

Interrogating Corruption: Lessons from South Africa

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ABSTRACT

Government, the private sector, and society at large need to appreciate the war on an insidious and cancerous phenomenon that requires concerted, strategic and comprehensive arrangements and initiatives to be implemented if we are to actually arrest and then reverse its current proliferation: Corruption. This cannot occur if government and society do not move beyond the various one and two dimensional approaches that are advocated by various anti-corruption proponents. Hence, a sociological dissection of corruption needs to establish the reasons that lead to an environment becoming characterised by loss of ethical standards, the compelling need for individuals to satisfy their own personal financial and material interests, the opportunities to do so, and the absence of sufficient deterrents not to do so. These processes are instrumental in raising the levels of corrupt behaviour to a point where a broad culture of corruption develops, or to the severe detriment of an entire country. A sociological analysis of corruption will be instrumental in showing how corruption can reach proportions that have a significantly negative bearing on a country's wellbeing, in terms of its impact on the national economy and development prospects, the political institutions and the public administration. The paper illustrates that without the utilisation of sociological imagination and its well researched empirical manifestations, the efforts to eliminate corruption are in danger of been in vain. The case of South Africa will provide the empirical dimension of the phenomenon in question.

Keywords: Corruption, Sociological analysis, Economic development, South Africa

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INTRODUCTION

Corruption is often characterised as “one of the most dangerous social ills of any society. This is because corruption, like a deadly virus, attacks the vital structures that make for society’s progressive functioning, thus putting its very existence into serious peril” (Gire, 1999, p. 1). It involves both bad people and bad systems, personal and social disintegration, variously cutting across historical, national, ethnic, religious, class and occupational boundaries (Alatas, 1990).

Unless all national and international organisations, governments, the private sector, think tanks, intellectuals, researchers, academics, policy makers, civil society and, above all, ordinary people raise the challenge to corruption to new levels and frankly acknowledge that our efforts have to date been inadequate, there will be no end to corruption soon. Government, the private sector, and society at large need to appreciate that we are (should be) at war with an insidious and cancerous phenomenon, which obviously requires very concerted, strategic and comprehensive arrangements and initiatives to be implemented if we are to actually arrest and then reverse its current proliferation.

In particular, we have to move beyond the various one and two dimensional approaches that are advocated by various anti-corruption proponents if we are to become really effective in dealing with the situation. This is where the sociology of corruption, inspired by C. Wright Mills’s (1959) *sociological imagination*, becomes the inevitable element of the solution.

The sociology of corruption

A sociological dissection of corruption needs not to be merely programmatic, but to establish the specific reasons that lead a human environment becoming characterised by a significant loss of ethical standards, the combination of a compelling need for individuals to satisfy their own personal financial and material interests, the opportunities to do so, and the absence of sufficient deterrents not to do so (see Rose-Ackerman, 1999). These processes are instrumental in raising the levels of corrupt behaviour to a point where a broad culture of corruption develops – to the severe detriment of an entire country. Corruption constitutes an

immediate danger to the public good of any country, rich or poor, as well as a significant threat to good governance (Holzner & Holzner, 2002).

Ethics has been a major issue for philosophers, from Plato to Confucius and from Aristotle to Pashukanis, the father of Soviet legal theory. There is no known religion or ideology that does not abide by ethics, not only as a conceptual meaning, but also as practice. Hence, to be ethical does not only mean to believe in ethics, but also to practice it. This means the unity of theory and practice. Research on corruption should be based on a comprehensive understanding of societal forces and dynamics as the root of the phenomenon. In this analytical context, there is a belief that a ‘public sociology’, which co-relates theory, practice and research, is a key for not only dissecting all or most aspects, dynamics and processes of corruption, but also for the struggles to eliminate it.

When a person claims to be ethical, she arguably means that she is clean in her heart, mind and activities. A public servant can believe in Good God, pray to the Superior Being, but how ethical is it to receive a 10 per cent ‘commission’ for allocating an expensive public tender contract to a non-tax-paying company run by his university contemporary drop-out? The study of ethics then cannot only be at a philosophical level because ethics and morality are deeply social phenomena and need to be researched as such within the complex and ever-changing realities of life, politics and history. Hence, existing theoretical assertions in regard to the interdisciplinary relationships of anthropology, psychology and indigenous knowledge systems ought to be supplemented with critical understandings of the nature, possibilities and limits of real-life collaborations between intellectual and cultural traditions.

The socially-rooted, concrete relationship of sociology with ethics and values places power and ideology at the core of analysis and promotes relational ways of studying and interpreting reality (see Depelteau & Powell, 2013), pinpointing the irreducible significance of the detail and looking at *practice before discourse*. It also emphasises the careful study of cases and contexts, by asking ‘how’, joining agency and structure and encouraging metatheoretical dialogue amongst a multiplicity of alternatives. Such a multi-layered focus provides a clear sense of the common, yet contested, terrain of the sociology of ethics.

The systematic study of the complex dynamic relationship between the individual and the collective, as co-determinants of action/s, produces knowledge resulting in policies and day-to-day planning and implementation. Such processes lead to a deeper understanding of how individuals are able to reflexively separate the right from the wrong courses of action in specific social and organisational contexts. Hence, abstract assertions on the relationship

between social realities, ethics and social or organisational structures can only be concretised through good (serious) scientific research.

Theoretical abstractions need to be transformed into the practice of social research, emphasising the empirical significance of the *concrete details of social practice*. The scholarly analysis of the so-called 'generic features' of social institutions and sophisticated assertions on the socio-historical circumstances (which are said to condition them), are absolutely inseparable from the substantive actions and background of the individual and her positioning in the organisation, as well as in the social structure.

The concern with universal necessity is thus accompanied by serious empirical attention to the particularities of specific human conduct, where power relations play a key role (Haimés, 2002; Flyvbjerg, 2001). These relations are 'naturalised' and unconsciously sustained by ideology, that is, the basis on which individuals make preferences about desires, goals and actions (Dalal, 1998). In this line, Bent Flyvbjerg (2001) calls for a 'phronetic' scientific approach to social problems, that is, the Aristotelian prevalence of practical wisdom and meticulous empirical study over general theoretical prescriptions and context-free (universalist) criteria.

In such analytical context, a *public sociology against corruption* turns philosophy 'on its head' through the utilisation of the complex interdisciplinary relationships between anthropology, psychology and indigenous knowledge systems. Meticulous research leads to the scholarly understanding of the often complicated, multi-variable, competing, complementary and fused political, ideological and material power interests. Sociology then becomes the 'mediator' between policy and practice, thus expanding the horizons of a clearer grasp of ethics and the struggle against corruption.

A public sociology of corruption unites the multiple emergent meanings of individual actions and their intimate (and sometimes complicated) relationships with surrounding circumstances, systemic situations, internal and external factors at play, as well as with the distinctiveness of individual persons shaped by and shaping their own history and relational conditions (Nussbaum, 1990).

In corruption, both accountable and unaccountable actions are determined by real social forces and their relationship with generic or particular material conditions and circumstances. So is human conduct and ethical values, whereby the concrete understanding of power relationships shape and is shaped by social, political, historical and organisational

contexts. All these are directly connected to ‘the particular, the deep, concrete detail [in which] genuinely important interrelationships are expressed’ (Flyvbjerg, 2001, pp. 111-114). The empirical relationship of sociology with integrity, accountability, transparency, agency and structure leads to the conclusion that John Berger’s words in *G.: A Novel* (Berger, 1972, p. 129) ‘never again a single story is told as though it were the only one’ are possibly immortal.

The study of the relationship between the individual and the collective as co-determinants of action/s (Tsekeris & Lydaki, 2011) indeed produces knowledge leading to policies and day-to-day planning and implementation, which can only be realised through empirical research. Hence, Garfinkel’s (2002) and Rawls’s (2001; 2002, pp. 20-21) common emphasis on the irreducible significance of the ‘concrete details of social practice’ rightly pinpoints that reflections on the ‘generic features’ of social institutions and propositions on the socio-historical circumstances which are said to condition them, cannot be analytically distinguished from the very actions and background of the individual and her positioning within the organisation as well as the society.

Burawoy’s (2005) seminal analysis of the moral and material challenges humanity facing today, the close relationship and connectivity of political and ethical debates and realities and their direct and indirect influences on social and public policies (Burawoy, 2005), reflected on a key issue pertaining to the struggle against corruption: The role of “public sociology” as the link between scientific traditions and institutional formations, which can be instrumental in shaping new actions in terms of policy formulation and implementation, is crucial. This is because such kind of sociology sheds light into individual or collective acts of actors operating within specific entities and environments. It becomes a practical intellectual activity aimed at clarifying the problems, risks and possibilities confronted by contemporary societies, their common denominators and particularities, historical and present (Flyvbjerg, 2001, p. 4).

A sociological analysis of corruption, especially in the case of the public sector, will be instrumental in showing how corruption can reach proportions that have a very significant and negative bearing on a country’s general wellbeing as follows: It bears dire consequences for an *economy* in terms of direct and indirect investment, unemployment, inflation and exchange rates, effects on international trade, GDP growth, consumer patterns, international reputation, resource misallocations, competition, efficiency and innovation across the economy (Khan, 1996; Lawal, 2007); it causes higher costs to doing business; it undermines

competition amongst businesses; it becomes a barrier to the development of dynamic entrepreneurship; it retards human development in a country (see Figure 1); it perpetuates poverty; it causes inequitable income distribution; it involves a diversion of international donor funds; it compromises the attainment of sustainable developmental projects; it compromises public sector efficiency (Policy Forum, 1997; Lawal & Tobi, 2001); it distorts public spending; it undermines the redistributive functions of the state; it diverts public finance; it denies citizens the rightful value for their tax monies; it reduces public revenues; it affects delivery of public services; it lowers the morale and motivation of public servants; it causes a loss of ethical values and service culture; it biases the allocations of talent and capital; it produces a waste of money and capacity; it undermines accountability (Johnson, 1986; Khan, 1996; Policy Forum, 1997; Lawal & Tobi, 2001; Lawal, 2007). Corruption and the lack of ethics are rife in South Africa. This happens despite the government's efforts to promulgate solid, far-reaching and progressive anti-corruption legislation.

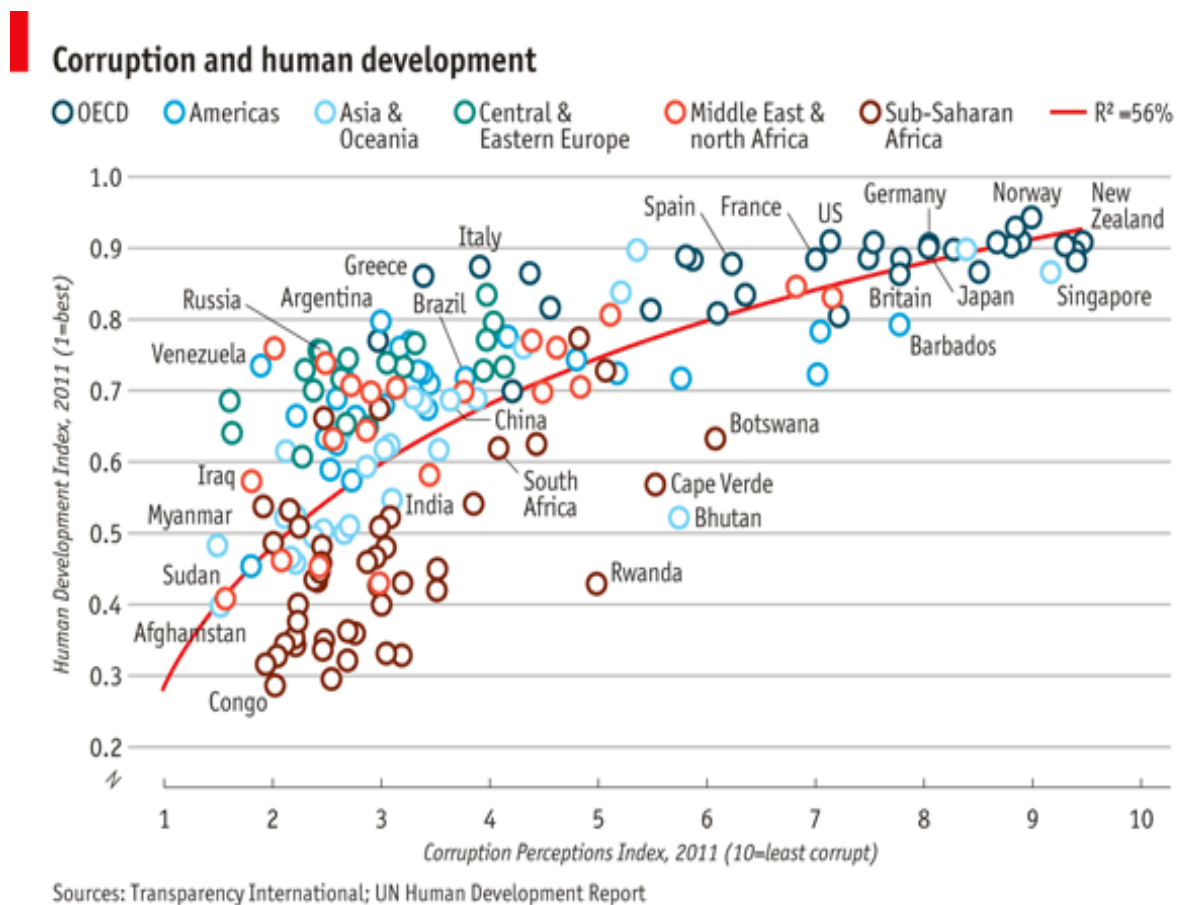


Figure 1: The relationship between Corruption Perceptions Index and Human Development Index at a global scale (2011). Sources: Transparency International (www.transparency.org) and UN Human Development Report (www.hdr.undp.org)

Corruption in Africa and South Africa: A Brief Description

In Africa, corruption has been a serious impediment of true and real development and has arguably ravaged the entire African system, causing the continent to be one of the most corrupt in the world (Lawal, 2007; Woods & Mantzaris, 2012). In South Africa, both academic and other research have been basically emphasising popular and well-publicised corrupt cases underlying political dynamics, involving certain members of the business elite (Sergeant, 2012) and some evidently corrupt business deals, such as the ‘arms deal’, but mainly concentrate on powerful business leaders, such as President K.G. Zuma (Basson, 2012), and a host of Cabinet Ministers (Mantzaris & Pillay, 2013).

A number of political analyses (Chipkin, 2012; Matshiqi, 2012) provide a sociological angle to the corruption practices of the government and a number of underlying dynamics that show the appropriateness of Gordon’s dictum that a system ‘that denies its incompleteness faces the constant denial of its contradictions’ (Gordon, 2005, p. 125). Corruption has been acknowledged openly by the Head of the State, the leadership of the ruling party, the African National Congress (ANC) and a number of Ministers at all layers of the Government (see Mantzaris & Pillay, 2013). The widespread assumption that the phenomenon can be described as a ‘national threat’ does not seem to be far from the truth (ACCERUS, 2013).

It has been largely accepted that corruption within government has its roots on a number of political, ideological, sociological, financial and organisational foundations that have been described elsewhere (Mantzaris & Pillay, 2013). However, the mere fact that, in the last elective congress of the ruling party in 2012, seven of the 80 members elected in the National Executive Committee of the ANC, the highest decision-making organ in the organisation, have been convicted of criminal offences including fraud, kidnapping and drunk driving, eight have been moved from their positions, have resigned or have been censured, and nine, including the President, are ‘still under a cloud’ (CITY PRESS, 2013), confirm the eternal words of Ben Okri:

“Some will say that we emerged from the night with our hands tied and that the sunlight still has too much night in it... Freedom was just the overture; the real story begins with what we did with that freedom”. (Okri, 2012, p. 1)

The newly adopted National Development Plan, now the new socio-economic blueprint of the government, has been questioned by the Minister in the Presidency Trevor Manuel, the chief architect of the Plan, in regard to the future levels of implementation, while the engine room, ‘the machinery of the state’ was suffering from high levels of corruption and was jammed by ‘fundamentals’. He mentioned public servants who did business with the state; corruption in supply chain management; and unionised teachers not being held accountable for their under-performance. Manuel proposed that public servants who were accused of stealing or abusing their positions should be suspended without pay (Loewe, 2013).

While as mentioned earlier the real emphasis on corruption in South Africa has been concentrated on the politicians and the public service in general, there have been several sociological aspects which are deemed instrumental in corruption and fraud, remaining relatively untouched. Given the limitations of space, the present paper will be concentrated on two of them: (a) the changing social structure and the emergence of an expanded, predominantly Black, middle class, and (b) rampant corruption in the private sector.

The Changing Social Structure of South Africa after 1994 and Corruption

When Derrida wrote that ‘such actions create the sense of being identical, being other, of being discernable, interval, distance, spacing occur among the different elements and occur actively, dynamically, and with a certain perseverance in repetition’ (Derrida, 1973, pp. 136-137, cited in Bronner, 2011, p. 57), he was unaware of the serious changes of South Africa’s social structure after 1994. This change in social structure and the assumed or real relationship between the ever-increasing expansion of the black African middle class and corruption is evident. Within this context, the latest finding provided in the May 2013 final report of the internationally respected Unilever Institute of Strategic Marketing at the University of Cape Town reported that the black middle class is now 4.2 million strong, up from 1.7 million in 2004. It has been called by marketers an ‘emerging class’ and is a boon to the growing economy (Mantzaris, 2014).

Mantzaris's (2014) research has shown that very large numbers of these new entrants in the middle class are in the public service. Thus, the Honourable Minister of Public Services, Lindiwe Sisulu, in response to a Parliamentary question revealed that South Africa has 34 ministers, 33 deputy ministers, 159 directors-generals, 642 deputy directors-general, 2,501 chief directors and 7,782 directors. During the first quarter of 2013, 44,000 public servants were appointed, bringing their number to 3.07 million or 22.6% of the total labour force in the country (Mantzaris, 2014).

An analysis of the category of white-collar employees reveals two broad main groups. The first pertains to the managerial, professional and administrative employees, while the second main group is that of clerical workers. In sociological terms, these are two very different categories of employees, as managerial and administrative employees have consistently enjoyed well-above average earnings as opposed to the latter group. It will be incorrect to lump these groups into the same general class/status category in terms of sociological theory.

However, in empirical terms and within the South African corruption conundrum, there is not much difference, in fact both have utilised the victimisation of history and the advantages of liberation, equally. Some of them were caught; others (usually those in higher positions) escaped. Thus, a 2012 forensic audit report for eThekweni (Durban) Municipality, commissioned by the provincial Department of Co-operative Governance and Traditional Affairs after the Auditor-General's Report of 2010/2011 and subsequent allegations of widespread maladministration, corruption and fraud at the municipality, empirically verified the above.

Top officials, such as the Municipal Manager, the City Treasurer and the Deputy City manager responsible for infrastructure, as well as the Head of Housing at the municipality, and his deputy, were implicated in fraud, corruption, and irregular acts, together with ten councillors who had companies which conducted business with the municipality and senior officials in the supply chain, resulting in irregular expenditure of more than R2 billion in the past three financial years.

In addition, 161 municipal employees at all levels were involved in doing business with the municipality, while a number of staff in the Human Resources Department were instrumental in irregular appointment of employees with some of the suitably qualified and experienced employees being overlooked for appointments and promotions. It was discovered that at least 14 metro officers have been taxi owners with fines ranging from

R5,000 to R117,000, while there is substance to allegations that 30 metro police officers purchased their driving licences (Dube, 2013).

The relationship between the new expanded middle class in South Africa and the state is an unfinished process in progress. This seems to be the dynamics of ideological myopia by one of the new liberal African thinkers, who has recently opined that ‘the black middle class has not stepped up to the plate and taken its place as leaders of society’, because it is ‘the centre that holds and the heart that beats and its core mission is that of the custodian, vanguard and torch bearer of society’ (Dube, 2014).

After calling ‘the middle class the leader of society (which was) created as the historical objective of the struggle for freedom and the foundation of an on-racial society’, B.X. Dube accuses the class of failing in its task of leading society and failing in its mission, which is to protect and to be the torch bearers of society. In the past 20 years, according to him, the country has witnessed a burgeoning of the African middle class as consumers. Subsequently, the South African market coined the term Black Diamonds, which he believes is ‘intellectually derogatory’, because it defines the African middle class as infested with an appetite for ‘bling-bling’ (corrupt) consumption (Dube, 2014).

The Private Sector and Corruption

In the *Wretched of the Earth*, Frantz Fanon (1967) argued that we must not expect the new nation to produce new men. South Africa could not be an exception. As shown earlier, the general perception amongst the vast majority of the country’s population is that the public service is corrupted to the core. This is most likely because the vast majority of South Africa’s population cannot afford to buy the newspapers that expose the private sector corrupt practices. Added to this is the fact that large numbers of South African people do not have a clear picture of how the private sector operates, what affects the firms’ profitability, the external and internal factors, the agony of downturns and crashes, global competition, the imperatives of profit maximisation and the like.

Now, the latest construction corporate scandal that broke out did not get wide publicity in the TV news or popular vernacular radio station, such as UKHOSI FM, or local languages broadcasts. Millions of people lost out in the news that the builders of the national stadiums, the national pride associated with the 2010 World Cup, were really not the most revered corporate citizens in South Africa. It was possibly not their fault, so to say, they had

to face the 2008 financial crisis, steel prices rose by as much as 70% and volumes went up by 40%. The World Cup was around the corner and together with billions of soccer lovers and entrepreneurs; companies were actually very busy constructing the infrastructure for this global event.

They created a construction cartel which greedily and cooperatively colluded in fixing up the prices charged for building World Cup stadiums. Their long-standing and hugely profitable organised co-operation in corruption amongst them started to fall apart because of a breakdown of arrangements between participants when it came to paying ‘loser fees’ (MAIL AND GUARDIAN, 2013a, p. 13). The profits were substantial enough to keep the illegal collaboration operating even as some companies became increasingly concerned about the practice being uncovered.

Even amid those fears, though, it is now known that some construction companies held meetings in 2006 to discuss dividing work related to preparation for the 2010 World Cup. This initiative was based on the belief that winning bidders might not have had the resources to complete the work allocated to them. Instead of leaving the matter to chance or the vagaries of tender adjudication, the companies discussed divvying up the available work among them (MAIL AND GUARDIAN, 2014). At least two companies in settlement agreements with the Competition Commission have admitted to such meetings. It also surfaced that in some cases they had not had the capacity to take on contracts, so an agreement was reached over who would take which project.

Though the breakdown in trust among participants may ultimately have led to the cartel unravelling, it was suspicions of overpricing on World Cup stadiums and surrounding infrastructure that launched the investigation into the cartel. In 2011, the Competition Commission and the National Prosecuting Authority decided to investigate the construction sector after complaints were made about the cost of the stadiums, with suggestions of a huge discrepancy between prices and what was delivered (MAIL AND GUARDIAN, 2013b).

In the corrupt collusion process of the construction conglomerates, the normal practice was that the successful contractor would pay other participating contractors the agreed sum once the contract was awarded. In some cases, the payment was not made in the form of cash but was set off against other fee deals.

The hearings in the South African Competition Commission, all companies involved accepted the corrupt practices based on the following:

The evidence collected showed the various ways in which firms have historically determined, maintained and monitored collusive agreements, including

- Meetings to divide markets and agree on margins
- Different combinations of firms coordinating tenders over different projects
- Firms colluding to create the illusion of competition by submitting sham tenders ('cover pricing') to enable a fellow conspirator to win a tender
- Firms agreeing that whoever won a tender would pay the losing bidders a 'loser's fee' to cover their costs of bidding
- Sub-contracting to compensate losing bidders (MAIL AND GUARDIAN, 2013b)

Most of the construction companies involved earned themselves leniency by disclosing details of gentlemen's agreements between themselves on bid rigging, loser fees and cover pricing, substantially reducing the penalties they will pay. The affidavits put before prosecutors show that losing bidders intentionally priced themselves out of contracts but nonetheless competed to provide a semblance of reality to the tender process, were regularly paid the cost of submitting 'fake' tenders (MAIL AND GUARDIAN, 2013a).

The role of free enterprise cartels has been characterised by their diversity and 'corruptive innovation'. The world is awash with cartels divvying up work and rigging prices in everything from chemicals to pencils, construction to school books, roads and desalination, the sky is the limit. This is because the returns on collusion are great, it happens everywhere, an almost relentless process of greed, corruption, avarice, an effect of the continuous pursuit of profit maximisation. To calculate the monetary value of the scourge is almost impossible despite the fact that cartels and price-fixing distort already distorted markets in what should be recognisable ways. Detecting their activity is a seriously tricky and often dangerous problem for those who break the silence.

There have been attempts to research and decipher the scourge, through a careful scrutiny of repeated modes of operations and patterns, such as the continuous utilisation of providers or the rotation of bid winners or consistent wins by certain companies in certain geographic areas.

However, in this game, none of it is definitive, the rules can be detected, the rules of operations can be analysed, but even seemingly obvious signs of collusion are not foolproof.

However, as history shows, as in the case of the South African construction cartel, instead of market research and surveillance, or the comparison of large amounts of data, cartels are most commonly uncovered by way of a snitch. A breakdown of trust – as it appears to have happened in the construction cartel – can create divisions, mistrust, lack of confidence, even animosity or unease within the group, and makes participants look for an exit strategy (Connor, 2008; Freyer, 2006).

In the hearing before the Competition Tribunal, the Competition Commission – and various other parties – declared they satisfied with the fast-track settlement process involving the construction cartel, with R1.5 billion in administrative payments due from the companies that broke competition rules. Many organisations which were victims, however, indicated that they intend to sue for the amounts they were overcharged – for everything from the building of football stadiums to the construction of roads.

Conclusion

Foucault's immortal words on the human body transformed by history, as 'the body manifests the stigmata of past experiences' (Foucault, 1977, p. 148) sound true for South Africa's history, as well as for Africa's history in general. We hereby recall Staceyann Chin's verse (Chin, 2007, p. 369):

*And watch the bottom of a movement fall out/ A revolution once pregnant with expectation/
Flounders/without direction the privileged and the plundered/ Grow listless/Apathetic and
individualistic no one knows/Where to vote/ or what to vote anymore.*

This verse has become a possible anthem of dissolution that is classless, almost boundless. Corruption in South Africa is a deeply sociological problem, with many dimensions, similarities and differences. While the expansion of the predominantly African and Black middle class has been hailed as a miracle of the political transition that took place about 20 years ago, its corrupt behaviour resembles closely, albeit in a smaller scale, that of their leaders in all spheres of the government. There are many used to be corrupt in the middle-class Weberian-style South African bureaucracy: Innovative, primitive, middle of the road, brilliant. The direct negative outcomes have been elaborated earlier, but the biggest

losers are undoubtedly the poor, the destitute, the homeless and the landless, the wretched of the Earth.

Almost every single construction company in South Africa and internationally compete for business, in order to maximise its profits, often falling into the temptation of engaging in collusive or cartel behaviour. Profitability sharing, in most, if not all, cases, demands trust but fuels suspicion, accompanied by corridor talk, unwarranted rumours and the possible intervention of one of the Section 9 institutions, as it happened in the South African construction case. Short-term profits ruled.

While the investigations took place, the companies had to 'share' their profits with an assortment of excessively priced legal eagles, stakeholders and shareholders, communication experts, possibly spiritual leaders of all denominations. All key strategic documents from 1994 to the present call for a partnership between the private and the public sector, in a synergy for integrity, moral responsibility, accountability, transparency and a 'better life for all'.

The Competition Commission's final report on the construction industry's lack of all the above made evident a number of things:

- Corruption is colourless.
- Corruption is across the board.
- Corruption is classless (prominent amongst the very rich, the rich, the upper middle classes, the middle classes, the lower middle classes, and the workers' leaders).

Some myths were shattered. Others are still in the making. Anyway, social researchers have to be equipped with sociological imagination and interdisciplinary sensitivity to better understand and critically interpret corruption's complex dimensions, processes and dynamics.

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