractions. About 100 MPs had been bribed with sums between 20,000, 10,000 and 1000 DM, Aumer explained. 20,000 for those who really have a say, 10,000 for those who have some influence and 1000 for those who can give their vote only. (Spiegel Sep 27, 1950, my translation)

Parliament established an investigation committee (*Untersuchungsausschuss*) on 'Corruption Allegations in connection with the capital question Bonn-Frankfurt'⁴⁴. The committee was widely referred to as the 'Spiegel Committee', and the case was discussed throughout the media in 1950 and 1951. The new republic had its first corruption scandal (cf. Hüge/Schmidt/Thränhardt 1989, Floehr 1986).

The year 1952 saw the co-called *Schmeißer-Affäre* (Elzer 2008). This was the first time Adenauer himself became subject of the Spiegel's relentless investigative journalism. The former French secret agent Schmeißer had given an interview to the magazine in which he claimed that Adenauer had personally authorised the leaking of information to him while he was working for the French. Through Adenauer's assistant Blankenhorn he was thus able to obtain top secret information on a range of issues. Schmeißer is cited in the Spiegel:

⁴⁴ The official document is available at [tp://dipbt.bundestag.de/doc/btd/01/022/0102274.pdf](http://dipbt.bundestag.de/doc/btd/01/022/0102274.pdf)

His [Blankenhorn's] reports were concerned with: Adenauer's most in-house domestic policy intentions as far as they were at the time of interest for the French intelligence agency; Adenauer's foreign policy plans, aiming at a close and enduring cooperation with France (at this point Blankenhorn asked me to be careful on the phone as he was concerned that our conversations might be picked up by the British Intelligence Service); details that might be of interest for the French service regarding West German politicians like Dr Adolf Süsterhenn, Dr Anton Pfeiffer, Dr Joseph Müller, Dr Kurt Schumacher and many others; anti-communist information. "All this was top secret information that has never been publicised and was only known to the closest circle around Dr Adenauer." (Spiegel, Jul 7, 1952)

In addition to this, Schmeißer claimed that he had tried to secure 800.000 DM from his French superiors to support Adenauer's 1949 election campaign. Adenauer sued both him and the magazine for libel, but the case was dropped in 1955 (Adams 2009: 400).

The 1958/59 Leihwagen Affair (Rental Car Affair) was not exposed by the Spiegel itself – it was a criminal investigation by the state prosecution that started it – however, it again saw the Spiegel in a leading role as a scandaliser of the crime. A string of police investigations brought to light that there existed a network of influence between the car industry and the federal government in Bonn. The first story to surface was that of a senior lobbyist in Bonn who had helped a senior member of the Bundestag's transport committee to a free Volkswagen Cabriolet, and had done so on request of Mercedes Benz (reported in Der Spiegel Nov 20. 1957). Further revelations followed, culminating in the Leihwagen Affair itself, which concerned one of Adenauer's personal assistants, Hans Kilb. The latter had liberally made use of Mercedes Benz's offer to 'test drive' for weeks on end some of their best cars, for example to go on holidays to France (reported in Spiegel Nov 26, 1958). Kilb in return, when it was time for Adenauer to have his car fleet updated, tried to convince the chancellor to procure another Mercedes 300, against the rival BMW 505. The Spiegel reports in detail his efforts in influencing the procurement process (ibid.). Adenauer did pick the Mercedes again, but it seemed – even the Spiegel acknowledged this - he did so independent of Kilb's efforts. Yet, the tone of the article was suggestive - the opening paragraph:

There is one indeed respectable success of the government of Konrad Adenauer that the governmental propaganda has yet to put firmly in the spotlight: the contribution that the aging head of government has made for the development of the West German automobile frame-and-body construction. (Nov 26, 1958)

On July 9, 1958, the Spiegel had similarly tried to lay the case at the door of Adenauer:

Building on the investigations by several special commissions of the state police of North-Rhine-Westphalia directly subordinate to him [the senior public prosecutor Dr Drügh], he has uncovered a true flood of corruption affairs which do not just implicate members of almost all of the ministries in Bonn, but also from the federal chancellery and the federal government.

Finally, the 1961/62 Fibag scandal was again exposed by Der Spiegel on May 31, 1961. It was one of a number of big confrontations of the magazine with the then defence minister Franz-Josef Strauss. He had taken office in 1956, and it was above all the Spiegel Affair that cost him his job in 1962. Strauss polarised opinion, most notably through his campaign for Germany to obtain nuclear arms which started in 1957 (Germany had pledged in the Bonn-Paris Conventions in 1954 not to *produce* nuclear weapons, but this did not include the possession or use of the same). Peter Wild, working for the Spiegel during the 1962 affair, recalled on its 50th anniversary, writing in the Sueddeutsche (Sept 22, 2012):

Of course the article [bedingt abwehrbereit] was a declaration of war against Strauss, as the author David Schoenbaum writes. But in fact this war was in full flow since 1957. [...] [He was] a politician who in the predominant opinion of the Spiegel – but by no means just here – was unfit for ministerial office, dangerous as a defence minister and impossible as a potential successor to Adenauer (my translation)

Fibag, short for *Finanzbau Aktiengesellschaft* (Finance Construction Stock Corporation), was a shareholder's company established by some of Strauss's friends (most notably the owner and publisher of the *Passauer Neue Presse*, Hans Kapfinger) to bid for a construction contract with the US armed forces. The contract was worth 300 million DM, and incorporated 5434 flats in 47 locations throughout Germany (Spiegel Jul 9, 1961). The Spiegel in its trademark sarcastic delivery remarked how the architect Lothar Schloß lacked any kind of experience or qualification (he had only completed one semester at university), and how the bid had scant chances of succeeding. After poking fun at length at the incompetence of the company, this is how the Spiegel finally introduced Strauss to the frame:

In fact the chances of the Fibag people to be awarded the contract for the monster project of the American military without Hans Kapfinger were close to zero. When they talked about Kapfinger's connections in Bonn which were to be used to the benefit of the company [this was mentioned in a document the Spiegel seemed to have acquired], among others who this referred to – this was well known to the gentlemen of Fibag – was the newspaper man's *Duzfreund* (lit. 'You-Friend', meaning they were on first name terms), a potent military man of the German nation, the Bavarian Franz-Josef Strauss. (Spiegel Jul 9, 1961, my translation)

The article went on to describe in detail how Strauss (who later compared the Spiegel to the Gestapo as it had its spies everywhere) had lobbied the Pentagon to give support to this particular bid. Ultimately, this was not successful, and the contract went to a rival company. The damage for Strauss, however, had been done. He took the magazine to court and effected a preliminary injunction against what he argued was a case of libel. Der Spiegel's appeal was rejected, leading it to lament what this meant for press freedom – a precursor of the kinds of arguments that would come to the fore in 1962:

And the verdict in the Strauss trial has unfortunately not restricted itself to decide whether [the allegations] were true or not, whether libellous or not. Had the Nuremberg judges done this, one would have had to agree with them. What they have done instead is they have forged chains for journalists which will be more of a hindrance in their trying to do their jobs than the burdensome weights attached to the feet can be for prisoners in a medieval state. If the Nuremberg verdict was indeed just, it would not just be a verdict against Mr Augstein, but it would be the death sentence for political journalism in the federal republic. (Spiegel, Oct 18, 1961, my translation)

As these examples show, with its new brand of investigative journalism, Der Spiegel had become one of the driving forces of corruption discourse in the young Bundesrepublik. It was Augstein himself who described the magazine as the 'Assault Gun of Democracy' (*Sturmgeschütz der Demokratie*), ready to defend democracy against those trying to undermine it - an expression that has become synonymous with the magazine to this day. Set into context with the corruption discourses discussed for the Weimar Republic, this is a particularly significant statement: Corruption discourse then had been used by anti-democratic forces to undermine the parliamentary system. Here, it is equally weaponised – Augstein himself uses the

belligerent metaphor - but now the democratic political system is defended against those who seek to undermine it.

Escalation: The Spiegel Scandal 1962

The Spiegel Scandal was triggered by the publication of an in-depth, 8,000 word-long analysis of the capacity of the German federal defence force, the *Bundeswehr*, to defend the country, titled *bedingt abwehrbereit* (partially ready to defend). It starts with a detailed description of the NATO manoeuvre Fallex 62 that for the first time was based on the premise that the third world war was going to start by a nuclear missile attack of the Soviet Union on Europe. The Spiegel lists a number of shortcomings of the Bundeswehr in particular (less so from their NATO partners) that became evident during the manoeuvre (Oct 10, 1962). It concludes:

The NATO high command qualifies the allied forces in four steps:

- ▷ fully ready to attack
- ▷ partially ready to attack
- ▷ fully ready to defend
- ▷ partially ready to defend [zur Abwehr bedingt geeignet – the article's title is a play on this].

The Bundeswehr today – after almost seven years of German rearmament and after six years of administration by its commander-in-chief Strauss – still had the lowest NATO ranking: partially ready to defend (Spiegel Oct 10, 1962, my translation)

The rest of the article goes into more detail on the kinds of troops and weapons, and the strength of troops and weapons on both sides that would come into action in case of a war. What happened after the publication of the article is chronicled by Spiegel online (September 17, 2012)⁴⁵, but also for example by the web project 'Die

⁴⁵ Available at <http://www.spiegel.de/politik/deutschland/spiegel-ffaere-die-chronologie-a-850071.html>

Spiegel-Affaere 1962'⁴⁶ or indeed the Encyclopaedia Britannica⁴⁷. The following is merely a summary of the most important developments.

After the publication of the article, the *Bundesanwalt* (federal prosecutor) Albin Kuhn asked the ministry of defence to probe whether any of the claims in it constituted treason. The *Oberregierungsrat* (a senior civil servant position, untranslatable) Heinrich Wunder in his subsequent report (Oct 18) indeed found that 41 state secrets had been publicised in the article⁴⁸. On October 23, the investigating judge ordered the raid of the Spiegel headquarters in Hamburg and offices in Bonn, and the arrest of the editors Engel, Jacobi and Augstein, carried out on October 26. In the same night, the journalist who wrote the article, Conrad Ahlers, together with his wife were arrested in Spain while on holiday. As it later turned out, this was done on the illegal personal intervention of Strauss. The search of the vast Spiegel offices took close to a month, and in the meantime other newspapers in Hamburg (most notably Die Zeit and Der Stern) offered their facilities to the magazine. First protests manifested themselves in the aftermath of the raids, and on October 31, demonstrations took place in Berlin, Hamburg, Hannover and Braunschweig in support of the Spiegel. Augstein remained behind bars for 103 days, and was the last to be released from prison on February 7, 1963.

Politically, Chancellor Adenauer came under increasing pressure. The CDU's coalition partner FDP (the liberal Freedom Party) showed itself sympathetic to the Spiegel's freedom to report, and on November 19, all five FDP ministers resigned from the government. Adenauer was forced to form a new government, and his new cabinet on December 14 included the coalition partner ministers once again, but did not include Strauss, effectively sacking the defence minister.

In the legal arena, the Federal Court (*Bundesgerichtshofs*) on May 13, 1963, decided not to press charges against Augstein and Ahlers as no evidence could be found that

⁴⁶ A university-based web project initiated by a Prof. Johannes Ludwig in 2012, combining historical research, art and illustration into a very nicely crafted website, available at <http://www.spiegel-ffaere.de/>

⁴⁷ Available at <https://www.britannica.com/topic/Spiegel-affair>

⁴⁸ The reported in full length is available at <http://www.spiegel.de/media/media-28352.pdf>

the accused had deliberately disclosed any state secrets. On June 2, the state prosecutor in Bonn determined that Strauss had been guilty of both overstepping his public authority (*Amtsmaßung*) as well as false imprisonment. However, he was found to be under a *Verbotsirrtum* (mistake as to the wrongful nature of the act) and could therefore not be charged. On December 22, an independent military report confirmed that indeed no state secrets had been breached. And finally, three years later, on August 5, 1966, Germany's supreme court, the *Bundesverfassungsgericht*, acknowledged the importance of press freedom for the informing of political opinion in the population, and called on the federal government to guarantee safeguards for these freedoms (e.g. in the ownership structure). This ruling went down in history as the *Spiegel Ruling* (*Spiegel-Urteil*).

A look at how other newspapers reported on the case shows a strong bond of solidarity among the press. It should be noted that the Spiegel was by no means popular with some of Germany's other newspapers. Too brash was its style, too sensationalist its reporting. Yet, the support it received in this affair was almost unanimous, and as the following examples show, the wider issue of the freedom of the press tended to be given preference over sympathies or lacks of sympathy for the magazine.⁴⁹

The Frankfurter Rundschau, one of the leading liberal, left-of-centre voices, took a historical perspective:

Anyone who has been following the course of action of the federal criminal office's security group Bonn [...] against the editor and staff of the news magazine Der Spiegel cannot but get the feeling that in the night of Friday to Saturday the chapter 'Second Post-War Democracy' of recent German history has been attempted to be slammed shut through the tight grip of a crude German police operation. It is more than a coincidence, it is a sign, that the decisive act of this drama, the arrest of the editor Conrad Ahlers on German request was conducted by the police of fascist Spain.

While it is unsurprising that more liberal papers supported the Spiegel, even publications who had previously been critical of it now sided with the magazine. The

⁴⁹ The Spiegel itself collated press reactions from around the world (Nov 7, 1962), available at <http://www.spiegel.de/spiegel/print/d-45124471.html>. The examples cited here are quoted by the Spiegel.

Frankfurter Allgemeine's statement, one of the leading conservative papers in Germany, expressed this in strong words:

The acting chairman of the CDU has made a provocative statement on the arrest of the Spiegel editors. He has said: "This is not an affair of the German press but an affair of the Spiegel." What is most provocative about this provocation is that a man from the highest ranks of the country's politicians seemed to think that this was a conciliation rather than a provocation. [...] Let there be no mistake, there is and must not be the difference between the Spiegel and the press that has been suggested here, even though one might by personal opinion and value think so, but not when principals and [...] methods of prosecution and the handling of the press are up for debate.

A still more qualified support comes from the Bild-Zeitung, one of Spiegel's traditional enemies:

Bild has no reason to do Spiegel any favours. We think their politics are wrong, yes, even dangerous. Yet we offered our collegial help and allowed the Spiegel to use our archives as long as it cannot access its own. We decided to offer this practical help instead of loudly proclaiming our opinions before the scope and the severity of the incriminating evidence are established. [...] Treason has nothing to do with freedom of the press, a freedom that we think is vital, and that we do not think is in danger in the Bundesrepublik. Not even now.

Even in this potential negation of the Spiegel's case against the government – it could be treason after all – a recurring frame makes a strong appearance: Freedom of the press, and directly tied to it, democracy. This frame is dominant throughout the Spiegel scandal discourse. The Handelsblatt for example writes:

The traces of the past are shocking. One robustly conducted operation destroys the foundations that have been built with skill and patience, and strengthens the reserve of those who, apparently not quite without reason, are afraid that the expansion of governmental competencies in Germany unavoidably leads to abuse. Of course, freedom of the press in Germany never was particularly valued by the authorities. But the fact that since the end of the war a pleasant change has been taking place, that the federal citizen (*Bundesbürger*) has become less subject (*Untertan*) and more citizen (*Staatsbürger*), has been acknowledged, particularly abroad, with satisfaction.

And the Stuttgarter Zeitung states:

It is not about whether one likes the Spiegel or not, but about whether the legal norms of state protection on the one hand and freedom of press on the other have been adequately adhered to. Freedom of the press is not a friendly concession by state authorities, and it is not just a right on paper but a constitutional duty for any

journalist who is conscious of the special responsibilities of their profession. If freedom of press is not taken seriously, democracy is not taken seriously, and one can add: Tell me what you think of the freedom of the press and I will tell you what kind of democrat you are.

Once again, political discourse thus reflects ongoing processes in the development of the state. The democracy frame and the references to recent history highlight the concern about the future of the young democracy, and how the authorities were conducting themselves within it. The Handelsblatt's article further highlights a national self-consciousness that followed the totalitarian disaster and accompanied the efforts of building a new, functional democracy – its reference to 'subject' and 'citizen' nicely spans the bridge to the ideas of Almond and Verba, as discussed in the introduction to this case study.

Beyond the Spiegel Affair: The Failure of Authoritarian Intervention

As the 50 year anniversary of the case showed, the Spiegel Affair has become one of the foundational myths of the Bundesrepublik. The Sueddeutsche called it 'The day on which the Republic woke up' (Sep 22, 2012)⁵⁰, The Spiegel itself celebrated the event with a special symposium of historians, and the Federal Centre for Political Education (*Bundeszentrale fuer Politische Bildung*) called it, as so many others in print, on TV or online, a 'milestone of press freedom' (Oct 10, 2012)⁵¹. Unlike the preceding corruption cases of the 1950s, now largely forgotten, the Spiegel Affair to this day captures the imagination of the country's public, and remains an important myth in the history of post-war Germany. As myths tend to go, the affair itself tends to get elevated in its meaning, and the context and pre-history that led up to it tend to be neglected⁵². However, it is exactly in this mystification that the long-term

⁵⁰ Available at <http://www.sueddeutsche.de/medien/jahre-spiegel-afaere-der-tag-an-dem-die-republik-erwachte-1.1475071>

⁵¹ Available at <http://www.bpb.de/politik/hintergrund-aktuell/145749/50-jahre-spiegel-afaere-10-10-2012>

⁵² Indeed, the historians in the symposium organised by the Spiegel made exactly this point. The Frankfurter Allgemeine, never the biggest friend of the Spiegel, reported on this with some satisfaction (Sep 25, 2012, available at <http://www.faz.net/aktuell/feuilleton/symposion-zur-spiegel-afaere-abbau-am-mythos-11902022.html>)

effects of the Spiegel Affair can be found. The short-term effects were the ruptures in the coalition, the dropping of Strauss and the affirmation of the rule of law over authoritarian arbitrariness. In the long term, however, this has produced the myth of the victory of the new democracy over the old authoritarianism. And while this interpretation is not incorrect, it ignores that the affair itself was only one part of a larger struggle that was fought out over a longer period of time through a number of different cases, some of them listed above.

As corruption discourse, the role of the Spiegel in post-war Germany, and the culmination of the conflict between it and the federal government, show two important markers of what I have described as a consolidation phase: Firstly, unlike Weimar, the judiciary now seems fully signed up not just to the letter of the law but also to the democratic ideals behind it. It does not function as a defender of the old order, as it had done in Weimar, but as a defender of the new democratic order. Corruption discourse can thus take place within not just a formally established legal framework, but also one that is adhered to by the judiciary, and impartially implemented. Secondly, there is an almost unanimous consensus among the press publications that the freedom of the Spiegel needs to be defended against authoritarian intervention. It is notable that plenty of the papers make it clear that they might not always agree with the magazine and how it conducts its business, but they defend its right to conduct its business this way – a classic example of where different parties do not agree on the score of the game, but they agree on the rules of the game. The idea of the freedom of the press within the democratic state is thus a well consolidated one. And on this basis, building on these two premises, corruption discourse can take a role *within* the institutional set-up of the state, rather than attacking it. Similar to the 1889 case in Britain, where there was unanimous support for implementing anti-corruption measures, there is now unanimous support for the freedom of the press to challenge authority, and like in Britain towards the end of the 19th century, corruption discourse now has started to contribute to policing and defending the existing order and the public interest it is built on.

Conclusion

This chapter has provided an overview of corruption discourse in late 19th to mid-20th century Germany, highlighting the different roles it played within the different political systems, and the ways in which it was shaped by as well as shaped the political processes taking place within these systems.

In the *Kaiserreich* of 1871 to 1914, corruption discourse struggled to fully develop. Freedom of the press was curtailed, especially before 1890, by formal measures such as the Socialist Laws. But it was also through informal intervention and bribery by the authorities of the *Obrigkeitsstaat* that the press sector was manipulated. The Tausch affair is one example of how the freedom of the press, as far as it existed on paper, was further undermined in reality. In this discovery phase, two patterns emerged: Firstly, corruption discourse was itself corrupted by authoritarian intervention. Secondly, the polarisation of the Socialists against the rest, and the SPD's use of corruption discourse to attack not just individual politicians but the political system as a whole (Bebel's "Long live corruption!"), was an early sign of what was to come in the Weimar Republic.

The Weimar Republic saw the hyper-mobilisation of corruption discourse. It became the weapon of choice for left-wing groups as in the *Kaiserreich*, but in this phase particularly also for right-wing political parties. The Erzberger versus Helfferich case of 1919/20 shows almost all of the signs of the troubles that would come to strangle political life in the republic and eventually lead to its downfall: The radicalisation and extreme polarisation of political competition; the fall-out of the Great War and the Versailles Treaty; the political violence that lurked just beneath the surface; the judiciary that was still wedded to the authoritarian ideas of the *Kaiserreich*. Corruption discourse in the contestation phase was used to attack and undermine the political system. But unlike in Britain's contestation phase, in which this was done by democratisers against an undemocratic system with the aim of reforming it, it was done here by undemocratic forces against the entire political system with the aim of overthrowing it. In Britain, reformist forces came to power on the back of corruption discourse. In Germany, Hitler and the National Socialists did.

The case of the Spiegel magazine and its role in post-World War Two Germany finally illustrates the country's consolidation as a fully-functional democracy firmly in the modern 'Western' sense. The unanimous support the Spiegel received from press publications across the political spectrum showed that while there were still different political positions, there was a broad and strong agreement as to the rules of the game, and the importance of the freedom of the press and their right to hold authority to account. The verdicts passed by the courts showed that the judiciary too was committed to the new democratic regime. Corruption discourse could now settle into a role in which it held power to account within the existing democratic system, defending and contributing to its consolidation, rather than challenging it.

Chapter Six: Comparison and Theory-Building

This chapter broadens out the discussion of the case studies and relates them to a range of broader considerations: What are the key themes that emerge from the comparison? Can they be applied to corruption discourse generally? And how do the findings reflect on the theoretical premises discussed in chapter two? To address these questions, the chapter contains six propositions. They are not meant as definitive answers. Rather, they are intended as comments, amendments, remarks, suggestions. These six propositions are divided into two sections, based on Skocpol/Somers (1980) distinction of historical comparison as *contrasting contexts* and for the *parallel demonstration of theory*, as discussed in the methodology chapter.

Section One thus looks at comparative history as a contrast of contexts and focuses mostly on what the *differences* between Britain and Germany tell us: It illustrates - proposition one - how context affects corruption discourses in different ways, and – proposition two - how corruption discourse affects contexts in different ways. These two suggestions lead to proposition three – that three groups of variables can be identified, and that they can be applied to corruption discourse generally. Section Two of this chapter looks at the ways in which this study can be used as a parallel demonstration of theory, focussing mostly on the *commonalities* of the cases. It looks at the ways in which three different theoretical tenets bear fruit: Proposition four argues that the comparison demonstrates how historicity matters, and draws attention to the phases and sequences identified in both Britain and Germany. Proposition five addresses the epistemological matter of considering *discourse* as an integral factor in institutional development. And Proposition six goes back to the ontological foundations laid out in the theory chapter, and discusses the ways in which a social constructionist perspective has helped in conceptualising the centrality of notions of corruption for ideas of the modern state.

This comparison chapter thus climbs the ladder of abstraction and moves from the more concrete to the more abstract, from data-richness to theory-richness. It should

also be noted that while the first two propositions are built directly on the empirical evidence from the comparison, propositions three and four, spanning across the two sections of this chapter, elaborate theoretical findings that *emerge* from the comparison, and the final two propositions re-visit and re-evaluate two meta-theoretical premises from the theory chapter. The discussion thus moves from a more inductive approach in which theory emerges from data, towards a more deductive one in which theory is put to the test of the data.

Comparative History as the Contrast of Contexts

Previous studies on corruption discourse have focussed on single countries in relatively restricted periods of time. Breit (2010, 2011a, 2011b) looked at Norway from 2003 to 2008, Kajsia (2013, 2015) at Albania from 1991 to 2005, and Zurnić (2013a, 2013b, 2017) at corruption discourse in Serbia in the years after the democratic opening, 2000 to 2012. While these in-depth studies have all achieved an admirable level of detail, my own investigation has pursued different aims. An analysis of two countries over a relatively long period of time with changing institutional frameworks within the parameters of a PhD project never had the potential to achieve the standards set by these pioneers of corruption discourse analysis in terms of their thickness of description. Instead, the hope has been that additional insights could be gained not just from the cases themselves but from comparing them historically.

According to Skocpol/Somers, if one uses comparative history as a contrast of contexts, it is “to bring out the unique features of each particular case included in their discussions, and to show how these unique features affect the working-out of putatively general social processes” (Skocpol/Somers 1980: 178). They continue: “[...] the task of the contrast-oriented comparative historian is facilitated when maximally different cases within given bounds are chosen for comparison” (ibid.: 179).

In this study, the ‘putatively general social process’ is corruption discourse. The ‘unique features of each particular case’ are the very different ways in which

corruption discourse was shaped by and in turn shaped its contextual political processes in Britain and Germany. This first section thus looks at these two arenas in turn, and derives its three propositions from them. Firstly, the spotlight is on how different contexts affected corruption discourse in different ways; secondly at how corruption discourse in turn affected institutional developments in different ways. And thirdly, building on the first two propositions, a closer look follows on the three groups of variables that can be identified across all six case studies.

Proposition One: Context affects corruption discourse in different ways

This first proposition looks at how different circumstances – political, legal, institutional, societal - shaped corruption discourse in different ways, looking in turn at the three phases of corruption discourse in the two countries. What kinds of factors affected in what kinds of ways the social and political construction of corruption discourse?

Discovery Phase: Britain in 1809 was at war, the political institutions were firmly in the hands of the 'old elites' facing the challenge of reformists and radicals, and taxes and state expenditure were rising. These macro-historical developments were clearly manifested in the frames that dominated corruption discourse in the Duke of York case: It was a patriotic duty to challenge the misdemeanours of the Duke, reform was necessary to make sure that MPs actually represented the people, and this was particularly justified – and urgent - given the taxes everyone was paying. In Germany in 1896 by contrast, we can see the intervention by the Obrigkeitsstaat that prevents corruption discourse from freely developing, a reflection of a state that was not just authoritarian and restrictive by law, but also intervened informally and illegally – state actors placing themselves above the law - in the affairs of the press. The repression of the Socialist movement – amply expressed in corruption discourse - reflects one of the dominant cleavages of the Kaiserreich. Finally, there is a marked difference in how the cases were dealt with legally. The UK case is predominantly a political affair, staged in the House of Commons, whereas the German case is a legal

one, its stage is a court of law.⁵³ What so far in the discussion might have seemed like a random list of macro-historical events and developments in fact has a specific order to it: All these factors can be summarised in three distinct categories: The legal-institutional framework (Parliament and its elections in the UK, the legal restrictions of press freedom in Germany, the different stage of development of the legal system in the UK and Germany), societal cleavages (the middle class reformist and working class radical challenge in the UK, the Socialist challenge in Germany), and finally exogenous factors such as the geopolitical challenge of the Napoleonic wars (expressed in the patriotism frame in the UK). It is these three groups of factors that find their expression in the way corruption discourse plays out here.

Contestation Phase: This is continued in the contestation phase. Corruption discourses in Britain in 1830 to 1867 are essentially an escalation of the cleavages of the discovery phase, with a subtraction of the War variable. Debates here are focussed on reform in a more general sense, and electoral reform specifically. This expresses the continued conflict of the old elites, of 'Old Corruption' as it was sometimes referred to, against both the emerging middle and working classes campaigning for their right to vote, and using allegations of corruption as a way of questioning the legitimacy of the existing electoral system. This employment of 'corruption' as part of the democratisation tool-kit is further illustrated by the clustering of expressions like 'reform', 'corruption', 'representation' and 'democracy' as shown in the quantitative analysis of the 1830 to 32 debate. Germany during the Weimar Republic equally continued some of its cleavages, and added a geopolitical dimension to it: The defeat in the Great War, and the perceived illegitimacy of the peace arrangement. This opened up, and indeed escalated, another cleavage, between the defenders of new democratic republic and the defenders of the old

⁵³ It is no coincidence that German political discourse to this day has a strong legalistic orientation that seeks to frame political questions in terms of their legal underpinnings. There is a strong hint here that this is at least to some extent because at the time when political discourse proper emerged in Germany in the 1870s, it already had a legal framework that it could use as a frame of reference. In Britain by contrast, like corruption discourse specifically, political discourse more generally developed parallel to, and often preceded changes to the respective legal framework. Here it was more often than not the reverse effect: The legislation eventually implemented built on a preceding public discourse and had it as its point of reference, rather than vice versa.

authoritarian state. The radical far right that wanted to dismantle the new state thus joined the far left that equally questioned the legitimacy of what it perceived as the corrupt bourgeois republic. Again, the ways in which the legal-institutional order was bound up in corruption debates was very different: While in both Britain and Germany, corruption discourse was used to undermine existing political institutions, the radicalism with which this was done diverged markedly: Contestation in the UK aimed at reforming the institutions. It wanted to change the way MPs were elected, but did not question the existence of Parliament itself. In Weimar Germany on the other hand, both left and right wing agitators used corruption discourse to attack the political system per se. The comparison of these contestation phases also puts the 'who' question in the spotlight, emphasising this as an important factor that needs to be taken into account. While in Britain, the combination of institutional, cleavage and exogenous factors produced a reformist, democracy-promoting anti-corruption movement, in Germany it manifested a coalition of anti-democratic forces that aimed to overthrow democracy. In this phase, too, corruption discourse thus reflected on the one hand societal cleavages (the middle and working class challenges in the UK, the right and left-wing extremist challenges in Germany), the legal-institutional framework (aiming to reform it in the UK, aiming to overthrow it in Germany), and exogenous challenges (the defeat in the Great War and the maligned peace order in Germany).

Consolidation Phase: What defines this phase is its lack of conflict, therefore it is unsurprising that societal cleavages played a lesser role here. The legal-institutional frameworks here were also relatively settled, or in the process of settling on a democratic order. Geopolitical challenges did play a role in the German case, but were not dominant. Looking at the details in the UK consolidation phase, the 1889 Public Bodies Corrupt Practices Act marked the end of what could be called the *Age of Anti-Corruption Reform*. It was carried by a majority in the House of Commons as well as the House of Lords. Class and other cleavages still existed at this time, however, they no longer manifested themselves in corruption discourse. The Act itself was an improvement to the legal-institutional framework, but only in details –

anti-corruption legislation had existed before. The object of corruption allegations in the preceding contestation phase, the electoral system, had been further reformed and was for the time being not under significant dispute.⁵⁴ In Germany on the other hand, the legal-institutional framework post-World War Two had been settled on a democratic pluralistic order. However, in an echo from the 1890s *Kaiserreich*, a handful of political actors, Strauss leading the charge, attempted to once again circumvent the rule of law and use authoritarian intervention to manipulate and restrict press freedom. This was a situational conflict rather than a broader societal cleavage, between an authoritarian style of governance and the newly installed democracy. The unanimous reaction from all sections of the press showed that this authoritarianism was no longer tolerated, at least as far as the country's journalists and press editors were concerned. Here too, any cleavages that existed in society did not manifest themselves in corruption discourse. The geopolitical factor here was the influence of the Western Allies following the Second World War, and the new constitution that had been designed under their tutelage to prevent the mistakes of the Weimar Republic. Political parties as well as newspapers and other media now had to officially be in line with the laws of the new constitution in order to be licensed. Thus, in both cases we can see that societal cleavages, while they certainly continued to exist, did no longer materialise in corruption discourse. In both cases, the legal-institutional framework was no longer contested. In both cases, corruption discourse was no longer used to attack the legal-political order but rather to make sure that the various political actors adhered to its rules. In my view, there is Foucauldian element here (Foucault 1977) in how corruption discourse functioned to *discipline* its objects, and future research might conceptualise this further. Exogenous influences played a role indirectly, through the strengthening of the democratic institutions in Germany following the Nazi regime and defeat in World War Two.

⁵⁴ Future research could investigate whether the suffragette movement in the early 20th century used corruption discourse for its purposes when campaigning for the inclusion of women into the electorate.

The proposition emerging from this perspective is therefore that corruption discourse expresses and is constituted by these three distinct categories of factors: societal cleavages, the legal-institutional framework and, at times, exogenous factors such as geopolitical struggles. And as shown, it is not just important to look at when they manifest themselves in discourse, but also to pay attention to when they fail to manifest themselves, as this, too, can be highly significant.

Proposition Two: Corruption discourse affects context in different ways

This second proposition looks at how corruption discourse in turn influences its contextual framework in different ways. It sometimes leads to changes but not always. What are the conditions under which it does? And when does it not do so? If proposition one was about the social and political construction processes underlying corruption discourse, this second one is about the power it has, its potential to challenge notions of legitimacy, and under specific circumstances to lead to social and political change.

Discovery Phase: By definition, due to its 'careful beginnings' character, it is unlikely that in this phase corruption discourse leads to substantial change. The Duke of York case did have two effects: It led to the resignation of the Duke, and it led to calls for reforms. The resignation, however, was merely an exchange of personnel, no change to the political or legal system was effected. The call for reforms did not for the time being have further systemic consequences either. However, it is the attaching of the signifier 'corruption' onto reform following the Duke of York scandal that constituted the *discovery* of this phase, of the possibility of weaponising corruption allegations in the campaign for change. Corruption could thus serve as one of the themes around which campaign was organised. Similarly in Germany in 1897, while Tausch was allowed to continue in his position at the political police and there seemed little 'real' change, the Social Democrats had discovered how powerful corruption allegations could be in undermining the state's perceived legitimacy. Here too, corruption became a topic through which societal cleavages were not just mobilised, but

organised around. In both countries the effects on cleavages, laws and institutions were thus not immediately significant, but the internal dynamic of how these cleavages were fought out were changed. This had effects for decades later, when corruption discourse became a central element of reform discourse in Britain's contestation phase, and of the revolutionary discourse in Germany's. The discovery phase is thus characterised by little impact of corruption discourse on its contextual legal-institutional framework but by an important change in corruption discourse itself, its reinvention as a weapon in political contest.

Contestation Phase: It is during this phase that the strongest impact on the contextual legal-institutional framework can be observed. In Britain's Age of Reform, corruption discourse became an inherent element of reform discourse. As exemplified in the 1830 to 1832 Reform Act debate, 28% of newspaper articles that mentioned 'reform' during this period also referred to one or several elements of the 'corruption cluster'. Throughout this contestation phase, 'corruption' was thus part of a cluster of expressions that combined to form a democratisation discourse that advocated reform. If reform and democracy were the values promoted by the reformist and radical movements, corruption was the anti-value, that which was to be overcome. Reform was achieved, to the electoral system in 1832, 1867 and 1884, and to a number of other institutions in the decades in between. It is worth keeping in mind, however, that change came not solely through the extra-parliamentary newspapers and public rallies and demonstrations. Corruption/reform discourse only truly took off in 1830 after the new Grey government had introduced its ideas for reform in Parliament. According to Grey himself, it was a reaction to growing unrest in the population, and with an eye on revolutions taking place in other parts of Europe. But what would have happened if reform had not been advocated by government itself? It might never have been implemented. It would likely have led to increased tensions and possibly a more revolutionary discourse, as was the case in Germany. In its contestation phase, corruption discourse was used to express grievances with the political system per se. And this had effects on the political system per se. Corruption discourse here was one of the tools used by right as well as left-wing political

campaigners in the Weimar Republic, to question the legitimacy of the parliamentary democracy as a whole. And by being part of the armoury of political contest, it contributed to the eventual failure of the republic, and its usurpation by Hitler and the Nazi Party. In this contestation phase, we thus see corruption discourse at its most effective, for better or worse. In Britain, it contributed to campaigns that resulted in a number of reforms to the legal-institutional framework. In Germany it contributed to campaigns that resulted in the dismantling of the democratic state as a whole. Again, one of the lessons from these specific two case studies is the importance of looking at who was behind these campaigns, and who used the discourse to attack what kind of legal or political institutions.

Consolidation Phase: Similar to the discovery phase, corruption discourse here is unlikely to have any significant systemic effects, albeit for different reasons. The example chosen for Britain's consolidation phase does have at its centre the passing of anti-corruption law. However, as the analysis in chapter three showed, there was little corruption discourse associated with the 1889 Public Bodies Corrupt Practices Act. A consensus existed that this kind of legislation needed to be implemented, and there was little controversy over it. The role of corruption discourse in this case was marginal, and its support for the act, expressed by both Houses of Parliament and all sections of the press, served as a consolidator of the existing, in this case slightly reformed and amended, legal framework of corruption. In Germany by contrast, this existing legal framework, in the Spiegel case the wider legal context of press freedom, was subject to the challenge by authority. But just like in Britain, discourse in this phase almost unanimously supported the legal-institutional arrangements in place, and defended it against this challenge. Again, corruption discourse's role here was that of consolidator of the existing order. It would be wrong to thus claim that corruption discourse in this consolidation phase did not have any systemic effects. Its effects here were not in causing change but in stabilising the existing arrangements.

The proposition emerging here is thus that corruption discourse is not just constituted by but also constitutes the three groups of variables identified in proposition one. It can serve to mobilise and accentuate existing cleavages (Britain in

1809 and 1832, Germany in 1890s), or even play part in their escalation (Weimar Germany). It can contribute to campaigns that demand changes to the legal and/or institutional framework by delegitimising the existing arrangements (Britain in 1830 to 1867, Weimar Germany). Or it can stabilise existing legislation and existing institutions that are perceived as legitimate, by defending them against situational illegitimate behaviour (Britain in the 1880s, Germany post-World War Two). There has been no mention of the third category that could be affected by corruption discourse, exogenous factors. This is simply because in the cases examined, this did not materialise to any significant extent. However, it is a theoretical possibility, and as proposition three will show, it too needs to be taken into account.

Proposition Three: Three groups of factors constitute corruption discourse, and are in turn – to some extent - constituted by it

This third proposition is an attempt to move beyond the specific case studies of this investigation, and explore ways in which its findings can be generalised to other, including more contemporary, cases. The key groups of variables identified in propositions one and two are (a) legal and political institutions, (b) societal cleavages and (c) exogenous factors such as geopolitical events. The following will look at these three clusters in turn, detach them from their UK and German cases and apply them more widely, at times speculatively, to other examples.

Legal and political institutions: Questions to be asked here are: In what ways is the discourse under observation embedded in and framed by legal and political institutions? And on the output side: Does discourse aim at changes in these institutions, and if so, in what ways? One of the main differences between corruption discourses in Britain and Germany, as discussed in the methodology chapter, is the fact that they historically emerged within very different institutional contexts. While in Britain, little legislation against corruption existed when discourse became important in the early 1800s, Germany already had an elaborate legal framework for

how to deal with corruption at the time discourse was eventually allowed to develop from the 1870s. As the comparison showed, this made a difference in how corruption cases themselves played out (in court, as a legal matter, rather than in Parliament, as a political matter), as well as the aims that were pursued through corruption discourse (reform in the case of Britain, the discrediting of the political system to aid a socialist revolution in the case of Germany). The strongly statist tradition of Germany, however, also brought with it a more authoritarian way of doing politics, which contributed to the difficulties experienced by the newly free press, in fully developing their role as a Fourth Estate that could hold government to account.

In more recent and contemporary cases, this group of variables continues to be important. It is no coincidence that two of the very first studies on corruption discourse, Kajsiu's on Albania post-1991 (2013, 2015) and Zurnić on Serbia post-2000 (2013a, 2013b, 2017), looked at the transitional periods from autocratic to democratic rule. Much of contemporary and recent corruption research, too, while not with a focus on discourse, has been conducted on the former socialist countries in Eastern and Central Europe (e.g. Sajo 1998, Broadman & Recanatini 2001, Gadowska 2010, Mungiu-Pippidi & Dusu 2011, Batory 2012). The suggestion here is that these so-called 'transition' countries with their new intersections between public and private offered new opportunities for corruption. Under these conditions, was existing anti-corruption legislation adequate to deal with the new realities? How did corruption discourse interact with the evolving legal-institutional framework? Zurnić's work investigates what kinds of scandals in Serbia led to political action, and which ones did not (2013: 119). Kajsiu looks at how corruption discourse was strategically used to institute neoliberal reforms in Albania, undermining the legitimacy of state intervention and justifying market liberalism (2015). Corruption discourse thus expresses broader underlying institutional developments, but it can also be used to re-organise ideas of legitimacy, re-branding the old institutions as corrupt and the new ones as legitimate.

It should not be assumed that consolidated democracies always have adequate legislation in place. New forms of what is seen as corruption develop, and some

behaviours that were previously not 'corrupt' are newly categorised as such. Existing legislation then does not apply or is not specific enough. Examples of this are the House of Commons expenses scandal in 2010 that led to a revision of legislation in the 2010 Bribery Act. More recently, international tax evasion schemes as brought to light by the 2016 Panama Papers scandal have been discussed as 'corruption', and calls for new legislation have been made (albeit to little effect at the time of writing). The point here is that while the overall legal-institutional frameworks in which these examples were embedded might have been very well-established ones, the concrete laws that dealt with the corruption cases at the centre of the scandals were not.

Legal and political institutions thus, on the one hand, play an important role in the constitution of corruption discourse. This is expressed in the ways in which corruption cases are institutionally dealt with, for example as a political or legal matter, and in the kinds of framings that are used in the sense-making of corruption statements in discourses. On the other hand, corruption discourse also contributes to the further constitution of these institutions, above all by playing an important part in organising their legitimacy – as the analysis of Britain and Germany has shown, they can be both stabilising or destabilising.

Societal cleavages: In what ways do societal cleavages and conflicts manifest themselves in corruption discourse? And does then, in turn, discourse have any effects on these cleavages? In the case studies examined, this was evident in both discovery and contestation phases, but not in consolidation. The cleavages seen here were mostly centred on class (the middle class reformers and working class radicals in Britain, the working class socialist movement in Germany), and in Germany also around what can only inadequately be described as a religious cleavage (the anti-Semitism) and value systems (the monarchists and other right-wing world views against democratic and socialist values).

Kajsiu (2015) distinguishes between different ways in which corruption discourse has been mobilised in Albania: to attack the Communist Party ('red corruption'), to challenge the Democratic Party ('blue corruption') and as a comment on the

difficulties of transition processes ('black corruption'). Red and blue here stand for the mobilisation of party political conflict lines. Black corruption on the other hand states that there is no blue and red, and corruption is always black (ibid.: 68). This is either a discourse that does indeed not manifest societal cleavages, or it is one that *pretends* not to but in fact only functions to institute its own version of normality.

Special attention should thus be paid to cases in which societal cleavages, while they still existed, did not seem to find expression in corruption discourse, as in Britain's and Germany's consolidation phases. The absence of conflict over what constitutes corruption is highly significant. It can be an indicator of general political stability, and of corruption discourse having entered a consolidating or consolidated phase. And this, in turn, depending on interpretation, can mean that either the *bourgeois ontology* (Bratsis 2003) has been established or that *ethical universalism* (Mungiu-Pippidi 2006) is now a principle of governance.

It should not be assumed that such a consolidation necessarily lasts. The historical trajectories of Britain and Germany might suggest a Fukuyamaesque 'end of history' (1989) kind of scenario. However, this might or might not be the case. Societal norms and values constantly shift, new cleavages and their agents might re-discover corruption discourse as a tool to employ in political contest to undermine their opponent's legitimacy. At the time of writing, the American reality TV entertainer Donald John Trump is running for President of the United States. One of his preferred modes of attacking his opponent Hillary Diane Rodham Clinton is to name-call her 'crooked Hillary', and he has on several occasions accused the Democrat primaries electoral system as being 'rigged' and Hillary herself the 'most corrupt candidate in US history'⁵⁵. This is no less than a post-modern, Twitter-driven rediscovery of an old technique, portraying one's political opponent as fundamentally corrupted, and thus having no legitimacy to run for presidential office. Whether or not this mobilisation of corruption discourse will be successful and whether or not it marks another milestone in what could be a 'De-consolidation Phase' remains to be seen. The

⁵⁵ BBC online, June 22, 2016, available at <http://www.bbc.co.uk/news/election-us-2016-36601314>

example illustrates that the consensus on what behaviours constitute corruption can be undone at any time, and more often than not it will be done in an attempt to mobilise social cleavages, specifically the resentment in certain parts of the population for the 'establishment'.

Hence, whether societal cleavages find their way into corruption discourses or not is an important starting distinction. It indicates the extent to which the signifier corruption is subject to political rivalry or whether there is a universal agreement on what it means and how it should be dealt with. Secondly, if cleavages are indeed observed to be manifest, it is then instructive to look at what kinds of cleavages and conflicts are expressed in the framings of the discourse. This is once again the point at which these macro-historical processes - class struggle, transition to democracy or the clash of value systems (in addition to the macro-level institutional framework) - are expressed on the micro-level of the utterances and writings that make up corruption discourse. What effects discourse then has on these cleavages is difficult to determine. If there is an effect, due to corruption's character as a challenger to legitimacy, it is likely to be one of radicalisation. However, while it might be possible to measure the frequency of the use of 'corruption' in newspaper or other discourses, the challenge then would be to devise a reliable measurement for the radicalisation of political discourse, and to then meaningfully connect it to corruption discourse.

Exogenous factors: This group of factors played some role in some of the UK and German cases. In Britain, the 1809 Duke of York case happened during, and was directly related to, the war against Napoleon. The 1830 to 32 reform debate followed, and was influenced by, the revolution in France. In Germany, both the Erzberger versus Helfferich case in 1919, and less directly the Spiegel case of 1962 were shaped by the country's defeats in the two World Wars. While in these cases, exogenous factors played some role, for more recent and contemporary corruption discourses in an increasingly globalised world, they play an ever more important role. This happens on the one hand through the influence of international, intranational and supranational institutions, and on the other through an increasingly internationalised corruption discourse.

Again, both Kajsiu's work on Albania and Zurnić's on Serbia showcase examples of the influence of international institutions. Zurnić (2013b, 2017) describes how institutional anti-corruption change in Serbia came mostly through the accession process to the European Union and through the ratification of the United Nations Convention against Corruption (UNCAC) and the Council of Europe's Civil and Criminal Conventions on Corruption. Kajsiu similarly examines the influence of such organisations as the World Bank, the United States Agency of International Aid (USAID), the Council of Europe and the European Union (2015: 46).

In a second dimension, exogenous influence manifests itself through an increasingly globalised corruption discourse. This is to an extent driven by the above institutions (ibid.). The undisputed flagship in wider public discourses, however, is *Transparency International's* (TI) global Corruption Perceptions Index (CPI). Its annual publication attracts headlines and media commentaries throughout the world. There is no doubt that its simulation of accuracy through numbers⁵⁶ combined with the national competition aspect appeals to large numbers of people (both to those who use it to proudly proclaim that their country is less corrupt than their neighbour and to those who use it to shame their country's elites for being corrupt). In addition to TI's index, global mass media and the influence of international organisations, there is also the factor of the proliferation of academic corruption research since the 1990s (often funded by above institutions) that informs the debate. Again, Kajsiu's analysis sheds further light on this. He distinguishes between a locally grown discourse and an international one, with notable differences:

[I]n contrast to existing local discourses in which corruption appeared as a floating signifier that qualified numerous phenomena as corrupt, the international discourse sought to fix the meaning of corruption by tying it to a very specific definition and to specific acts, such as bribery, and to specific spheres, such as the public sector (2015: 8, for the full discussion see ibid.: 75ff.)

Localised corruption discourses that function relatively autonomously outside of this global version are thus likely to be a thing of the past, and for contemporary case

⁵⁶ Critical assessments of TI's index can be found in e.g. Philp 2006, Knack 2006, UNDP 2008, Andersson and Heywood 2009b, Olken 2009, Kenny 2009, Hawken and Munck 2009, Langbein and Knack 2010.

studies it is thus imperative to pay ample attention to exogenous factors. Johnston argues that future corruption research was in need of “getting specific about globalisation” (2015: 644ff.), and he calls for an “enhanced international perspective” (ibid.: 645). This interaction between local and global corruption discourses appears to me to fulfil these criteria.

Proposition three thus suggests that corruption discourse analysis should consider three groups of factors that constitute the discourse and are in turn – to one degree or another - constituted by them: (a) legal and political institutions that provide institutionalised procedures for dealing with corruption and frameworks of reference for making sense of it; discourse on the other hand acts as an important organiser of the legitimacy of institutions and can stabilise or destabilise them; (b) societal cleavages that can be expressed in the discourse to varying degrees; discourse on the other hand can have the effect of radicalising these cleavages; (c) exogenous factors such as geopolitical events, international institutions and globalised discourse that have an increased importance in the constitution of local manifestations of discourse.

As set out at the beginning of this section, these three propositions are derived from the use of historical comparison as a contrast of contexts. It is the juxtaposition of the developments in the two countries, and the contrasting of the different ways in which the different phases of corruption discourse manifested themselves that has allowed these factors to be fully recognised.

Comparative History as the Parallel Demonstration of Theory

While the propositions of the ‘contrasts of contexts’ are firmly rooted in the empirical findings of the case studies, this section on the ‘parallel demonstration of theory’ harks back to some of the points made in the theory chapter. According to Skocpol/Somers, if one uses comparative history for a parallel demonstration of theory,

...the reason for juxtaposing case histories is to persuade the reader that a given, explicitly delineated hypothesis or theory can repeatedly demonstrate its fruitfulness

- its ability convincingly to order the evidence - when applied to a series of relevant historical trajectories. (1980: 176)

It is worth noting that proposition three is in fact a hybrid of 'contrast of contexts' and 'parallel demonstration of theory'. On the one hand, it focuses on the different ways in which the legal-institutional framework, societal cleavages and exogenous factors interacted with corruption discourse. It thus builds on a contrast of the contexts. On the other hand it shows how the factors identified, even though they manifested themselves in different ways, were in fact of the *same family of factors*. In this sense, proposition three is also a parallel demonstration of the theory, derived from the comparison, that these three groups of factors shaped, and in turn were shaped, by corruption discourse. As Skocpol and Somers put it, these three groups can indeed be used to 'convincingly order the evidence'.

In the following, I take a closer look at three theoretical tenets that the comparison of corruption discourse in 19th century Britain and late 19th to mid-20th century Germany helps demonstrate. Firstly, the claim that one needs to understand the history of the phenomenon in order to get to grips with its present manifestation, a classic but often neglected premise of historical sociology. Proposition four looks at the ways in which this is the case with corruption discourse. Proposition five examines the claim that discourses are an important factor in understanding institutional developments, as put forward by discursive institutionalism. Lastly, proposition six extends the suggestion that taking the ontological position of social constructionism helps further illustrate the centrality of the concept of corruption for an understanding of modern statehood.

Proposition Four: Corruption discourse's historicity matters

The great sociologist C. Wright Mills famously argued the importance of history for understanding present phenomena. In his words:

Historical types [...] are a very important part of what we are studying; they are also indispensable to our explanations of it. To eliminate such materials - the record of all

that man has done and become - from our studies would be like pretending to study the process of birth but ignoring motherhood. (Mills 1959: 147)

Proposition four thus puts corruption discourse's historicity in the spotlight. It suggests ways in which the historical analysis over time points to specific ways in which corruption discourse is historically constituted, and hence needs to be understood in its historicity. The key to this is to focus on the phases of corruption discourse that emerged from the comparison. The following looks first at how these phases manifested themselves as interconnected sequences; secondly at how not just discourse itself but also the three groups of variables identified in proposition three have their own separate histories. Thirdly, the extent to which history teaches us about potential future scenarios is discussed. And lastly, I consider some limitations as to the generalisability of the phase model.

Phases and Sequences: Both Britain and Germany – if my analysis is correct - went through three distinct *phases* of corruption discourse. The point here is that they were not just three different, unconnected manifestations, but that they were part of a sequence that built on what had happened before, and in fact *could not be understood* without what happened before. Britain's 1830 to 1832 discourse that attached corruption so firmly to debates of reform and democratisation built on what happened in 1809, when reformers discovered how they could use corruption allegations to delegitimise the existing electoral system and advocate for reform. Similarly, to make sense of the overheated discourse in Weimar Germany, one needs to consider how it was discovered decades earlier, as a powerful critique of the existing political system in its entirety. These discovery phases were the critical junctures of corruption discourse, and any analysis should thus pay attention to these starting points in history – as indeed exemplified by some of the early work on corruption discourse (Kajsiu 2013, 2015 and Zurnić 2013b, 2017). The significance of the Spiegel affair, both for this analysis but also for popular perception in the Bundesrepublik to this day lies in the fact that it represents a break from the ways in which corruption discourse had become institutionalised in both the Kaiserreich and Weimar. A re-set button had been pressed, and the Spiegel scandal became a critical

junction in its own right, but not without explicitly demarcating itself from the previous authoritarianism. Any corruption discourse thus points to its past, as well as to a possible future.

The three groups of variables: This historicity can also be observed separately in the three groups of factors. Legal and political institutions, societal cleavages and conflicts as well as exogenous factors have histories of their own. And while my own analysis has kept its focus firmly on discourse itself, the turn to context appears to me a particularly rich ground for further historical-comparative analysis: Comparative logic would suggest for example to juxtapose corruption discourses that have in common, say, a stable political framework and largely unchanged exogenous influences, but different societal cleavages – if such a case could be identified this could highlight the effect that these cleavages have on corruption discourse. Or it could look at changes in anti-corruption legislation in one state system and analyse not just the differences this change might have made for corruption itself but also for the discourses surrounding it. Exogenous factors, too, have their own history. As Kajsiu discusses in his work, in the 1960s international corruption discourse in its public-office centred definition was used to communicate and legitimise the superiority of the developed world above the so-called Third World (2015: 12ff., see also chapter two). And as proposition three discussed, this international corruption discourse has become even more prominent in recent decades, in particular since the introduction of Transparency International's annual global corruption perception ranking in 1995. Studies here could make comparisons between the two, or trace how international corruption discourse has changed or has not changed the meanings it communicates over the decades. It could compare discourses before and after the TI index, and analyse how its introduction has changed it. The point here is that case study selection for future corruption discourse analysis and imagining possibilities for research can profit greatly from looking at the different variables that inform it, and in particular so if it considers their history.

Future developments: However, it is not just in looking to the past that corruption's historicity is relevant. It is also important when looking to the future. And while it is

still not possible to predict the future, the phase model does suggest at least some parameters to be aware of when considering possible future scenarios. From the perspective of liberal democracy, the gold standard to aspire to is unquestionably a consolidated corruption discourse that builds on a broad consensus on universalist democratic values and uses corruption discourse to defend these values. In discourse, this manifests itself in the relative absence of the political mobilisation of corruption. The opposite can be seen when discourse is routinely used to undermine not just individuals but entire political ideologies or parties (as in Kajsii's Albania) or entire political systems (as in Weimar), or if a case of corruption is fabricated by one side while the other side has no idea what he is talking about (Trump's attacks on Clinton). This distinction of desirable and undesirable discourse becomes particularly relevant when trying to assess whether a specific corruption discourse is developing towards either direction. Questions to be asked then would be along these lines: To what extent is the perception of corruption dependent on political affiliation? Is corruption discourse situational or systemic, i.e. is it used to attack a relatively isolated case or does it question an entire group of people or the political system? If corruption discourse develops towards a more consolidated version, this should be ground for optimism. If it develops in the opposite direction, increasingly shows signs of societal cleavages and systemic rather than situational attacks, this could be an early warning system for the stability of liberal democracy more generally. Johnston once claimed in the context of democratic consolidation that "analysing a country's corruption helps us understand [...] [its consolidation] problems" (2000: 1). The same can be said on corruption *discourse*. It is through an awareness for its historicity and an attention to the factors listed that it can be made fruitful as an indicator for wider societal and political processes.

Limitations of the phase model: This brings me to a final comment on proposition four. While I suggest that corruption discourse moved from a discovery phase through contestation to consolidation in both Britain and Germany, I do *not* suggest that (a) this is necessarily the path that is always follows and (b) that this is a complete typology of corruption discourses. On (a), it is entirely possible that corruption

discourse never reaches the 'gold standard' of consolidation, just like the universalist values of liberal democracy might never enjoy a broad consensus in a given society. Likewise, it is entirely thinkable that corruption discourse reaches a stage of relative consolidation but then 'regresses' back into contestation. There are circumstances in which it is conceivable that corruption discourse never gets 'discovered' as a tool for political conflict in the first place, although, especially in the age of globalised corruption discourse, these circumstances are unlikely – they would probably lie outside democracy altogether or in a rentier state in which citizens pay little or no taxes and therefore have little stake in the state and in protecting its public resources. Equally, on (b), there might be different types or different phases of corruption discourse not covered by this study. 'Discovery phases' might not be phases at all but could be singular key events that immediately morph into different kinds of phases. Indeed, the 19th to mid-20th century cases considered in this thesis took place in a rather different phase of modern history compared to the time of writing. What does the existence of the globalised corruption discourse mean for these phases? Does it make old distinctions, in particular discovery, obsolete, as notions of corruption are now omnipresent in global discourses and are already universally 'discovered'? Are local corruption discourses now merely the localised expression of a global phenomenon? And if so, in what ways do the two levels interact?

Proposition four thus stipulates that history matters, and that corruption discourses should be analysed with a view to their historicity. An awareness for the past brings into focus critical junctures both within corruption discourse as well as the contextual variables that help explain why it manifests itself in the way it does. An awareness of possible future scenarios of discourses sensitises for possible uses of its analysis as an indicator for underlying social and political developments. However, more research is needed to come to a more coherent understanding of the different phases and types in which it occurs, and the extent to which the phases I have suggested for Britain and Germany can be generalised or not.

Proposition Five: Discourse matters, analysing discourse matters, and analysing the absence of discourse matters

To choose the category of *discourse* as the key concept for this study has been an epistemological decision, in the sense that it determined what kind of knowledge this investigation was going to produce, and in which terms and categories this knowledge would then be conceptualised. This proposition looks at the implications this decision has had, and how this focus on discourse, on the *dynamics of the communication of corruption*, has been able to help explain and understand what role notions of corruption can play in the development of political and legal institutions specifically, and social change more generally.

As discussed in chapter two, Schmidt sets out the goals that discursive institutionalists should pursue:

The research agenda for D[iscursive] I[nstitutionalism][...] should not just be to seek to convince political scientists theoretically that ideas and discourse matter – by now all neo-institutionalists seem to have accepted this to some degree – but to show empirically how, when, where, and why ideas and discourse matter for institutional change, and when they do not. (Schmidt 2010a: 21)

Discourse analysis in her theoretical framework focuses on “interactive processes of ideas generation, deliberation and legitimization” (ibid. 2010: 15). Similarly in my analysis, *corruption* discourse in chapter two has been defined as having a dynamic capable of shifting perceptions of legitimacy, either of behaviours, individuals, groups or institutions. This was premised to sometimes lead to *calls* for change, which then sometimes resulted in *actual* social and political change. The following looks at the cases in which these calls have been successful, the cases in which they have not, and the cases in which there were no calls for changes in the first place. In Schmidt’s above words, it thus tries to “show empirically how, when, where, and why ideas and discourse matter for institutional change, and when they do not.” In some ways, it repeats some of the points made in the first three propositions. However, the intention here is to integrate them in the theoretical framework of DI.

Successful calls for changes: These can be observed in the contestation phases in both countries. The 1830 to 1832 debate in Britain has been particularly good in illustrating the dynamics of corruption *discourse*. Juxtaposing the political events from the French Revolution in 1830 to the passing of the Reform Act in 1832 on the one hand and the frequency graphs of the keywords of the debate on the other, shows how they interacted *dynamically* with one another. The French revolution was followed by a peak in talk about revolution. This revolutionary threat in turn convinced Earl Grey to introduce Reform legislation. The different obstacles this faced in first the House of Commons and then the Lords was matched with an explosion of ‘corruption’ and ‘reform’ talk in the newspapers and on the streets. In this contestation phase of 1830 to 1867 more globally, there is a marked co-occurrence of general election years with peaks in corruption discourse, eventually changing its character and associated themes (such as reform and rotten boroughs), and slowly ebbing away after 1867. In short, corruption discourse here is observable in all its dynamic, as reaction and counter-reaction between political events and developments in the legal and political institutions on the one hand and discourse on the other. This dynamic would have been difficult to capture if the analysis had focussed on the more static concepts of ideas, values and norms.

The German case of Erzberger versus Helfferich in 1919 to 1920 had no direct consequences for the institutional framework. However, corruption discourse went on to contribute throughout the Weimar Republic to the polarisation of public debate and the radicalisation of political actors, which eventually became one of the key factors for the failure of the state and its complete institutional overhaul. In this sense, corruption discourse with its power of undermining the legitimacy of the existing political structures, here too was eventually successful in effecting institutional change.

From these two examples alone, important theoretical generalisations can be made in relation to discourse’s role in social change more generally. First, the focus on discourse as a *dynamic process*, a back and forth between different political actors that runs over an extended period of time re-emphasises the points made in

proposition four: Discourse *can* be analysed in its individual manifestations, but it should then not ignore the fact that it is part, a mere snapshot, of a longer-term dynamic development. And sometimes even a relatively long period of time might not produce conclusive results as to whether discourse had any effects on institutions or not. Had an analysis of Britain from 1832 onwards stopped in, say, 1865, it would have concluded that the electoral reform discourse had not effected much change. Two years later, however, it looked like in the years 1832 to 1865 corruption discourse had merely been gaining momentum so that in 1867 further reform had become unavoidable. This is similar in Germany in the Weimar Republic: Had the state eventually become a success, and until 1933 this was still a possibility (albeit an increasingly remote one), history would have judged its radicalised corruption discourse to have failed. Secondly, the Weimar example in particular shows that more discourse, as an expression of freedom of speech, is not necessarily better. This contradicts DI's assumption that 'good institutions' are better the more open they are to discourse (cf. Peters' comments to that effect, 2012: 124, also cf. Zurnic 2014: 230 on this topic). Discourses *can* be good for liberal democracy - or whatever political system one is inclined to support - but they can also be very damaging when the agents of discourse are anti-democratic.

Whether discourse does lead to any changes or not is therefore not always a straightforward conclusion. This brings me directly to the second category, *unsuccessful calls for changes*, which in Germany and Britain are mostly to be found in the discovery phase of corruption discourse. In both the 1809 Duke of York case and the Tausch affair in 1896/97, there were changes in terms of the personnel of the state, with the resignations of some of the key players, but not in regards to the legal-institutional framework. The change here, however, as discussed previously, could be found in the discourses themselves. In the Duke of York case it could be shown how 'corruption', in its quality as a free-floating signifier, attached itself first to the Duke of York but then increasingly to the idea of reform. This illustrates the above case in which discourse did indeed not have immediate effects on the institutions it was targeting, but it did have transformative effects on discourse itself.

And as the analysis of 1830 to 1832 showed, this 1809 transformation in which corruption became an integral aspect of reform discourse did then, decades later, have profound effects for the 1832 reform. This was similar in the German discovery phase of the Kaiserreich: Corruption allegations here were discovered as an effective weapon to attack the political system as a whole. While this did not lead to the collapse of the Kaiserreich, corruption discourse in the form it was conceived in that era was later used with effect for the exact same purposes, and did contribute to the collapse of the Weimar Republic. This focus on unsuccessful calls for changes therefore underlines the theoretical generalisations made above. Once again, it puts into profile the importance of hindsight and historical analysis. And even more than the above examples showed, it points to the importance of not just looking at the external dynamics between corruption discourse and the political and institutional framework, but also at the internal dynamics of discourse itself.⁵⁷

Finally, some remarks on the cases in which there was a *lack of call for change* are in order: In both consolidation phases, and in fact this is one of the defining factors for consolidation or consolidated phases, corruption discourse was not used to demand changes to the institutions. The two cases chosen for Britain and Germany, however, had one very telling difference: The Corrupt Practices Act in 1889 constituted a consolidation of the existing legislation. As a result, it hardly even provoked much discussion, and corruption discourse's role here, as far as it materialised at all, was to merely applaud the passing of the Act. The German Spiegel case on the other hand looked at an example in which the existing order was *challenged*. This challenge led to a much higher mobilisation of discourse as it was employed to defend the existing

⁵⁷ These unsuccessful calls for changes also further reflect on the limitations of the distinction between the discovery phase and other phases. While the starting point of a discovery phase can be relatively clearly identified as the moment in which corruption discourse becomes relevant (although this too can be debated), it is less clear where the phase ends and the next one begins. In fact, it is entirely arguable that in some cases the discovery of corruption as a tool for political conflict is simultaneously the start of a contestation phase. Or in a new democracy, in theory at least, it can mark the beginning of a consolidation phase, in which from the start, corruption discourse is used to consolidate and strengthen the newly formed democratic institutions. It is up to the researcher conducting the analysis to argue how the historical trajectories of discourse are best categorised to serve the purpose of their investigation, and whether the categories chosen, to again use Skocpol and Somers' expression, help "convincingly to order the evidence" (1980: 176).

legal statute of press freedom. This contrast points to the importance of what could be called 'slumbering discourse'. Discourse in 1889 Britain – and this trend can be seen more generally in the declining frequency of corruption keywords towards the end of the 19th century in Britain - had decreased alongside the establishment of a robust idea of corruption. Corruption discourse was starting to fall into a slumber. The Spiegel case in Germany shows an example of when discourse was woken from its slumber, the existing consensus was under threat, and discourse was mobilised to defend it.

From this, two further theoretical generalisations can be derived: First, discourses come in varying degrees of intensity. One could conceptualise this as a continuum running from 'slumbering discourse' to the hyper-mobilisation equivalent to an all-out questioning of whatever is the object of the discourse. In my own analysis, Britain's 1889 case comes closest to the slumbering end of the spectrum, the Weimar Republic illustrates hyper-mobilisation. In the context of DI, this suggests to consider the degree of mobilisation as one of the key factors that leads to institutional change.

This leads directly to a further theoretical generalisation, namely that researchers should not just pay attention to discourses as they manifest themselves but also to when they fail to do so. If for example there is a clear case of corruption (clear in the eyes of the researcher), but this does not lead to the mobilisation of anti-corruption norms into a discourse, this raises questions, and it is likely to be an indicator either of an absence of significant anti-corruption norms, or of the relative marginality of the issues of corruption as other issues are more salient. This could for example point to the greater importance of other state formation-related issues, as seems to have been the case in Germany in 1848 to 1850. The point here is that the non-manifestation of discourse is an aspect of discourse analysis that should not be neglected, as it too can provide insight into the social and political world we are trying to understand and explain.

Proposition five thus looks at the consequences of the epistemological decision to use the concept of discourse, and derives a number of theoretical generalisations in

relation to the framework of Discursive Institutionalism: First, it suggests that the dynamic character of discourse as defined by DI further points to the importance of historicity, as these dynamics often play out over a longer period of time, and their effects can sometimes only be observed accordingly. Second, it challenges the notion that more discourse is necessarily good, as discourse can be mobilised for both constructive and destructive purposes. Third, it suggests to conceptualise discourse on a scale that reflects its intensity, ranging from slumbering discourse to hyper-mobilisation, and that its intensity can be an important factor as to whether discourse leads to change or not. Fourth, it argues the importance of analysing the absence of discourse, as this too can be highly significant.

Proposition Six: Ontology matters: the merits of social constructionism

In this thesis, corruption discourse has been conceptualised as a means through which understandings of legitimacy could be challenged and rearranged. It could be shown that it was used as an effective tool that shifted ideas of what was appropriate behaviour and what was not, of who were respectable political leaders and who were not, and of what were the right political structures and which ones were not. This final proposition connects back to the ontological foundations laid out in chapter one, and looks at how corruption discourse in these formative periods in Britain and Germany was part of a wider project: the rearranging of ideas of normality towards the version that carries the state and its institutions in Western Europe today. It makes sense at this stage to revisit Bratsis' social constructionist premise:

Since the modern concept of corruption does not function as an explicitly normative construct but rather as an articulation of categories of bourgeois political ontology, it has the effect of constituting and reaffirming the dominant public/private split through its application and subsequent categorization of phenomena as corrupt or uncorrupt, as pathological or normal. In so doing, the normative dimension of the modern concept of corruption becomes manifest precisely because of its way of categorizing social phenomena. (Bratsis 2003: 17)

If this is correct, the entire history of corruption discourse in the course of modernisation processes can thus be seen as the struggle to establish these 'categories of bourgeois ontology'. In Britain, this process can indeed be observed particularly well. The activities of the Duke of York, the use of his public office for

private gain, would not have been seen as particularly corrupt in earlier centuries. They were simply an expression of a patrimonial system in which the Duke saw the office as his private property. It therefore indeed could only be perceived as 'corrupt' on the basis of the distinction between private and public. And as the analysis suggested, one of the main reasons for this distinction to slowly gain the upper hand against the patrimonial interpretation was the increasing sense of ownership of the state that the bourgeoisie developed. Due to the growing tax burden to finance the war, the institutions of the state were increasingly perceived not as being owned by the aristocracy, but as in *public* ownership. The recurring framings in corruption discourse in 1809 were those of patriotism, taxation and representation.

This struggle over legitimacy became even more apparent in the reform discourse of the contestation phase. What reformers essentially did here, was label anything that smacked of the old patrimonial state as 'corrupt'. The reform movement was in this sense a gigantic re-branding exercise. The Duke of York was corrupt and had to be disposed of. The electoral system was corrupt and had to be reformed. The rotten boroughs were the epitome of corruption and had to be abolished. Local government was corrupt and needed overhaul. Institution by institution was attached the signifier of corruption, their legitimacy undermined for good. The new institutions, on the other hand, or more precisely the reformed and improved institutions which allowed access for broader sections of the middle and later the working classes, were spared this fate, their legitimacy unchallenged and, in fact, enforced. What used to be the normal within the patrimonial framework of interpretation was thus rebranded as the corrupt, and a new normal, that of the emerging middle classes, was successfully installed in its place.

The outcome of this struggle over what was the normal and what was its aberration was illustrated by the 1889 Corrupt Practices Act. Bratsis continues:

By establishing the division between the normal and pathological in the public/private split, the modern understanding of political corruption is at once making a statement of fact and presenting us with the political goal of fully realizing the normal. [...] In this way, the modern concept of corruption repeats the

normative-political emphasis of the traditional understanding of political corruption but does so in an essentialist and apolitical manner. (Bratsis 2003: 17)

The passing of the Public Bodies Corrupt Practices Act was indeed apolitical, in the sense that support for the legislation was no longer subject to political affiliation. It had become an administrative rather than politicised act, and its goal was now no longer to implement the new normal against the old, but, as Bratsis puts it above, to fully realize it. The question of what was corrupt had been transformed into a statement of fact, codified and objectified by law. And this new normality was now *protected* by corruption discourse, which in this phase functioned to defend it against its aberration, corruption. Corruption discourse in Britain over the 19th century was thus a social and political re-construction effort of sorts, a complete reorganisation of legitimacy, and according changes to the institutions of the state.

The history of corruption discourse in Germany was less straightforward in relation to Bratsis' ideas, reflecting the fact that its development towards what could be called a bourgeois state was less straightforward. A good starting point here is the observation that in both the Tausch affair and the Erzberger versus Helfferich case, those accused of misdoings, Tausch in 1897 and Helfferich in 1920, justified their deeds by invoking a sense of duty to a higher authority. Tausch claimed he had run his network of press manipulation and intelligence gathering for the greater good of the country, and to fend off the Socialist danger. Helfferich similarly saw himself as the defender of the German nation against the subversion by the *Reichsverderber* Erzberger. This justification could also be seen – and was indeed effective in reducing sentence – in the case of the attempted murder of Erzberger by von Hirschfeld. The pattern repeated itself numerous times in the courts of law of the Weimar Republic, and the judiciary indeed famously tended to be 'blind on the right eye and all too clear-sighted on the left'.

Similar to Chibnall and Saunders' Poulsen and Pottinger case (1977) and some of Granovetter's examples (2004: 3ff and 8ff), the social constructionist essence here is the employment of different frameworks of sense-making by the different actors to justify their actions. These frameworks indeed reveal similar kinds of struggles over

normality as in Britain, albeit over completely different versions of normality. One version, followed by Tausch, Helfferich, von Hirschberger etc. was the position of authoritarian nationalism, in which the interest of the nation stood above all, including the law, and the ends justified the means. The conflicting version was one that emphasised the rule of law and the accountability of government. This conflict of different normalities indeed was a recurring feature in German corruption discourses, including Strauss's failed attempt to silence the Spiegel in 1962. Like in Britain's struggle, what kinds of behaviours were here justified, and what kinds were labelled corrupt, libellous or otherwise malicious, depended on the framework of normality the respective political actors used as reference.

One notable difference to Britain is that corruption discourse here was not so much used by what can be called the bourgeoisie, but, especially in Weimar, by those challenging the bourgeois order of the state. This raises questions about Bratsis' claim, and indeed about the often taken-for-granted assumption that the distinction between public and private, rooted in its bourgeois framework of reference, always necessarily was foundational for modern ideas of corruption. If there are multiple modernities (Eisenstadt 2000), maybe there are also multiple modern understandings of corruption, developed in the course of different modernisation experiences in different parts of the world? Johnston in his reflections on possible new directions in corruption research concludes that "a promising approach is to question basic distinctions between the public and the private" (2015: 643). This indeed seems to be such a case.

Taking the vantage point of social constructionism, it thus becomes clearer where the centrality of ideas of corruption in the modern state lies. The signifier of corruption in modernity's prototype state Britain made an enormous historical contribution to challenging the old patrimonial order and instituting and legitimising the new modern state. It is not an exaggeration to claim that corruption for the reformist movement became the enemy within, the 'other' against which the newly emerging modern state was defined. Corruption discourse is thus at the heart of the modern state's construction of legitimacy – the 'other' within.

Proposition six suggests that the choice of a social constructionist ontology offers particularly clear insights into the centrality that the idea of corruption has for the modern democratic state. It shows that 'corruption' is an integral part of the idea of the modern state as the 'other' against which it historically defined itself, at least in the case of liberal statehood as it developed in Britain.

Conclusion

This chapter has discussed a range of propositions that emerge from the comparison of corruption discourses in Britain and Germany. Using the historical comparison of the cases as a contrast of contexts, and thus focussing on their differences, three main findings were discussed: Proposition one suggested that different contexts shape corruption discourses in different ways, and that a distinction can be made between institutional variables, societal cleavages and exogenous factors. Proposition two discussed the ways in which, in turn, corruption discourse has effects on these contextual variables. Proposition three built on the findings from one and two, and further conceptualised the three groups of factors, applying them not just to the case studies examined but extending them to corruption discourse analysis more generally.

The second part of the chapter looked at how the historical comparison could be used as a parallel demonstration of theories, building mostly on the commonalities of the case studies. Proposition four discussed the ways in which the findings of the analysis demonstrated the importance of taking historicity into account, and conceptualising corruption debates and discourses within their longer-term historical framework. This was reiterated in proposition five which argued that discursive institutionalism could profit from a longer-term view, and should not just look at institutional changes but also at changes to the internal dynamics of discourse. It further suggested that the absence of discourse could in some cases be highly significant. Proposition six finally made the case of the social constructionist ontology that was chosen for the analysis, and argued that it provided a particularly clear view to the centrality of the

modern understanding of corruption for the modern state. Corruption was thus conceptualised as the 'other' of the modern democratic state.

The distinct substantive and empirical contribution of this thesis thus lies in the application of a comparative and longer-term historical framework of analysis to the concept of corruption discourse. As discussed in chapter two, research has been conducted before on corruption discourse (or debates or communication) in both Britain and Germany, and to some extent in the time periods chosen, some of it indeed comparing these two countries. However, what this study adds is a specific focus on the role corruption discourses played in the *legitimation of the modern democratic state*, and with a focus on those longer durations of time that were indeed relevant for this focus, leading to the choice of desynchronised time frames. As these six propositions demonstrate, this approach has allowed a number of observations that could otherwise have been overlooked, or that could not have been contrasted very well in the absence of a different time or place to contrast them against. The resulting identification of the different factors that interacted with corruption discourse and their categorisation into three groups – institutional, cleavage-related and exogenous - certainly beg for revision and refinement. However, it is hoped that they can indeed help order the evidence, and potentially provide avenues for further conceptualisations in future corruption discourse research.

On a more theoretical level, the thesis helps better understand the significance of corruption discourse in modern democratic states, and its place within fundamental legitimisation discourses. While the function of corruption discourse as ascribing illegitimacy to certain acts, behaviours and institutions is well established in the literature, this study highlights that this is not just a situational effect that can end political careers and occasionally bring down a government. More fundamentally, corruption discourse can shift perceptions of the legitimacy of the political order per se, and can lead to significant changes in it. At least as far as this thesis is concerned, it has been the consistent application of a critical social constructionist perspective

to the *longue durée* of the relationship between corruption discourse and state development that has allowed the analysis to bring this centrality to the fore.

Chapter Seven: Conclusion

This thesis has looked at the role corruption discourses have played in the modern state legitimisation processes of Britain in the 19th and Germany in the late 19th to mid-20th centuries. More specifically, it has explored the different ways in which these discourses were, on the one hand, constituted by a range of different factors, from legal and political institutions to societal cleavages to exogenous factors. And on the other hand it has considered the different ways in which corruption discourse in turn shaped and constituted the different contexts in which it was embedded. It could be shown that both in Britain and Germany it functioned as an important organiser of legitimacy, but that in the contrasting contexts of the two countries' state formation processes this materialised in very different ways. In the introduction of the thesis I argued that concepts of corruption were of a centrality to the modern state that was often overlooked or not fully conceptualised by political science approaches. The hope at the conclusion is that some of the elements of this centrality could be demonstrated and illustrated, theoretically as well as practically.

The beginnings of this were theoretical. Chapter two thus considered some of the theoretical foundations on which this study has been built. It started with establishing how its social constructionist position related to other approaches in the vast catalogue of corruption research. To visualise this relationship, I suggested to order the different types of studies on a continuum according to their theoretical stance as predominantly objectivist or taking, to varying degrees, subjectivist concerns into account. I argued that the social constructionist discourse analysis as presented in this study constituted an approach that was located close to the subjectivist end of the spectrum. Some recent political science literature on corruption was then taken into account. My suggestion here was that they, with their emphasis on integrity, quality of government, ethical universalism and deep democratisation, constituted a turn to context, as corruption was analysed within the context of different versions of non-corruption.

Attention then turned to the themes and concepts that my own study built on, those of social constructionism and discourse analysis. In my reading, the theories of the former were primarily concerned with the first part of the equation of corruption discourse, the ways it was socially and politically constituted. Discourse analysis approaches on the other hand paid more attention to the second part of the equation, to how discourse then developed its own dynamic and was able to constitute its subjects and have effects on the social and political world which it was part of. This chapter was rounded off with a definition of corruption discourse as a political practice through which notions of legitimacy could be challenged and rearranged. Attaching the signifier of corruption to a certain kind of behaviour, to a person, institution or the political system as a whole, could thus undermine the perceived legitimacy of this behaviour or person or system, and in some cases this shift of perceived legitimacy could convince political actors to implement changes. This definition was then consequently applied throughout the thesis, and the different case studies served to illustrate different aspects of how corruption discourse defined in this way indeed functioned as an organiser of legitimacy.

The focus then moved to some of the aspects of the research design and methodology of the thesis. Chapter three gave insights into the rationale behind the research decisions taken in the design of the study, as well as some of the more practical considerations of data collection and analysis. I argued here that the historical comparison could be used both as a contrast of contexts as well as a parallel demonstration of theory, following Skocpol and Somers (1980) definition of these two strategies. The paired comparison of Germany and Britain was particularly fruitful in this sense as it offered a good combination of commonalities, in particular their success in establishing a relatively high level of corruption control, and also a number of marked differences. Fundamentally, their experiences of modern state formation processes, as a relatively smooth and civil society-driven process in the case of Britain and a ruptured and primarily elite-driven process in the case of Germany, diverged markedly. This resulted in the contrasting paths to corruption control, a mostly democratic path in Britain and an authoritarian/traditional path in

Germany, a distinction suggested by Mungiu-Pippidi in her *Falling Walls* speech in 2014.

Chapter four then moved to the discussion of corruption discourse in Britain, and the three case studies that had been chosen to represent its three phases of *discovery*, *contestation* and *consolidation*. In the Duke of York scandal of 1809, the numerical trends of the terms 'Duke of York', 'corruption' and 'reform' in the newspapers of the time revealed an intriguing pattern: While the scandal started as a personalised affair that primarily revolved around the Duke himself, it soon detached itself from the person and moved on to the topic of reforming parliament. The free-floating signifier of corruption was thus not just used to express outrage regarding the misconduct of a person in high office but subsequently recruited for the political goals of the reform movement. It was thus *discovered* as a potent weapon for political conflict. This politicisation of corruption discourse continued throughout what could be termed a *contestation phase* of corruption discourse, which was found to be most intense from 1830 to some point after 1867, when the second Electoral Reform Act heralded the decline of this phase. The 1830 to 1832 electoral reform debate was here used as a case study to illustrate how this contestation manifested itself. What the analysis found, again with the help of some quantitative measures, was that corruption discourse here became not just an integral but a central part of a wider reform discourse. First, the existing institutions of the state were branded as corrupt, then suggestions were made on how to reform them to overcome this corruption. This is, in fact, a pattern reminiscent of the widely discussed *medicalisation* (e.g. Conrad 1975, Fox 1977), in which the medical industry defined a certain condition as pathological while at the same time offering a cure for it, at a price. The medical industry here were the organised tax-paying middle classes, the problem identified was corruption as the patrimonialism of the state, the cure offered was increased representation, the price to be paid by the aristocracy a loss of political power. While more research needs to be done in this area, from the data examined in this thesis it appears that this was a pattern that repeated itself throughout the contestation phase, and made an important contribution to what became known as the *Age of*

Reform. Numerous institutional reforms were implemented during this age, to the parliamentary system, the civil service, local government and others. And it is through it that the modern semi-democratic state of late 19th century Britain came into existence. The claim developed here is that corruption discourse was one of the key drivers of these reforms, by attaching the signifier of corruption to the problems identified, branding the old institutions as illegitimate, and demanding their overhaul.

The results of these processes can be seen in the 1889 case study of the Public Bodies Corrupt Practices Act. By this time, the implementation of anti-corruption legislation had become apolitical, removed from the process of political contest. There was no conflict or debate over whether the legislation was needed or what constituted corruption in the first place, and the focus was purely on the implementation of the law. There is an element here of a top-down implementation as compared to the bottom-up challenge of the previous phase. This is not an argument I have engaged with due to the focus of my analysis on corruption discourse as an organiser of legitimacy. However, it is certainly worth further investigation, and future research could look here at the exact process and point in time at which this changes, from a discourse of resistance against power to one in which power then uses discourse in its efforts to discipline its subjects – a classic Foucauldian puzzle I would think (Foucault 1977).

Corruption discourse in Germany, discussed in chapter five, developed rather differently. As an organiser of legitimacy, it came to play different roles in the different political systems in which it manifested itself. There was a curious absence of corruption discourse before the 1870s, and my suggestion has been that this was due not only to the restrictions on press freedom. This was demonstrated by the years 1848 to 1850, in which a free press did begin to emerge, but corruption was still not on the agenda. I proposed here that this could be another reflection of state formation processes. While the reformist energy at this time in Britain was directed at changing the institutions of the state, using corruption discourse to aid this campaign, in Germany it was concerned with the unification of the state. Both

modern state institutions on the one hand and territorial integrity on the other are hallmarks of the modern state. In a certain light one could argue that the modernisation movement in Britain was thus fighting the enemy within, corruption, to achieve modern state institutions, whereas in Germany it was later to fight the enemy without, France, to achieve territorial integrity – in both cases the movement was thus unified in a campaign against an enemy, corruption in the one case, France in the other.

Corruption discourse did develop once territorial integrity had been achieved in 1871. In the authoritarian state of the *Kaiserreich*, however, discourse was not permitted to fully unfold, as state actors manipulated the media through both formal (laws restricting press freedoms) and informal (*Reptile Fund*, Tausch's doings) intervention. And while there were not many corruption scandals in this era, the ones that did materialise pointed to the discovery of corruption discourse for revolutionary rather than reformist purposes. The Social Democrat chairman Ebel's enthusiasm regarding the outcome of the Tausch scandal and the damage it had done to the reputation of the governing elites, is representative of this. One could argue that his proclamation "long live corruption" expressed the opposite of the socialists' usual rallying cry, "long live the revolution!", which would once again point to how corruption could be understood as the opposite of whatever political goal one was promoting. Whether Bebel really meant it this way or not, however, is a matter of speculation.

This use of the discourse in revolutionary rather than reformist purposes found its continuation in the Weimar Republic. Corruption discourse in this *contestation phase* was not driven by reformers who advocated democratisation. It was driven by radicals who aimed not at reform but at the overthrow of the state, and the state in this case happened to be a democratic one. This pattern could be observed in the 1919/1920 case study of the Erzberger versus Helfferich trial. The radicalisation, the political violence, the problematic role of the judiciary and the use of corruption allegations for political means were a grim precursor of the chaotic politics that were to symbolize the Weimar Republic. Corruption discourse here followed the same pattern as in the UK contestation phase. It identified a pathology and at the same

time offered a cure, at a price. The pathology identified here, however, was parliamentary democracy itself. The cure was to overthrow it and install either a socialist republic or - and this became the increasingly popular and eventually successful option - an authoritarian state that would restore Germany's pride that had been lost in Versailles. The price to be paid for this is tragically all too well known. While corruption discourse thus helped build the modern democratic state in Britain, it helped undermine and eventually dismantle it in Germany.

It was only in the Federal Republic after World War Two that it was able to play a positive role that protected democracy against its enemies. The 1962/1963 Spiegel Scandal discussed as the third case study for Germany illustrated this transformation. The Spiegel had been one of the key drivers of corruption discourse in the 1950s and early 1960s, and Strauss's attempt to intimidate if not shut down the magazine is best conceptualised in this context. The affair was thus an attempt by authoritarian state actors to shut down corruption discourse and limit its capacity to act in its function of holding government to account. But this attempt itself was confirmation of the discourse's new role: The Spiegel had pointed out 'corrupt acts' of persons in public office - including Strauss of course - and had scandalised these aberrations. It thus functioned here as a defender of the existing order of the democratic state and its laws, contributing to its consolidation. Strauss on the other hand was the attacker who had attempted to override the rule of law.

Corruption discourse across the case studies manifested itself in a number of different ways and served a number of different purposes and interests. Chapter six has been an attempt to order the evidence and more systematically compare and contrast the different case studies. It developed six propositions for how the findings could be interpreted and for what kind of future research could build on these findings. Propositions one to three were concerned with the three groups of variables that I argued could be identified across the case studies, legal and political institutions, societal cleavages and conflicts, and exogenous factors such as geopolitical conflicts. Proposition one discussed the ways in which these played a part in constituting corruption discourse. This happened through, for example, the ways

in which existing laws provided a framework through which cases of corruption could be interpreted (Germany) – or did not provide such a framework (Britain). It happened through the manifestation of cleavages in discourse, when the group on one side of the conflict line used the signifier of corruption to brand the behaviours of the group on the other side or the institutions that represented them as illegitimate. Or it happened through external pressures such as revolutions in neighbouring countries that put pressure on political elites to implement reforms in order to prevent the same unrest from happening in their own country. Proposition two looked at the other side of the equation, at how corruption discourse could in turn itself influence these variables, and in cases effect changes. This was expressed in the examples in which discourse did lead to institutional change, either in the form of incremental reform or as revolutionary overthrow. It manifested itself in the mobilisation of campaigns around the banner of corruption and in the polarisation of cleavages. And while not much evidence of this was found in the specific case studies examined, I argued that corruption discourse in theory could also have effects on exogenous variables.

In proposition three, which further conceptualised the three variables, I discussed how this could potentially work. Corruption discourses today, unlike at the time of the case studies examined, are a globalised phenomenon, and this third group of variables, exogenous factors, had thus a much more prominent role to play in contemporary discourses. Exogenous factors now are, above all, the influence of inter/intra and supranational organisations such as the EU, the UN or the World Bank, as well as a globalised corruption discourse that is to a considerable extent built on international rankings and their hierarchy of non-corruptness.

Propositions four to six were mostly concerned with some of the more theoretical issues developed at the outset of the thesis. Proposition four tried to illustrate the ways in which the historicity of corruption discourse needed to be taken into account, and in particular how it developed dynamically through phases, changing its character in the process. I thus argued that analysing any corruption discourse was only ever a snapshot of a certain time in its history. Proposition five discussed some

of the premises of discursive institutionalism, and how the findings of this study reflected on the kinds of puzzles it was trying to solve. And proposition six finally revisited the social constructionist perspective introduced in the introduction and the theory chapter of this thesis. I here tried to further argue the unique perspective this approach offered, and how it allowed particularly clear insights into the central role of concepts of corruption in the development of the modern state. Corruption was thus its internal enemy, the 'other' against which the modern state defined itself.

How, then, do the findings of this study relate to the existing literature on the topic? As discussed in chapter two, this thesis is part of an emerging body of research that concerns itself with the ways corruption is socially and politically constructed, and is constituted by as well as constitutes the social world it inhabits. This study has thus tried to make this theoretical approach fruitful for the historical comparison of corruption discourses in 19th century Britain and late 19th to mid-20th century Germany. The hope is that it has succeeded at least to some extent in adding a little more insight into how these discourses were not just embedded in the modern state formation processes of their times but in fact integral to them. Regarding corruption literature more generally, in chapter two I suggested to order its different approaches as to the degree to which they take subjectivist considerations into account. Most corruption research that came out of political science, economics and law departments tended thus to be closer to the objectivist end of the spectrum. It conceptualised corruption as a fixed entity, a phenomenon that could be pinned down, a label that could be attached with confidence to specific behaviours such as bribery, misappropriation, nepotism etc. In short, corruption was an umbrella term that categorised different kinds of behaviours along the one feature that united them, the misuse of a public office for private gain. It is not my contention that these definitions, and the studies that build on them, are wrong, or that such definitions should not be attempted. Far from it, they serve important purposes when it comes to practically oriented research that needs clear definitions of what phenomenon exactly it is that their policy recommendations are supposed to address. The way my research can relate to, and in its own modest way be relevant for these kinds of

approaches is that it can serve as a commentary on these conceptualisations of corruption. This is not unique to this research but the same with any social constructionist or discursive study that shines the spotlight on the social and political processes behind understandings of corruption, and on how the signifier of corruption has been and still is used strategically for political purposes. The hope is thus that these kinds of studies contribute to what seems to be a growing element of reflexivity in the field of corruption studies more generally.

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